

President's Committee on Civil Rights  
April-July 1947

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Wednesday, April 1, 1947

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The President's Committee on  
Civil Rights,

Washington, D. C.

HEARINGS BEFORE SUBCOMMITTEE NO. 2

The Subcommittee met at 10:30 o'clock, a. m., in Room 208,  
1712 G Street, Northwest, Mr. Charles Luckman, presiding.

Present: Mr. Charles Luckman, Mr. James Carey and Mr. Channing  
H. Tobias.

Also Present: Mrs. M. E. Tilly, Mr. Robert Carr, Mr. John  
Durham, Mr. Milton Stewart, Mr. Herbert Kaufman, Mr. Joseph Murtha  
and Miss Frances H. Williams.

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P R O C E E D I N G S

MR. LUCKMAN: Mr. Ross, will you proceed in your own way,  
please?

STATEMENT OF MALCOLM ROSS

MR. ROSS: I will take advantage of your suggestion, Mr. Luckman,  
and I would like to talk from the final report that we made last  
Spring, as my text. Have you one of those; have you seen that?

MR. LUCKMAN: Yes, we have it.

MR. ROSS: The circumstances were these. F.E.P.C. was really  
through actively six months before its demise, but we thought that  
the record of what had happened would be valuable and we stayed in  
business as long as we could for that purpose, and wrote this  
final report up.

We had to rely very largely on private agencies to collect a  
good deal of the data. The only piece of government data that we  
were able to get was a study made by the Census Bureau in St. Louis,  
and I commend that to your interest because it shows the same re-  
sults as our informal and non-authoritative explorations did, that

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Negroes after the war, in the change-over period, lost their skilled and semi-skilled jobs and the wages that went with them vastly more in proportion than the white workers did.

Of course I think that that is the fundamental thing that a fair employment practice act gets at. They were in skilled positions and doing perfectly acceptable work, but they had to step down afterward for no other reason than their race.

F.E.P.C. tried, in its whole career, to keep this thing on the industrial base. That is where we think it belongs. The fulminations of some of our adversaries would lead you to believe that we had mixed into the social affairs and other things - we didn't. That was merely byplay and a necessary part of any agency that tries to do an effective job in this field is bound to be to catch unshirted hell. I say that with warmth because I felt the hazards of doing this job all the time we were there, and I think those hazards would be inherited by any agency which tried to do it.

Now in this final report we reached several conclusions which will be found on page 6. We recommended that the President continue his efforts to get Congress to consider this and pass some sort of legislation.

Secondly, we say that the mere existence of a Federal policy of non-discrimination is not effective. The national wartime policy of non-discrimination was not cancelled by the enforcement agency, F.E.P.C., going out of the picture. That is still there, but it is not observed.

I had occasion to see the immediate results when F.E.P.C. folded last Spring. We had left perhaps twenty able people, Negroes, and I personally went to the top, to the White House, to all the heads of departments I could find, to try to place those people, and Tom Clark, taking one of the lawyers, was the only one who came through. They are now mostly out of the Government service. That is one example of what the experience of Negroes in Government service has been.

I do think the Civil Service Commission has this very much in mind. They have some quite effective regulations still on that, and I think that is one point in Government where the effort is still being made.

My third point was a commentary on the lack of ability to know what is happening in this field. During the war the Government, at F.E.P.C.'s request, through the various departments, did

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send reports in of their Negro and white employment. That has been abandoned. We know nothing of the picture on the industrial side. We don't know where the tens of thousands and hundreds of thousands of Negroes who came along are, and how they are doing; are they in Portland, Oregon; Muskegon, and all the places where they came in and did war jobs, or what has happened to them? We have no data on that. Unhappily, I think, Congress is not in a very statistical mood, but I do think that has got to be faced.

With your permission, Mr. Chairman, I would like to run through some of the points that are observations, or a summary of this report, and I do it in relation to any legislation that you may consider what the wartime experience was worth.

A broad base is necessary. The 13 million Negroes and the 3 million Mexican-Americans are more or less in the same boat; they are both easily identifiable - high visibility. They are subject to all the going prejudices there are, merely on sight. That 16 million people is the bulk of those who need protection in industries - not in home industries. I think any new bill that comes up should have an exemption for an employer up to at least fifty employees.

On the matter of religion, I don't think there was any mass discrimination against Jewish people during the war. The most we found was in big Jewish centers, New York particularly. It wasn't a question of turning down a number of Jewish workers at a plant gate, but it was the individual matter, haphazard and sporadic.

The growth of interest in the Negro by religious bodies, the Catholic Church and the Jewish Church, is a knowledge that the outbreak of prejudice against any group traditionally in this country has spread to the religious field. I premise this on the broad base theory that it musn't remain purely a Negro problem. The Mexican-Americans we are inclined to forget. One reason for that which we discovered is this. They are not assimilated as American citizens. They are afraid of United States officials. They will go to the parish priest, they will go to a Mexican consul, even if they are United States citizens, rather than take their troubles to the authorities that should have them in hand. The segregation of Mexicans and the general mores of the Southwest and of parts of California toward them, keep them a people apart. And they filed fewer complaints of discrimination with the F.E.P.C. during the war by far in proportion, than the Negroes. And I think the answer lies in the explanation I have just made.

That doesn't mean that it isn't important. They had many intelligent, forceful leaders, and all of them have very much in

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mind the treatment that the Mexican field hand and industrial worker gets. The Texas drugstore clerk and hotel clerk doesn't discriminate between the Mexican field worker and a visiting South American notable. So that the educated, the lawyers and the others among our own citizens, of Spanish origin, catch it in the necks and they don't like it; and the reverberations of that in Mexico and throughout all South America get into the international field in a big way, I think. You can't have a city like New Orleans, trying to base its whole economy on South American trade and not feeling the foolish act of some prejudiced person in Texas or New Mexico or California, because those incidents are picked up in the Mexican press, they are blown up into something big all over South America, and we have got to learn to mind our own manners before that relationship, on a strictly dollars and cents basis, can be as good as it should be.

Now FEPC settled about a hundred cases a month for certainly three years. Those settlements were all made by our field agents -- quiet persuasion on a union, on an employer. We never gave that to the newspapers, it wasn't known. In many cases where we dismissed an invalid charge, the employer never knew that a charge had been launched against him. That part of our experience was not known to Congress.

The people who were the recalcitrants went to the papers and made much of their being harassed by this "outrageous agency."

Father Haas and myself, in the first six months of our experience there, saw this happening. We went out against the Southern railroads. Immediately we did so the railroads sent a highly inflammatory letter to every Congressman and every Senator, and they complained to the Smith Select Committee that they were being harassed. That committee held a hearing and gathered material which was later used on the floor of Congress to attack FEPC.

There is a triple play there that was worked in several cases -- in the case of the railroads, the seafarers' union and in the Philadelphia Transit case which later resulted in a strike and the Government taking over the plant there.

Now that is good tactics but it had an unhappy final result because it discredited FEPC at the very beginning. The railroad case, through private litigation, finally wound up in the Steele decision of the Supreme Court, which completely upheld what the FEPC had said about the case.

The Philadelphia Transit case was later shown to be the workings of a disgruntled company union group in a union fight. But everything they said, and they said very harsh things, was launched

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against the committee.

I don't say this to explain FEPC, but I think it is important basically -- and I may be repeating myself -- that any committee is going to find the same kind of opposition.

Very early in the game several freshmen Congressmen from the South undertook to criticize the staff of FEPC primarily on the basis that there were in it many Negroes and some Jews. That was, ipso facto, a sin in the eyes of these people. Now I personally think that FEPC worked out a microcosm of democracy. We had a Catholic priest on our pay roll -- he didn't take the money, it went to his church; we did have Jews; but the majority were Negroes. But we worked together and, I think, proved something up. But that fact was used by Congressmen who wanted to make an impression on the folks back home, to give the dog a very bad name indeed. "We were Communists" -- we weren't. I can assure you that there was no Communist influence that I know of in that staff or on the committee.

That bad reputation lingers on to the point where Senator Ives, in introducing a bill lately disclaimed that it was an FEPC bill.

You have got two inheritances from the wartime FEPC. One is the fact that its public enemies distorted the industrial aim into something else, concealed the real chances of coming out on this thing, the quiet work where Negroes were introduced into a plant against initial opposition, and after they were there it was discovered that the annealing process between whites and colored work.

In the Detroit riot, while hoodlums were beating each other's brains out on the street, the workers in the plants, Negro and white, who were used to each other -- and you can't hate a man so much if you work beside him -- protected each other in that riot. Some of the white boys took some of the Negroes home through the streets.

There were no serious racial troubles during the war. The strikes were short. FEPC itself helped to settle forty of them. The intervention of a third party was necessary. Many of them were union cases, as you know, Mr. Carey, where the union had a top policy that was good and the rank and file were prejudiced; their fellow union members didn't give the Negro as good a break as they should have. So the Negroes struck. The War Department, Manpower Commission, FEPC, everyone went in there, and I say with authority that because we had a Negro field staff who could go in there and be immediately accepted as Negroes by the dissident Negro groups, we were more effective than some of the other agencies.

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Now this is the Ross theory of how these things work. I have evolved the idea of a triangle with three sides. Now two of those sides have got to be together to make the thing stand up. Where both the union and the employer said "no," either publicly or privately, we didn't have any success. Government alone couldn't do it because we had no final enforcement powers. Where the employer was with us we could get the union around, or the workers if there were no union. Where the union was strongly with us we could persuade the employer. Now with Government out of the picture you only leave two sides of that triangle, and unless there is an extraordinary interest of either the union or the employer the thing won't work out. The National Smelting Company, for instance, never had to have FEPC suggest anything to them; they did this thing by themselves years before FEPC was there, and worked it out beautifully with their union. But we are in a state now where there is a vacuum in that third side, and I think a Government agency with enforcement powers is the only answer. You don't have to enforce every case. The normal case will mend itself by education and persuasion. The recalcitrant, if allowed to remain recalcitrant, with nobody finally slapping him down, can ruin the whole underpinnings of quiet, persuasive work. Certainly we have had enough administrative experience in this country to know that.

I think any FEPC would have to go through some very hard times indeed. You have the racial element in addition to the industrial one that NIRA fixed. I am not sanguine at all about the easy acceptance by the South of this thing. I think that there are many in the South who would welcome a concise, firm law, not running down to the small businesses.

I was in the South during the last week in December and was talking to a group of workers. This may be an exceptional story but I will give it to you for what it is worth. This was rather late at night and the mood was around the fireplace with everyone letting his hair down and talking things over. One of them told how he as a workingman's boy in a workingman's district in the South had been on friendly terms with Negro children until he became a big buck of sixteen. Then he joined the boys at the drugstore and would stand there and when a Negro came by, "Let's get him," and they would go off and beat him up. That was his Saturday afternoon's pleasure for some years, until one time a Negro was prepared for him and cut him very badly -- and he quit. Now that is not unusual as an adolescent experience in the South; but the unusual thing is that that man is now a union organizer who is getting Negroes into his local on even terms with the whites.

There is that in the South, in the union movement, that is bound to be important in the next decade, because the South is the last

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remaining verdant pasture for unions to organize. There is a certain saturation point outside of the South; and the Negro, one-third of the South's working force, is the man that unions are going after, both the A. F. of L. and the C.I.O. And organization in the South can be more peaceful, sounder, on a more stable basis, if the unions have help from the Government in seeing that the Negro becomes a man with an opportunity four-square with the white in the South.

There are all kinds of straws in the wind on this thing and one of them is that same Steele decision that I mentioned previously. That says in effect that a union having a majority representation must give to the non-union people the same benefits that they get. Well, that, of course, applied to a union which excluded Negroes. That is now our national doctrine. Unions must follow that.

On the West Coast, in the James decision, the Supreme Court of California came down with a decision that a union having a closed shop has no authority to pick what members shall be allowed to work there. That again is a case of a white union with a closed shop that was giving Negroes second-class membership.

If a law is to be passed it has got to be sold to Congress and the country very carefully. We couldn't do that. The vicious circle happened during the wartime FEPC. We were called names when we first began. There was no defense against the prejudiced who made those remarks. We couldn't have information people, or the mechanism by which you make a thing known, because, being suspect, Congress doesn't like that kind of thing anyway and wouldn't allow it. Ergo, help has got to come from the outside, an educational campaign to the churches, to industry, to the chambers of commerce, and to the N.A.A.M.P. There are really terrific reasons why, in the next decade for our domestic security and for our international good face with two-thirds of the world composed of colored people, this pattern should be worked out in the next ten years. This is the time.

After World War I no one even thought of any controls -- either during the war or after -- and the result was a dog fight for bread and butter between black people and white people, and you had your 26 race riots with hundreds killed in that year. We are doing much better. I think the national policy not of FEPC alone because the national policy applied to the War Department, Navy Department, Manpower Commission, Maritime Commission and all of them -- that is all to the good educationally. We have full employment now but just as sure as shooting, unless you do arrive at some good solution of this thing the first time employment slumps the old difficulties are going to come back, and the only real stop-gap is unions who have admitted Negroes fully to membership. They will stand by their guns, I am sure, when it comes to seniority rules, in treating the Negroes

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fairly.

It is not fair to the unions, however, for the Government to stand by and let these things run into the ground, as they very likely could.

I have talked a good deal, sir, so I will sit quiet now and let you ask me questions.

MR. LUCKMAN: Well, that is a very comprehensive and penetrating statement, Mr. Ross. I will just arbitrarily suggest to my associates here that in the interests of recognizing the fact that we do have some time limitations, and in order to give everyone a chance, I have noticed that we have all been making notes of questions we would like to ask, and I would like to suggest that each member of the Committee limit himself to two questions to begin with, until each has had an opportunity -- then if we have any remaining time, and if you are still indulgent with us, Mr. Ross, we will go on beyond that point.

If you don't mind, I will abuse my prerogative as chairman and ask my two questions first.

You made several references to the earnest consideration of enforcement provisions. Would you be willing to amplify what view we might take as to those provisions or mechanisms?

MR. ROSS: Surely. Let's talk in terms of bills. The Norton-Chavez Bill tried to put it on the basis of tested administrative procedures. I think, unhappily, they chose the NLRA as the specific model, because NLRA is still a controversial subject. And that didn't have anything to do with the argument. The desideratum is the best administrative procedure, and you now have the Administrative Procedure Act which is a good one and has been accepted by Congress.

I have seen what I think is a draft of the Ives Bill. One was sent me in confidence six weeks ago. That meets what I have been trying to say here. I am not certain that the Ives Bill as introduced is the same as that; I would rather not comment on that because I haven't read it. But I think everyone is protected, I think unions as well as employers ought to be under the hand of Government if they don't obey what everyone has agreed to as the proper policy to conform to our Constitution and our Bill of Rights.

MR. LUCKMAN: I wrote down a sentence here which I think is a verbatim quote, in which you said that it would be a serious mistake to regard the FEPC as an instrument for solving just the problems of the Negro minority. Would you mind indicating those minorities that you consider the most important to be properly safeguarded under any FEPC program?

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MR. ROSS: I have named them, Mr. Chairman.

MR. LUCKMAN: Not necessarily in the order of their importance.

MR. ROSS: This country has had in-migrations of Irish who worked for a dollar a day, who got into all kinds of bloody brawls. That has worked out; we don't any longer have an Irish problem. And the Canucks and the Hungarians who came into the steel mining regions in the 1890's and the early 1900's are now on flying fortress crews and football teams and they are no difficulty -- they have gone through the American educational process and stand on their own feet; they will not ask for much protection; they don't need much more protection. The people who need it are the ones who are identifiable, such as the Negro, the Mexican-American, and in some cases the Jew. I think if you do that, the rest will come along.

MR. LUCKMAN: May I ask whether you have purposely excluded the Japanese-Americans?

MR. ROSS: I beg your pardon, I had forgotten them. I would say that the Nisei were eminently under that high visibility characteristic, yes. Of course the reason I forgot them is that they aren't in industry very much; they are mostly agricultural workers which any bill of this kind couldn't touch.

MR. LUCKMAN: Thank you. Mr. Carey?

MR. CAREY: No questions.

MR. LUCKMAN: Mr. Tobias?

MR. TOBIAS: Yes. Out of your experience with an administration that did not have enforcement powers during the war, and in view of the expressed difficulties on the part of the proponents of the present legislation in getting consideration for any kind of a bill, favorable consideration for any kind of a bill that had strong enforcement provisions in it, would you think it better to proceed with a bill that had weak enforcement provisions, or none at all, putting practically all the emphasis on the educational features, rather than have no bill at all?

MR. ROSS: I think violent disorders will be saved over the course of the next decade if strict enforcement is provided for at the very beginning, not relying on the administrative laws that we have already tested in other fields. I think, if you will visualize the administrators of a purely educational bill, that they would be very unhappy people. The churches and the schools, for all of

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American history, have tried to inculcate this democratic rule of fairness to all, and they have failed. We are much better, as you know, than we were; we are much better than we were in the days of our grandfathers and fathers, but this is an industrial problem which can be solved in the same way as we were social security and child labor. All of the inequities that have troubled the country and have come under this kind of procedure have only come through in the long run because of strong enforcement powers. You can't outlaw prejudice, but you can create a situation where people themselves can come to a better understanding through working side by side.

I do think, Mr. Chairman, that FEPC's experience in one segregation problem would probably have to be faced again. We were grossly misinterpreted on it. We as a Committee, in a case at Sparrows Point, Maryland -- the Bethlehem Steel -- said that where they had no segregation of toilet facilities at first, and they were rebuilding the plant and proposed to build them, that that might be a barrier to shifting people around the plant. Negro workers were used in all departments and if they made any rule of that kind we said that it might make it physically difficult for the taking on of employees because they had some facilities and they needed more. There was a barrier there and on that factual basis we said that that was against the intent of the Act, and for it we got ourselves into very hot water indeed for recommending things in the social field, in which we weren't. But I think you have to touch it in that respect.

MR. TOBIAS: Would you say, then, that such a committee as this has the responsibility for recommending a bill with strict enforcement powers, even though there may be small likelihood of getting favorable consideration for it from the Congress?

MR. ROSS: Yes.

MR. TOBIAS: Then just this one thought. Suppose there is a comeback on the part of those who will not support enforcement, but are willing to go along with an educational program, who would say to you that you had no enforcement power, but according to the report you did a good job, should you deprive the people concerned of what would come of such a program as you have carried through, simply because you cannot have a bill with strict enforcement powers?

MR. ROSS: I feel so strongly that the strict enforcement power is necessary that I would suppose you would be wise to recommend that to the Congress. If the Congress changes its own mind, that is up to them. But suppose an educational bill, it certainly would have authority for the commissioners to hold a public hearing, to examine a charge of discrimination. Suppose that went to Birmingham,

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for instance, and all the members of the Commission sat there; they would have all the disinclination of some of the local people to abide by that policy, and all the fireworks that might go with that, without the final dignity or dignified authority to do something about it. I think you would have the manifestations of unwillingness to obey, and that your commissioners by and large would be very discouraged people in the course of a couple of years.

MR. TOBIAS: It would be true, however, as was true in the case of your organization, that those facts were brought out so that the public knew what their attitude was, and they were in a sense an aid to the creation of a growing public sentiment in the interest of fair play for all, and that they expose these positions taken by industry and the labor unions? I am simply trying to anticipate the arguments on the other side.

MR. ROSS: I think exposure per se can have the general nature of a witch hunt, and subject the commission to greater criticism for its choice of going in here or going in there. Now I do want to say this, and I think you will understand me, Mr. Tobias. It has to be a very wise personnel which administers an enforcement act of this kind. In its first years it would have a few outstanding cases on their way up to the court to define the law and see what the Supreme Court thought about the conformity with our Constitution. During that period I wouldn't think the Commissioners would go about stirring up hornets' nests all over the country, and I think that the Negro and the Mexican-American and the Jewish people would have to be very patient indeed if this thing didn't work like a charm right off the bat. It won't. There are years ahead of any commission that is going to come out of this thing. But I think it would be true that it would cost less in the long run to meet it firmly, even in the South, because there are numbers of people in the South if they are sold on the idea that this thing is industrial only, if they realize that they are going to have, let us say, a million surplus field hands when the cotton mechanism comes in, what are they going to do with them. I think this is to the South's ultimate advantage, but they have got to have that proved to them both by education and by the wise handling of enforcement.

MR. LUCKMAN: I would like to go on to the others, Mr. Tobias, if you don't mind, and we will come back to this if there is time. I am sure there are others here who may have questions. Mrs. Tilly?

MRS. TILLY: I have no questions. I had one in mind which you covered.

MR. LUCKMAN: Mr. Carey, do you still pass?

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MR. CAREY: I believe I do have one question. I am talking in terms of the advisability of this proceeding, which is your total objective, in one bill. Could we do here in the form of legislation for fair employment practices what we found it necessary to do, say, on Wage and Hour legislation, by taking it in steps, although enacting in the original legislation the provisions for fair employment practices, and providing for enforcement procedures that would be applied at some later date? For instance, a bill would contain provisions that would say that one year after the enactment of this legislation the machinery for enforcement shall be established and shall apply.

MR. ROSS: I had never thought of that. I rather like it at first blush. If the time period were definite, if it were certain that that was to go on in a year, it might give the commission time to find its feet and to do some exploration and to hold some hearings which would advise others of what they were in for when the enforcement came along. I rather like it.

MR. LUCKMAN: Are there available in the FEPC offices here, or wherever those office files may be now, case histories of companies where these FEPC principles have worked very satisfactorily?

MR. ROSS: The files are in Archives, and I am afraid they don't show the thing very well, and I had better tell you why. When Father Haas first came in there we were shorthanded. You can write up a case history in one of two ways. By putting down every step in the procedure as it goes along, or in a shorter form which merely gives the charge and some details of the interviews, and then the final conclusions. Unhappily they are in that short form and don't really tell very much.

MR. LUCKMAN: Did the Committee at any time deem it advisable to go out in terms of research in order to attempt to find companies in which all of these principles were already working satisfactorily?

MR. ROSS: Yes, and I think if you will get somebody to work through the first report and this report, you will find a number of examples. Now we didn't name companies for the same reason that we didn't issue publicity on charges. So they are less impressive by virtue of the fact that they are just in a paragraph form that that incident happened. They are all there in Archives and it would be a very difficult job to go through them. I believe some research scholars are attempting that right now.

MR. LUCKMAN: Mr. Tobias?

MR. TOBIAS: I want to go back to what you said about the South.

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You mentioned giving assurance that social problems or relationships would not be involved necessarily, which I think is substantially correct. But I don't think that that is the whole problem of the South in dealing with the question of the recognition of merit when a position is applied for. When a person applying is fully qualified in every respect, and he happens to be a Negro, and it is a position that has never before been held by a Negro, how are you going to avoid running into the objection on the part of the South to that, even though it is entirely right and according to the law, and how can it be enforced when, as a matter of fact even before you get to the question of enforcement how are you ever going to get the support of the South for it as long as they feel that there is that danger that Negroes may be forced upon them by law for positions that the South has never considered to be positions for Negroes?

MR. ROSS: You are presenting the ultimate in tough problems; and the shorter answer is that you cannot do that and please the South.

May I suggest this: Let's take a specific city -- Natchez; Natchez, if you please. There are long-established social strata. There is a top-white ex-planter group who are very proud of their forebears. To crack into that level is difficult for the whites below them.

There are lower levels somewhat on the economic level and somewhat on social tradition.

There are the Negroes of that town. They have their social strata also.

The people this kind of a law is trying to reach are the common laborers, the Negro on the bottom of the economic and social strata of the South, the ones who, as among very poor whites, tend to sink down to the criminal class.

You want to raise the common laborer of the South economically. It is ridiculous for the top Natchez white man to pull this social equality business because a man gets a little better job. Certainly, you will run into the point where a Negro is qualified to be a foreman and there will be white workers who are working with them, but it doesn't touch the executive in the plant or the planter or those people at all, except ideologically. It is a problem, and a problem for unions as much as anyone else to work out.

There will be difficulties. You can't escape it.

MR. LUCKMAN: I am curious about something that is not important

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as to the numbers involved, but it may be important, Mr. Ross, in the final presentation and selling job that we will subsequently have to do. We are all aware that there are certain companies which are owned by Catholics and where the top executives are Catholics, and as a result where all the employees are Catholics.

Likewise, we know there are some companies which are owned by Jewish people and where the top executives are Jewish people and the employees are Jewish people.

In your experience, have you ever had any complaints against what might rightfully be called these minorities by people who could not get employment in those companies because they were not members of either one of those religious faiths?

MR. ROSS: Our problem was in war plants, and I think that it did not arise. That is the answer -- it didn't arise.

I don't know if you have in mind a big industrial company -- that goes all the way down that way -- that would be rather rare.

MR. LUCKMAN: I was thinking not of the larger companies but of the smaller companies, and, for instance, the office personnel.

MR. ROSS: It is a problem more in theory than in fact. There is a problem of religious houses, and so on. I think a due amount of exemption should be made in any Act for that. This should touch the big mass industries and give up some of the other things for the sake of getting it there.

MR. TOBIAS: You would run into that in one instance. It wouldn't be an industry, but it is a business. In the City of New York, for instance, the big banks seldom if ever employ Jews in the top spots, which is a source of very great irritation to Jewish citizens of New York.

That is a very difficult thing to get after.

MR. ROSS: But wouldn't you agree that the higher up you go the more reasons there are to be found by those who do not want people as their associates on the skill and background?

You want to reach the mass of the working people, and in these upper-bracket cases, if they want to avoid the law, they probably could and not be too bad, but procedurally it would run its course.

MR. TOBIAS: I mean it is a question whether it would come under the law as drawn up or as it may be drawn up now because it is more

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or less economic discrimination as against racial discrimination.

MR. LUCKMAN: Do you have any reasons to consider that the American Indians were a minority under this problem?

MR. ROSS: We had a half dozen cases in war plants. I don't believe it would be a very serious one.

MISS TILLY: Mr. Ross, one of the problems in the South is the coercion part of the bill, that the South rebels against; and there are several other factors in the picture, too.

When there is necessity for the employment of labor or shortage of labor, the South doesn't pay any attention to the racial question. For instance, when Lane Drug Stores tried to put on Negro waitresses at their lunch counters just before the labor shortage, there were signs on the sidewalk in front of the drug stores calling on all white people to boycott them. Then the war came along, and there was a necessity for employment of Negroes, and nowadays throughout the South Negro and white waitresses are working together in the drug stores without anybody thinking anything of it. In a good many instances a Negro woman is the head of it. If we have a depression, then you have that racial flare again, and the Negroes would lose their jobs.

So it is part of the economic pattern of the South -- that feeling that there isn't enough to go around is part of the picture.

And then another thing is the race question is a vital part of our political campaigns. Your Southern Congressmen use their speeches against F.E.P.C. to help them. It really is not real. If you could push that away, the race question is usually a smoke screen in political campaigns.

Those are the problems, as I see it, in the South. It is economic.

MR. ROSS: I would agree entirely. There is the matter of getting the South used to what kind of approach is being made -- that it was in industry -- and when the test comes of a slump and the time-honored custom of pushing the Negroes out first, that would have to be met. But isn't that what the objective is -- to let people by their skill and good behavior -- nothing would touch anything except race and creed. Anybody can be fired, of course, for cause, and that principle was upheld by the Supreme Court in the Associated Press case.

The employer under the National Labor Relations Act could fire

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an employee for just cause. None of his managerial functions were impinged upon by that Act, except for one thing and that was union membership; and that is adhered to, except that one thing, creed or race; and certainly a wise commission would use southerners for their regional office staffs, southerners of the highest possible caliber who were known there and could sell this idea to the South.

If it is sold as an educational idea, I think it would be a tough job. If the force of the Government was firmly and fairly back of the thing, those things would eventually wash out.

MISS TILLY: That is the trouble of getting a bill through Congress.

MR. ROSS: Mr. Chairman, I put down some of my ideas of where Congress stands. That is a commentary to appear in the April issue of the Comet Press.

I think the political situation is ripe for a law to go through before the Presidential campaign in 1948. There are commitments on both sides, and the Negro vote -- it is no secret -- it is a balance in some of the big industrial States of the North. They are going to be wooed very much.

The Negro vote is volatile and may go one way or the other; and it goes -- correct me, if I am wrong, Mr. Tobias -- to that party which they believe is most forthright in upholding their fundamental rights.

There never was a time like the present Presidential campaign of 1948 -- not this year, but next year -- that is, a good chance -- to get this bill through.

MR. LUCKMAN: Would it be agreeable to you if we make this part of the record?

MR. ROSS: Yes, sir.

MR. LUCKMAN: On behalf of our committee, may I express our sincere appreciation for your help today.

MR. ROSS: Thank you. I feel very deeply about the question.

(The document submitted by Mr. Ross is as follows:)

(Thereupon, a recess was taken until 2 p. m.)

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## COMMENTARY

A YEAR has passed since the wartime Fair Employment Practice Committee ended active operations. FEPC would today be a disregarded foot-note to World War II except for the fact that racial and religious intolerance in American business and industry remains one of the important unsolved problems of peace. It remains as an anomaly in our democracy, depriving members of minorities of equality of personal opportunity, constituting a constant source of group frustration and griev-

The Republican party, which holds the majority in the 80th Congress, has pledged itself to pass a permanent FEPC law outlawing the practice of discrimination in employment. That, however, does not insure either easy, early, or sure passage of such a law. MALCOLM ROSS, who was chairman of the war-time Committee on Fair Employment Practice appointed by President Roosevelt, here discusses the problems involved in a national FEPC and the difficulties faced in its enactment. Previously, Mr. Ross had lengthy experience with labor and industrial problems, notably in his work with the American Friends Service Committee in Southern coal fields and as Director of Information for the National Labor Relations Board. Mr. Ross was born in Newark in 1895 and attended *University*. He has written extensively for *books* and has published a number of *including several novels, a sociological machine Age in the Hills (1933), and known autobiographical book—Death of Man (1939).*

ance, wasting untold labor power and talent, and adding an immense burden of higher costs and lowered efficiency to the operating of our national economy.

Of course, even before the war there was awareness of the problem of prejudice in the job field. Discrimination against groups conveniently tagged for economic exploitation by their race or color or religion was an old story in America; and the decade before Germany invaded Poland saw gains beginning to be made against such discrimination. But when the war came and the Nazis based their bid for power on the ancient device of race hatred, the problem was highlighted. America was doubly motivated to resist. Industrial efficiency was vital if the war was to be fought and won. And there was the danger that Aryan race doctrine, infecting these shores, might prove a powerful divisive weapon destructive of national unity and morale.

So it was entirely logical that President Roosevelt in 1941 should announce a national policy against racial and religious discrimination. He realized Hitler's propaganda was dangerous: in our past history a flare-up of anti-Semitism has always involved Negroes, and usually Catholics. Roosevelt's open recognition of the danger is reflected in the fact that he based the anti-discrimination policy on "the firm belief that the democratic

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way of life within the nation can be defended successfully only with the help and support of all groups within its borders."

THIS statement was made six months before Pearl Harbor. It accompanied an order on the War and Navy Departments and all other contracting agencies and services not to refuse employment to any defense workers because of race, color, religion, or national origin.

This committed all government and all war industry (by written contract) to a policy of equal opportunity. It is important to remember that FEPC itself, set up by this same executive order, was merely the watchdog. It could remind Government services of their duty, and cite them to the President if they were derelict. It could hold public hearings to call war employers and labor unions to answer specific complaints of discrimination. But its ultimate authority went no further than the citation of offenders to the President in the hope that his prestige could persuade them to mend their ways. Technically, to be sure, the President could cancel the contract of a war plant that persisted in discrimination. This would have meant, for example, cutting off the supply of small arms ammunition desperately needed in France and the Pacific. There were no such contract cancellations. Only twice, in fact, were offenders cited to the President. One such action brought compliance, the other failed.

Inadequately staffed and unable to enforce its decisions, FEPC nevertheless became a rallying point against the calculated intolerance of the Nazis and its sporadic reflection in our own national life. Thirteen million Negroes, 3 million Mexican-Americans, and 5 million Jews intently observed this first attempt by their government to move directly against the economic disabilities placed upon them. Church groups saw in FEPC an affirmation of the dignity and worth of the individual. Most trade unions backed the principle of FEPC, realizing that racial and religious divisions weaken unity; if this is too coldly pragmatic an explanation

of the trade union position, let us add to it, in all fairness, the fact that most Americans are ashamed of being unfair to minorities and will renounce discrimination if the issue is squarely presented.

The negative side also contributed to support of the FEPC, and paradoxically helped the anti-discrimination fight by dramatizing it. The fulminations of Senators Bilbo and Eastland against Negroes exerted an enormous influence in drawing public attention to the disadvantages of being a Negro. Once spot-lighted, the issue acquired a continuing life of its own.

Nevertheless, the national FEPC fell by the wayside once the war was over. The fight to extend it into times of peace met with severe setbacks. And today we find neither the minority groups nor the churches, unions, and ordinary people who supported FEPC during the war strongly enough organized for the struggle to carry the principle of equal opportunity into public law or governmental procedure.

LAST year, when FEPC was winding up its affairs, it made a survey of how minority group workers were faring during the change-over from war industry to peacetime production. Sufficient samples were taken to show that Negroes were generally being dropped from Government service, that white industrial workers were disproportionately being retained at the higher-paid jobs, that the United States Employment Service consistently referred Negro workers to low-paid jobs only.

The same period saw the reappearance of "Gentile only" help wanted advertisements—except in New York and New Jersey, where State FEPC's forbade this practice. Jewish veterans found everywhere that there were jobs open to Gentile veterans and not open to Jews. Mexican-American shipyard and aircraft war workers faced a similar situation; generally speaking, they found themselves forced back into low-paid jobs.

This rejection of entire groups would doubtless continue, and the old patterns would be fully re-established, were it not that

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the weight of minority groups has begun to make itself felt in national politics.

Northern Negroes are concentrated in New York, Illinois, Michigan, Pennsylvania, and other key states where the margin between Democrats and Republicans may be swung one way or the other by their votes. Negro votes naturally tend to go to the party that seems to be the more forthright in protecting Negro rights. This explains why FEPC was officially endorsed by both parties before the Congressional election of 1946.

And this accounts for the fact that, although the basic political difficulties remain unchanged, a bill to establish a permanent FEPC will doubtless appear on the floor of Congress before the Presidential elections of 1948.

It will be recalled that in 1944 the Republican platform pledged a vigorous FEPC law, although certain members have since shied away from including sanctions to give it teeth. The Democratic platform also promised a permanent FEPC law, but, out of deference to the party's Southern wing, made no pledge of strong enforcement.

Both parties know that a considerable Jewish and Mexican-American vote is involved in the FEPC issue. But these votes make themselves felt most sharply in Congressional elections, within individual Congressional districts.

**I**t is the Negro question that becomes the dominant one, both because of the numbers involved and because of its sectional impact. And it is the split within the Democratic Party on the Negro that is the major political fact in the struggle on this issue, once it is nationally projected.

During the last two years of the war this split caused three rough and tumble Congressional fights—two fights on annual appropriations for FEPC and a filibuster against the Chavez Bill to establish a permanent agency. Newspaper readers could only suppose from accounts of these debates that violent tempers and passionate threats are inevitable when Government intervenes in racial matters. The Southerners proclaimed

that inevitability. "Let us alone!" they cried, as they had cried for a hundred years.

This united front of the Southerners on Capitol Hill, even at the cost of party split and resulting defeat, remains a solid political factor. During the debates before the 1946 Congressional elections, the Southern Democrats knew that they stood to lose their treasured committee chairmanships if the Republicans won Senate and House majorities; yet they remained deaf to all Northern Democratic pleas to save those majorities by wooing the Northern Negro vote.

The Republican Party did capture Congress, and with it the responsibility of doing something about FEPC. Was the 1946 Negro vote important to the Republican victory? No one can be sure. The Negro vote is volatile, of the moment. Astute politicians must reckon on the possibility that it may determine who is to be the next occupant of the White House.

This bald statement of the political factors may make it appear that these are merely ward-heeler shenanigans on a national scale, merely cold-blooded bids for votes without either conviction or human emotion. That is not altogether so. The narrow political game must be played in terms of ballots, but it involves fundamental American concepts and engages the profound interest of many serious and responsible men. Yet it would be naive not to recognize that the decision on FEPC will be made by legislators who are forced to take account of many contrary pulls and tugs.

**A** PREVIEW of what these legislators are likely to do when FEPC next appears on the floors of Senate and House is provided by what they actually did in relation to the wartime agency.

The 1941 Executive Order establishing FEPC, and the amended order of 1943, both carefully limited the Committee's action to job discrimination. Problems of social segregation and "social equality" were avoided, and the Committee itself left them alone. The only point at which it ever touched the issue of segregation was within actual war

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plants where separation of workers by race was demonstrably a barrier to recruitment of needed labor.

Nevertheless, as soon as this practical problem of manpower recruitment the floor of Congress, it aroused every conceivable emotion of race hatred. The Southerners returned to Reconstruction days to find a parallel for this Yankee interference. Their angry cries made it seem that Negroes were the only minority group involved.

In fairness to the South, which frankly announces its intention to maintain white supremacy, it should be said that the wartime FEPC encountered discrimination in all Northern industrial cities where Negroes sought work. The disease of prejudice is national. Within the decade, the great migration of Negroes will make the North, Middle West, and West Coast fertile fields for any Fair Employment Practice Commission that Congress may establish.

Nevertheless the South remains the breeding ground of discrimination against Negroes; and it is the South that attacks FEPC with aroused and self-righteous indignation. The North is relatively passive. The South, therefore, is the crucial factor.

To Southerners in Congress, the FEPC movement is not an attempt to provide equal opportunity for all to earn their livelihood at their top skills; it is a malign interference with Southern customs. The total effect is to distract attention from everything else about fair employment practice except its offense to Southern sensitivities. That is what Congress talked about during its debates on the wartime FEPC, and that is practically all that has seeped out to the general public.

**N**ORTHERN Democrats, at that time looking forward to the 1946 Congressional elections, did give support to FEPC, both in public and in private. Yet at best it was a half-hearted effort. Only a few Democrats took the trouble to study the successes and failures of the wartime racial and religious experiment. Among them were Senators Chavez and Mead, and House Members

Norton, Celler, Dawson, Cannon, Powell, Ludlow, and Helen Gahagan Douglas.

All these legislators had strong political reasons for supporting FEPC, but in fact most of them were also impelled by deep personal convictions; they were not being hypocritical, as the Southerners jeeringly suggested. But their earnest concern was exceptional. President Truman several times made personal moves to advance consideration by Congress of a permanent FEPC bill. He tried, openly and through aides, to persuade Representative Slaughter of Missouri to break the deadlock that was preventing the Norton Bill from reaching the floor of the House. His own Congressman refused him, and later was defeated for re-election by the President's specific intervention. Mr. Truman, I believe, wants this legislation. His brief honeymoon with Congress, however, did not include any loving kindness on this issue.

The truth is that the Northern Democrats let the principle of equal opportunity go by default in the 79th Congress. They will do so again in the 80th unless more of them take pains to study the problem at its roots and withstand Southern oratory.

As for the Northern Republicans, they did not feel themselves called upon to show their hand on this question in the 79th Congress. They merely stood amused on the sidelines while Northern Democrats unsuccessfully tried to withstand the embattled South. FEPC was a wedge that threatened to split the Democratic party. Time enough for Republicans to study the matter when they became the party in power.

There were a few Republicans who informed themselves on FEPC and took a position for it. Senator Taft, behind the scenes and on the floor, handled his party's interest whenever decisions on FEPC arose. Senator Morse of Oregon made impassioned speeches in behalf of FEPC, while some of his colleagues looked on in disapproval at his intense emotion. In the House, Republicans La Follette of Indiana, Baldwin of New York, and Vorys of Ohio made forthright demands that Congress stop stalling on



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FEPC. Both La Follette and Baldwin were refused Republican renomination, and their zeal in the FEPC debate may have had something to do with this.

Republican thinking in these matters still remains on the plane of party politics. The controversies surrounding the wartime FEPC, and the absorbing urgency of war and reconversion problems, combined to prevent any objective examination of how the experiment had worked. An FEPC "First Report" gave a full picture of its operations through 1944. Few read it. A "Final Report," prepared last spring and still due for publication, sums up the agency's five years. It might be valuable if Congressmen would spend a quiet hour reading this summation.

WHILE the 79th Congress apparently was proving that mention of prejudice creates more prejudice, FEPC had been quietly demonstrating in war plants and government offices that it could help employers and unions to remove discriminatory barriers. Not all violators ended their discrimination at FEPC's request. The bad name that Congressional debate gave the whole project encouraged many discriminating employers and unions to continue in their old habits. But there were thousands of cases all over the country in which advances were made through unpublicized negotiations between FEPC and plant managers or union officials.

The undramatized cases were perhaps the most fruitful. Two Mexican-American workers found themselves held down to menial, low-wage jobs in war plants while other workers of less experience were promoted to skilled work. They filed complaints of discrimination with FEPC, whose field representative informed their boss that refusing promotion solely because of the workers' race was against national policy. The men were promoted.

That is a typical case, and the essence of the matter. A lot of bother to put all that governmental machinery into operation merely to advance two men slightly in grade and pay? Not too much trouble, if the results are properly weighed.

The justice done to these two workers improved the morale of the entire Mexican-American community. I know, for I saw it happen. I watched these people hold their heads higher as citizens of the nation, and become a little less conscious of the daily obloquy placed on them because of their national origin. The plant, too, improved in morale. A man with prejudice in his heart is somewhat at war with himself, for he usually also has in his make-up a sense of fair play which his prejudice violates. His better instinct will have a chance to operate when he comes into personal contact with the object of his prejudice. This is a long process, not to be achieved in a day. It began in this particular plant when the few sullen workers who had objected to the Mexican-Americans' promotion discovered that they did not hate real people as strongly as they could hate an abstraction.

FEPC in its two most active years settled an average of one hundred cases each month, involving Negro and Jewish workers as well as Mexican-Americans. In many instances, the initial opening of the gates to a few Negro workers resulted in hundreds or even thousands of other Negroes being hired. If you will remember the desperate shortage of war workers, the fact that 1,500,000 Negro and Mexican-Americans were in prime war plants at peak production will appear a valuable contribution to the winning of the war.

There was no mass discrimination against Jewish workers. The six percent of all complaints of discrimination filed with FEPC by Jews represented the isolated cases of individuals or the discriminative use by war employers of advertisements specifically barring Jewish applicants. FEPC persuasion usually settled these cases without need of a public hearing. Many of them were within government service. When government itself was the employer, the policy against discrimination was somewhat easier to uphold.

Clarity on some general considerations is also necessary if the fight is to be properly made and won.

FEPC is a fight for the economic rights of the individual, not against prejudice. No

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government can move directly against prejudice. It can only remove the economic barriers that prejudice sets up. Only after that act of justice is accomplished does the secondary effect on prejudice appear.

During the war, Negro or Mexican-American or Jewish workers were placed in plants from which they were formerly excluded by the bigotry of a few workers or executives. The government forced the plants to admit minority group workers; but the government did not force the bigots to change their opinions. Time does that. What begins as an economic problem often ends with an ethical solution.

**C**OULD the war-time FEPC be a model for the peace-time set-up?

Several thousand cases were successfully resolved by FEPC during its five years of operations. Almost all were settled by Committee field representatives in unpublicized negotiations. When negotiations failed, then the Committee had to turn to other government agencies for help. The Committee had no real authority.

Any comparison between the techniques used to end discrimination during the war and those necessary in times of peace must certainly take into account the factors that aided the wartime effort—the need to get all workers into war plants, the patriotism that rose above prejudice, the dislike of what Hitler was doing to minority groups. These supports would be largely lacking now. Persuasion would be less effective. Reliance on and need for Government authority would be greater.

In the light of these problems, FEPC's failures during the war are as interesting as its successes.

The Southern railroads and their labor unions combined to defy an FEPC ruling that they must end an agreement made for the purpose of limiting the job opportunities of Negro railroad workers. The case was cited to the President, who appointed a three-man committee to obtain compliance with FEPC's order. The case never came out of the hands of the three-man committee.

The carriers and their unions made good their defiance. And yet the same issue, tried independently in the courts, resulted in a Supreme Court decision directing the railroads and unions to do exactly what FEPC had told them to do.

A similar instance occurred when the Boilermakers Union, refusing to accept an FEPC order, found itself bound by a decision of the Supreme Court of California, which supported FEPC's view that a union with a closed-shop contract cannot pick and choose what workers it will permit to enjoy the privilege of working in the industry.

These two cases are cited as demonstrating two truths. First, the swing of the law is against exclusiveness within unions. Second, a government sincere about a policy of non-discrimination must assert its authority and not rely solely on court interpretation in casual cases. The latter approach is too slow, and involves the problem of conflicting court decisions. Moreover, it puts the burden of litigation on private individuals.

We must make up our mind as a nation whether we favor equal opportunity to earn a livelihood, and we ought to act decisively upon our decision.

A permanent FEPC, modeled after any one of several existing administrative agencies, should, in my opinion, follow these well-tested procedures: (1) A clear definition of equal job opportunity and of the duties of employers and unions in protecting it. (2) Publication of rules and regulations under which the Commission shall operate, with provision for their approval by Congress. (3) Reliance on informal negotiation to settle cases by persuasion in the first instance. (4) Protection of due process of law through notice of hearings, the right to produce witnesses and cross-examine, a written record, and all other safeguards as formulated by Congress itself last spring in the Administrative Procedure Act. (5) No jail sentences or fines to be imposed by the agency. (6) Issuance of cease and desist orders subject to judicial review and enforcement. (7) Final appeal to the Supreme

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Court.

Within this framework there are possible variations that would still leave an effective and workable FEPC. It could be provided, for instance, that no employer with less than 50 workers would be subject to the Act. This would remove family businesses from jurisdiction and would place the emphasis where it mainly belongs—on discrimination as an industrial problem.

COULD such a law work?

Many attempts to equalize rights have in the past had to overcome terrific initial resistance. The right of children to escape exploitation, the right to have an earned security, the right to organize and bargain collectively, the right of a manufacturer not to be cheated by a lying competitor—all of these were opposed bitterly, all are now accepted as necessary.

The right to equal economic opportunity is as fundamental as those mentioned above. An attempt to support it by law would also meet with bitter opposition, unhappily involving old sectional animosities in addition. Yet even that storm, in my opinion, would eventually be calmed by a strict limitation of the law to the industrial and government-service fields.

After all, the South is in transition. It must support large industries, both to increase its income and to employ its displaced agricultural workers. It will probably be fully organized within the decade. It needs skilled manpower, white and Negro. All these straws in Southern winds indicate the wisdom of making a start, now, in keying the Negro third of the South's labor force into its industries. Southern good sense (and the essentially kindly feelings of many Southerners towards the Negro) must in time break through the barriers still being erected by tub-thumping demagogues. This is an industrial age, in which plantation economy is dying. An FEPC (properly sold to the South) would ease the transition.

A strong law in the long run is the useful one. Less eventual pain, more eventual good, can come from grasping the nettle firmly.

But, first of all—to repeat—it is important

But, first of all—to repeat—it is important better known on Capitol Hill. So far, we are still using the issue for partisan purposes—political, trade union, economic, sectional.

There are nearly a score of fair employment practice bills being drafted for the consideration of state legislatures. Would it not be better to let the matter be handled locally, on the state level? In that way regional adaptations are possible, and the all-out opposition of the South in Congress could be avoided. This is the strategy proposed by a number of sincere advocates of legislation against job discrimination.

But New York, which has a state law, is already worried that the absence of regulation in nearby industrial States will work to its own disadvantage. This certainly has happened on a smaller scale: in San Francisco, for instance, during the war, when the few non-discriminating unions received all the Negro wartime applicants whether or not they were trained for the particular skills the unions supplied.

New York is right in saying that what is fair practice in one state should be so in all. There are no economic bulkheads between states. Nor are there between regions. The South is losing its Negro manpower fast enough. Let a number of Northern states enforce equal job opportunity and the Negro migration will become a stampede. The coming industrial South will need a national FEPC. Federal action now will help Southern reason to win its long race with Southern passion.

WHAT is the outlook?

Any useful forecast of how the 80th Congress may treat the matter must be based not on our hopes but on the realities. Here is how the immediate possibilities appear to me:

The Republican leadership in Congress will probably not be in a hurry to press an FEPC against Southern opposition. The timing is likely to depend on certain political judgments of a realistic nature. Passage of

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an anti-poll tax law would also affect the Negro vote. So would an anti-lynching law. Either would arouse less Southern anger than FEPC. Both, therefore, may have priority over FEPC on the Republican calendar. Again, the enactment of a fair employment measure this spring would present two hazards. A weak law would prove itself unsatisfactory by November 1948, and the expected gratitude of Negro voters might not be forthcoming. A strong law would provoke the South and create some disunity among the Republicans themselves.

Rather than take these risks, the Republican Congress is likely to schedule FEPC hearings for this spring in the House Labor Committee and the Senate Committee on Education and Labor. The Chairman of the latter Committee, Senator Taft, is Republican strategist on FEPC. He is distinctly interested in seeing that the law (in some form) is passed by a Republican Congress. It was Taft who moved cloture to shut off a filibuster against an FEPC appropriation. He is just as certain to do so in behalf of a peacetime FEPC if that becomes necessary to override Southern opposition. In my opinion, it will certainly be necessary.

The Southerners will rebel, attempt horse-trading in the cloakrooms, orate on the floors of House and Senate until they fall in their tracks or are silenced by cloture. Opposition of that kind creates the atmosphere of compromise. The Republicans might come out of the fracas with a law so emasculated as to satisfy no one.

One test of Republican sincerity will be whether or not the hearings on the law are so conducted as to bring out the grass roots problem through the testimony of those who actually live with it—officials of unions who are trying to end discrimination in their own locals, employers who have made the attempt to hire without regard to race or religion, minority group workers who can tell what it feels like to have one's energy, skill, and ambition scornfully rejected.

Another test of Republican sincerity will be the kind of bill that the party leaders

choose to push. A purely educational measure is a tempting thing. It would avoid controversy by creating none. But the wartime cases in which FEPC failed to get compliance were those in which its authority was challenged by those who knew that the agency possessed no final powers of enforcement. To be sure, the employers and unions who defied the wartime FEPC were comparatively few in number. Simple persuasion was enough to settle the vast majority of cases. But the existence of a few powerful recalcitrants can create an atmosphere of scorn for authority which in time will destroy the agency's persuasive powers. The relatively few violators should be forced to obey the law in order that the hand of the willing majority may be upheld.

Pass a weak FEPC law with no authority for enforcement, and the next logical move would be to pick a set of weak commissioners. No one worth his salt would want the job of relying on mere talk to end industrial discrimination. It is a case-by-case job, and the tough cases simply will not yield unless the recalcitrants know that the government has final authority. At best, even a strong law will require years of litigation in the lower courts before its limits can be defined by the Supreme Court.

Some scattered violence would doubtless occur if a strong FEPC law were put into operation. That risk must be accepted as part of the price for attacking the national menace of race prejudice where it can be attacked most fruitfully—in the field of industry. Mines, mills, factories, and offices are better and quicker fields for practical solutions than schools and churches. Education and moral fervor are essential to success. But they are not enough in themselves. The working life of the nation is the ultimate, decisive arena. Let us face up to the struggle on the battleground where in the end it will have to be waged and won.

The next few years can set a new pattern of unity for decades to come. They can also let us slip back into inaction and the bad practices of the past. Congress is the key.

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AFTERNOON SESSION

2:00 P. M.

Present: (In addition to those present at morning session)  
Rabbi Roland B. Gittelsohn.

MR. LUCKMAN: The Committee would be very much indebted, Mr. Richardson, if you would take over. We have approximately an hour altogether, and you can handle it either by a verbal statement or a written statement, or both, whichever you see fit. We understand Mr. Weaver will be in later.

MR. RICHARDSON: I think it will be a combination of both. I have prepared a brief statement here which I would like to read.

MR. LUCKMAN: Proceed.

STATEMENT OF MR. THOMAS RICHARDSON,  
International Vice-President,  
United Public Workers, CIO.

MR. RICHARDSON: Job discrimination by Government against minority groups, particularly Negroes, has reached serious and alarming levels. The subtlety with which this discrimination is being practiced does not reduce in the least its widespread effectiveness and makes it all the more sinister. The inclinations of the Civil Service Commission and other authorities to deny the existence of racial discrimination permits those prejudiced persons who conduct such practices to work with additional freedom.

As a result, thousands of Negroes are suffering serious economic hardships. Bitterness and disillusionment on the part of Negroes concerning Government's protestations that every citizen has a right to a Government job according to his ability is growing. And the great feeling of unity between Negro and white which was achieved during the war is being rapidly erased.

Sharp discrimination against employment of Negroes in Government in the pre-war period.

Until the beginning of the war, the right of minority groups, particularly Negroes, to Government jobs according to their ability, was in large measure simply an academic one. The major sections of Government employment were lily-white, with the exception of the custodial workers, many of whom were Negroes with Bachelor, Master and Ph.D. degrees. This condition arose because of the Government's unwillingness to make the right to a Government job according to ability more than just an academic right. Moreover, the Civil Service Commission regulations and procedures were so constructed as to make it possible for prejudiced hiring officers to give full

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vent to their desire to keep Negroes out of Government jobs.

The July, 1945, report of the President's FEPC shows that in 1938 only 10 percent of all Negroes employed in Government held jobs other than custodial. The well-known fact that large numbers of Negro college graduates had taken and passed Civil Service examinations for clerical and professional jobs in the '30's and the significant number of Negroes with college training in the custodial force indicates that it was not a lack of qualifications which kept these people in jobs below their abilities.

Negro job gains in Government during the war years.

With the tremendous job of conversion from peacetime to wartime operations, Government agencies encountered a serious manpower problem. Many of the Government agencies which heretofore had not employed Negroes in clerical and professional categories were forced to do so because of manpower pressures, the activities of President Roosevelt's FEPC, the activities of the CIO and a strong public sentiment. In addition, the creation of many war agencies which operated under a more liberal personnel policy than the old-line agencies, brought about the hiring of additional Negroes in jobs other than custodial.

The total number of Negroes employed in Government during the war rose to an unprecedented total of 300,000 as compared to approximately 40,000 before the war. (These figures include industrial as well as white-collar workers.) Sixty percent of the total number of Negroes employed in Government in 1944 were in clerical and professional categories. It is universally acknowledged that these employees performed their duties capably and efficiently.

The fact that the size of Negro employment in the white-collar grades increased so considerably, indicates not only that Negroes were ready and willing to serve their country during its period of crisis, but also that they had always been available and that the only reason their skills and abilities had not been used by the Government service before on such a scale was the unprincipled and prejudiced discrimination against them as a minority group.

Never before in the history of this country had its Government service come so close to reflecting the basic principles and rights set down in our Nation's Constitution. The unprecedented job gains made by Negro citizens in Government employment was an achievement of which Government and the nation should well be proud. For here in concrete terms were made real the rights of "life, liberty and the pursuit of happiness" regardless of race, color or religion.

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Wiping out of Negro job gains in Government in  
the post-war period.

However, the major portion of the job gains made by Negroes in Government employment during the war came in the "War Service" category; that is, the major portion of the clerical and professional workers were hired for the duration and six months. Moreover, in the main, they were hired by the War Agencies which, on the whole, operated under more liberal personnel policies than did the old-line agencies. Since V-E Day, these agencies have been rapidly liquidating, thus cutting Negro employment by large numbers.

For the Negro war service Government workers who wished to make a career out of Government work, it was necessary to secure a job in another Government agency which was hiring. The major agencies doing the hiring during this period were the permanent, old-line agencies which, before the war, had exhibited such reluctance to hire Negro clerical and professional workers.

Consequently, when the Negro clerical or professional worker, laid off from a war agency, attempted to secure employment in an old-line agency, he began to run into the subtle but effective Negro discrimination which had been a characteristic of Government hiring during the war.

So, then, we have two factors which serve to reduce sharply Negro job gains in Government employment.

Evidence of discrimination against Negroes in  
post-war Government hiring.

The United Public Workers, CIO, has called the attention of the Government to case after case of such discrimination and, to this date, the basic problem has not been corrected. Instead, we have seen on the part of the Civil Service Commission and various Government officials a concerted effort to excuse the actions of prejudiced hiring personnel and a general unwillingness to apply firmly the President's policy against discrimination.

I wish to present now evidence which has been brought to the attention of the United Public Workers of America, indicating conclusively that discrimination is being practiced by agencies of the Federal Government.

The Case of the Ten Agencies.

The case of discriminatory policies of these ten agencies arose when the Wage Stabilization Board, a wartime Government agency, was

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liquidating. The personnel office of this agency sought to place its employees in comparable jobs with other agencies. The discrimination against Negroes which was encountered during this situation is clearly outlined in the photostat which I now present to your Committee. This is a memorandum which recorded the replies which the Wage Stabilization Board, a war-time agency, received when it tried to place its employees with other agencies.

(The photostat referred to is as follows:)



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Names of Agencies Having Clerical Vacancies  
for Whites but not for Negroes

(With Names of Placement Officers carrying out Agency Policy)

General Accounting Office - Mr. Snyder (quota)  
Commerce - Bureau of Standards - Miss Soper  
Patent Office - Mr. McCabe  
Treasury - Internal Revenue - Mr. Wallace  
Federal Security Agency - Public Health Service - Miss Russel and  
Miss McGillicuddy  
Federal Works Agency - Public Buildings - Miss Sylvia Baldinger  
Justice - Alien Property Custodian - Mrs. Kriesman  
Navy - Mrs. Mildred King  
International Bank - Mrs. Doyle  
Government Printing Office - Mrs. Lawson (quota)  
War Department - Army Security - Miss McKenzie  
State Department - Mr. Holcombe

**Bur. of Budget - Miss Mary SABIN no Mr. BIGGER**

*Subsequent to ...*

*Miss ...*

*See Sec - "C" marked on applications*

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MR. RICHARDSON: I would also like to introduce some facts with regard to Government agencies which are not included in the photostat just submitted. You will see that there are ten agencies included in that photostat.

Post Office Department.

In Birmingham, Alabama, only two Negroes were included among the scores of temporary workers added for the Christmas rush, which is a tremendous hiring period for the Post Offices.

Veterans Administration.

Regional offices of the Veterans Administration use virtually no Negroes in jobs other than custodial or the lowest clerical grades. Individual Negro job seekers have faced delay, evasion and ultimate failure in their search for jobs in the Veterans Administration in Washington.

I introduce for the record the report of the Civil Service Commission Ninth Region in the case of James H. Miles, a returned war veteran employed by the V.A. at Jefferson Barracks. I seem to have overlooked bringing that, and I will get that to you.

(The report referred to, to be furnished by Mr. Richardson, is as follows:)

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MR. RICHARDSON: Despite this report which states that "a wide atmosphere of prejudice and racial discrimination exists in this facility," the Civil Service Commission in Washington, under its regulations, permitted the V.A. to appeal the Ninth Region's decision that Mr. Miles should be returned to his job. As a result of this appeal for which the V. A. spent considerable money -- bringing in some of its highest-salaried personnel to Washington -- the Civil Service Commission in Washington has concurred with the V.A. in the decision that Mr. Miles should be fired.

However, even in its decision, the Civil Service Commission notes that ". . . Charge No. 1, 'Inefficiency in the operation of the dish washing machine' be disregarded as resulting from the prejudice of his supervisor, Mrs. Heilmann . . ." This statement, together with the findings of the Regional CSC with regard to the density of racial prejudice and discrimination in this situation, certainly indicates that whatever Mr. Miles' actions were, he was driven to them by the determination of his supervisor to drive him from his job because he was a returned Negro veteran who did not propose to tolerate the contemptuous treatment accorded him and other Negroes at this facility. Moreover, it is apparent that the Civil Service Commission ignored the findings of its Regional Office and cooperated with the Veterans Administration in this discrimination.

State Department.

This Department has had one of the worst pre-war records on discrimination. Ironically enough, it applied to the FEPC itself during the last days of that Agency, for an employee qualified for fiscal work and specified "White only." Upon inquiry, this specification was expanded in the following words: "Just didn't think of a colored person as being able to do that kind of work any more than you would think of asking for a white janitor." This quotation is entirely typical of the atmosphere in the State Department for years.

In addition to being included in the list of 10 agencies which I have submitted, I introduce for evidence this copy of a State Department inter-agency application form. You will note the space calling for race. Moreover, it is common knowledge in Washington, D. C., that a high State Department personnel officer who had taken a forthright stand against Negro discrimination has now become extremely unpopular with his fellow officials because of his position on this question.

(The application form referred to is as follows:)

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FEB 5 1947

FORM 5-130 FORMERLY DP-1 5-1-44		<b>DEPARTMENT OF STATE REQUEST FOR PERSONNEL ACTION</b>		<i>For Use of DP &amp; BF Only</i>	
Prepare 3 Copies. Forward Original and 1 Copy Together With Applicant's Papers to BF for Clearance Before Action by DP.				BUDGET CONTROL	
Nature of Action Requested					
Proposed Effective Date					
Name		Date of Birth		Appropriation	
Sex	Race	Legal Residence		CIVIL SERVICE AUTHORITY	
PRESENT STATUS		PROPOSED STATUS		RETIREMENT DEDUCTION	
Position No.		Position No.		CLASSIFICATION (Reference, Name, No. etc.)	
Title		Title			
Grade and Salary		Grade and Salary			
Office or Division		Office or Division			
Branch		Branch		NATURE OF POSITION	
Section		Section			
Unit		Unit			
Headquarters		Headquarters		New	
REMARKS: (For Use of DP Only)				Additional Identical	
				Reallocation	
				Vice	
				APPROPRIATION & ALLOTMENT CODE	
				From	To
DESCRIPTION OF DUTIES: (For Continuation Use Back of Sheet)				INVESTIGATION	
				Administrative Approval	
				EFFECTIVE DATE	
				Applicant Notified	
				To E.O.D.	
				Division Notified	
				Date of Oath	
Date	Signature and Title of Responsible Officer			Routing Symbol	

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MR. RICHARDSON: Treasury Department.

The Bureau of Internal Revenue is one of the 10 agencies listed as having discriminatory hiring policies. Reports to U.P.W. from individual job seekers in the Treasury Department indicate delay and ultimate failure to obtain clerical positions.

The Bureau of Internal Revenue in Washington witnessed several weeks ago an illegal and most shameful expression of racial prejudice, when over 50 white employees engaged in a work stoppage because a Negro was placed in their section. The agency has so far failed to create the kind of atmosphere which would eliminate this sort of friction. By atmosphere, I mean the complete abolition of segregated sections, segregated pay rolls, and segregated lunch-rooms. The agency has demonstrated no insistence whatsoever that President Truman's policy on this question must be observed by all Government workers. As of this date, the situation which gave birth to a race-hatred work stoppage still prevails in that agency.

The Bronx Office of the Bureau of Internal Revenue, Processing Division, has recently come in for considerable public criticism because of the anti-Negro actions and statements of the Chief of the Processing Division, J. H. Campbell. Here in this Division can be seen the very essence of discrimination against Negroes. Over 80 percent of the approximately 3,000 employees in this Division are Negroes. In fact, it is suspected that such a high proportion of Negroes are employed here because during the war this was the most unattractive agency from the point of view of working conditions in the New York region.

Workers are being hired for a six-month period only at the lowest clerical grade in the federal service, a grade practically non-existent in other Government agencies in the New York area and elsewhere. At the end of six months, a large number of the workers are fired instead of being promoted to the next grade for which they are eligible. In this way the Head of the Division continues to exercise his preference for not having Negroes employed in classifications higher than CAF-2. Some of the employees are rehired a few months later, together with many new employees, all at the same low grade -- CAF-1.

Many veterans are included in this unfair hiring and firing practice. Veterans who have 10 percent or over disability are entitled to permanent status. Many veterans have not been given permanent status.

Now that the Government is returning to a peacetime status and examinations have already been given in that region, the Negro

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employees in that agency are being intimidated and demoralized by Mr. Campbell's statements that very few of them will be able to pass the exams and that they have no rights to the jobs which they have filled and performed adequately; and that as far as he is concerned, since the ratio of Negro to white is 1 to 15 in that area, he is discharging his responsibility with regard to carrying out anti-discrimination policies, by employment of Negroes in that same ratio. This, of course, is an admission on his part that workers are chosen not according to their ability and experience, but, on a discriminatory basis, according to color. Moreover, since more than 80 percent of his employees are now Negroes, it is clear that his policy of one of every 15 would mean serious job losses for the Negroes presently employed in this agency, with a corresponding slash in the purchasing power of that group of citizens, representing millions of dollars.

Imagine the uneconomic results of this policy of discrimination! Not only is the low morale a real hindrance to maximum efficiency, but the program of constant hiring and rehiring necessitates repeated training of new employees.

Interior Department.

The administration in this Department was one of the few old-line agencies which made a definite effort to overcome the discriminatory pattern. Nevertheless, discrimination persists there. I would like to cite the instance of a Negro veteran who traveled 2,000 miles with his wife to take a job in the Indian Service but on arrival was rejected on the grounds that Indians are prejudiced against Negroes. A displaced employee qualified for a CAF-3 job reported to the U.P.W. here repeated visits to the Bureau of Mines and to the Interior Department personnel office after having been told of definite vacancies. After various delays he was informed in both instances that the vacancies did not exist.

Labor Department.

U.P.W. was informed in the latter part of 1945 that the Labor Department personnel office, after indicating interest in laid-off CAF-3 employees, reversed itself and said there were no jobs after being informed that the individuals involved were Negroes.

To this must of course be added the segregated procedures of the District of Columbia United States Employment Service which persisted through the first year of post-war readjustment and helped to restrict Negro opportunity during the period when a number of old-line agencies were bringing staff up to normal strength after having been restricted by the war-time manpower shortage. This practice of segregation in the District USES has now been eliminated.

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Federal Trade Commission

U.P.W. recently handled a grievance of a whole group of employees being transferred from O.P.A. to F.T.C. Sixty percent of the employees were Negroes and it was the intention of F.T.C. to retain none of these. Union action brought some satisfaction in this matter.

The usual experiences of Negro job seekers in these agencies, as well as in such places as General Accounting Office, Library of Congress, Department of Agriculture, National Archives, which have not increased their total employment since the war but nevertheless have been doing some hiring, follows a definite pattern. The job seeker is informed of vacancies in his grade either through the Civil Service Commission, personnel office of his former agency, or USES. He visits the personnel office or individual supervisor concerned and is immediately put off by statements that there are no vacancies yet, that there may be vacancies in lower grades, etc., etc. He is told to leave his application and will be notified, or else to return in a few days or a few weeks. He may be sent to various individual officials who give varying reasons why he cannot be hired immediately. But the ultimate result is the same. Somehow the exactly suitable vacancy is never found for him.

Agriculture Department.

As an example of how this works, I submit the case which arose some weeks ago in the United States Department of Agriculture.

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UNITED STATES DEPARTMENT OF AGRICULTURE  
WASHINGTON 25, D. C.  
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID  
PAYMENT OF POSTAGE, \$300 -  
(PMGC)

Mrs Rachel Bernice Smith Quoton

210 47th Street S.E.

WASHINGTON, D. C.

STANDARD FORM NO. 64

*Office Memorandum* • UNITED STATES GOVERNMENT

TO :  
FROM :  
SUBJECT:

DATE:

1/27

John [REDACTED]

Attached are the applications  
I talked to you about. Except for  
color - they look like good girls.

John



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APPLICATION FOR FEDERAL EMPLOYMENT

1. Position: **Clerk - Typist (Steno.)**

2. Location: **Washington, D. C.**

3. Name: **Rachel Bernice Smith Quoton**

4. Address: **119 47th Street, S. E.  
Washington, D. C.**

5. Salary: **Re. 7500  
Ext. 6450**

6. Date of birth: **3/30/1916**

7. Sex:  Male  Female

8. Height: **5** feet **5 1/2** inches

9. Weight: **135** pounds

10. Social Security Number: **CAF-3 11/17/46**

DO NOT WRITE IN THIS BLOCK  
For Use of Civil Service Commission Only

INITIAL AND DATE

15. (a) Would you accept employment at the following location? **Washington, D. C.**

(b) Would you accept employment at the following location? **Washington, D. C.**

(c) What is the lowest entrance salary you would accept? **2300.00** per year

You will not be considered for positions paying less.

(d) If you are willing to travel, specify:  Occasionally  Frequently  Constantly

16. PRESENT POSITION

Date of appointment: **Jan. 1946**

Place of employment (city and State): **Washington, D. C.**

Name and address of employer (name, organization, or person): **Labor Dept. - NWSB, Legal Div.**

Kind of business or organization (e.g., wholesale, insurance, agency, etc.): **Government agency**

Number and kind of employees supervised by you: **none**

Name and title of immediate supervisor: **Mrs. Mary M. Kaufman - Attorney**

Reason for desiring to change employment:

Description of your work: **See Attachment**

Salary or earnings: Starting **\$2100** per an. Present **\$2469** per an.

(CONTINUED ON NEXT PAGE)

OP 10-47208-2

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President's Committee  
on  
Civil Rights

COMMISSION APPLICATION FOR FEDERAL EMPLOYMENT

Form approved.  
Budget Bureau No. 50-R046.

If more space is required  
this application is required  
to be accompanied by a  
STATEMENT ON  
QUALITY that has submitted

1. Answer every question below clearly and completely. Typewrite or print.  
2. Are applying for a position in the United States Civil Service examination, read the  
announcement carefully and follow all directions. Mail this application to the office  
of the announcement. Be sure to mail to the same office any other forms required by  
the announcement. Notify the office with which you file this application of any change in  
address.

1. Name of examination, or kind of position applied for:  
**Clerk Typist**

2. Optional subject (if mentioned in examination announcement):

3. Place of employment applied for:  
**Washington, D. C.**

4. Mr. (First name, last name, (last name, if any), (last name)  
Mrs. (Last name)  
Miss **Anha Mary Wrenn**

5. Street and number or R. D. number:  
**2415 Ontario Road N. W. Apt. 201**  
City or post office (including postal zone), and State:  
**Washington 9, D. C.**

6. Legal or voting residence (State): **Ohio** 7. Office phone No.: **RE7500** Home phone:  
**Ext. 72893 AD4368**

8. Place of birth (city and State; if born outside U. S., name city and country):  
**St. Carmel, Ky.**

9. Date of birth (month, day, year): **Nov. 25, 1921** 10. Age last birthday: **25** 11.  Male  Female

12.  Married  Single 13. Height without shoes: **5 feet 3 inches** Weight: **120 pounds**

14. Have you ever been employed by the Federal Government?  Yes  No  
If now employed by the Federal Government, give present grade and date of last change in grade:  
**CAF-3 October, 1943**

DO NOT WRITE IN THIS BLOCK  
For Use of Civil Service Commission Only

Material Entered register:  
 Appor.  Submitted  
 Non-appor.  Returned

Notations: App. Review:

Approved:

OPTION	GRADE	EARNED RATING	PREFER-ENCE	AUGM. RATING
			<input type="checkbox"/> 9 points (tent)	
			<input type="checkbox"/> 10 points	
			<input type="checkbox"/> Wife or Widow	
			<input type="checkbox"/> Disal.	
			<input type="checkbox"/> Being investigated	

INITIALS AND DATE

Include "Yes" or "No" answer by placing X in proper column

	YES	NO
15. (a) Would you accept short-term appointment, if offered, for—		
1 to 3 months?		<input checked="" type="checkbox"/>
3 to 6 months?		<input checked="" type="checkbox"/>
6 to 12 months?	<input checked="" type="checkbox"/>	
(b) Would you accept appointment, if offered—		
in Washington, D. C.?	<input checked="" type="checkbox"/>	
anywhere in the United States?		<input checked="" type="checkbox"/>
outside the United States?		<input checked="" type="checkbox"/>

15. (c) If you will accept appointment in certain locations ONLY, give acceptable locations:  
**Washington, D. C.**

(d) What is the lowest entrance salary you will accept: \$ **2243.52** per year.  
You will not be considered for positions paying less.

(e) If you are willing to travel, specify:  
 Occasionally  Frequently  Constantly

16. EXPERIENCE.—You are requested to furnish all information asked for below in sufficient detail to enable the Civil Service Commission and the appointing agency to determine your qualifications for the position for which you are applying. In the spaces provided below describe EVERY position you have held. Use a separate block for EACH position. You may also include any pertinent religious, civic, welfare or organizational activity which you have performed, either with or without compensation, showing the number of hours per week and weeks per year in which you were engaged in such activity. Start with your PRESENT position and work back, accounting for all periods of unemployment. Explain clearly the principal tasks which you performed in each position. Describe your experience in the Armed Services in question 17 (Military Experience).  
(a) If you were ever employed in any position under a name different from that shown in Item 4 of this application, give under "Description of your work" for each position, the name used.  
(b) If you have never been employed or are now unemployed, indicate that fact in the space provided below for "Present Position."

PRESENT POSITION

Date of employment (Month, year): From **January 1946** To present time

Place of employment (city and State): **Washington, D. C.**

Name and address of employer (firm, organization, or person): **Communications Natl. Page Stab. Bd.**

Kind of business or organization (e. g., wholesale store, insurance agency, n.f.g. of locks, etc.):

Number and kind of employees supervised by you:

Name and title of immediate supervisor: **Charles Leavens**

Reason for desiring to change employment: **Termination of Agency**

Salary or earnings: Starting \$ **1620** per annum Present \$ **2243.52** per annum

Description of your work: **See Attachment**

(CONTINUED ON NEXT PAGE)

OP-16-47208-2

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President's Committee  
on  
Civil Rights

January 1946  
COMMISSION

APPLICATION FOR FEDERAL EMPLOYMENT

Form approved.  
Budget Bureau No. 50-R046.

INSTRUCTIONS.—Answer every question below clearly and completely. If you write or print that you are applying for a specific United States Civil Service examination, read the announcement and follow all directions. Mail this application to the office mentioned in the announcement. Be sure to mail to the same office any other forms required by announcement. Notify the office with which you file this application of any change in your address.

1. Name of examination, or kind of position applied for:

2. Optional subject (if mentioned in examination announcement):

3. Place of employment applied for:

4. Mr. (first name) (Middle) (Maiden, if any) (Last)  
Mrs. Miss Constantine Barbara Murray

5. Street and number or R. D. number:  
1501 14th St. N.W.  
City or post office (including postal zone), and State:  
Washington, D.C.

6. Legal or voting residence (State): Washington, D.C. 7. Office phone No.: 7500-12878 Home phone: 6761

8. Place of birth (city and State; if born outside U. S., name city and country): Washington, D.C.

9. Date of birth (month, day, year): March 22, 1922 10. Age last birthday: 23 11.  Male  Female

12.  Married  Single 13. Height without shoes: 5 feet 4 inches Weight: 110 pounds

14. Have you ever been employed by the Federal Government?  Yes  No  
If now employed by the Federal Government, give present grade and date of last change in grade:

DO NOT WRITE IN THIS BLOCK  
For Use of Civil Service Commission Only

<input type="checkbox"/> Appor.	<input type="checkbox"/> Submitted	Entered register:		
<input type="checkbox"/> Non-appor.	<input type="checkbox"/> Returned			
Notations:		App. Review:		
Approved:				
OPTION	GRADE	EARNED RATING	PREFER-ENCE	AUGM. RATING
			<input type="checkbox"/> 5 points (tent.)	
			<input type="checkbox"/> 10 points	
			<input type="checkbox"/> Wife or Widow	
			<input type="checkbox"/> Disal.	
			<input type="checkbox"/> Being investi-gated	
INITIALS AND DATE				

Indicate "Yes" or "No" answer by placing X in proper column

	YES	NO
16. (a) Would you accept short-term appointment, if offered, for—		
1 to 3 months?	X	
3 to 6 months?	X	
6 to 12 months?	X	
(b) Would you accept appointment, if offered—		
in Washington, D. C.?	X	
anywhere in the United States?		
outside the United States?		

15. (c) If you will accept or pointment in certain locations ONLY, give acceptable locations:  
Wash, D.C. & N.Y.

(d) What is the lowest entrance salary you will accept: \$2-16.26 per year.  
**You will not be considered for positions paying less.**

(e) If you are willing to travel, specify:  
 Occasionally  Frequently  Constantly

16. EXPERIENCE.—You are requested to furnish all information asked for below in sufficient detail to enable the Civil Service Commission and the appointing officers of agencies to determine your qualifications for the position for which you are applying. In the spaces provided below describe EVERY position you have held. Use a separate block for EACH position. You may also include any pertinent religious, civic, welfare or organizational activity which you have performed, either with or without compensation, showing the number of hours per week and weeks per year in which you were engaged in such activity. Start with your PRESENT position and work back, accounting for all periods of unemployment. Explain clearly the principal tasks which you performed in each position. Describe your experience in the Armed Services in question 17 (Military Experience).

(a) If you were ever employed in any position under a name different from that shown in Item 4 of this application, give under "Description of your work" for each position, the name used.

(b) If you have never been employed or are now unemployed, indicate that fact in the space provided below for "Present Position."

**PRESENT POSITION**

Dates of employment: (Month, year) From: <u>Jan 46</u> To present time	Exact title of your present position: <u>Chief Clerk</u>	Salary or earnings: Starting, \$ <u>7.11</u> per <u>annum</u> Present, \$ <u>7.11</u> per "
Place of employment (city and State): <u>Washington, D.C.</u>	Description of your work: <u>see announcement</u>	
Name and address of employer (firm, organization, or person). If Federal, name department, bureau or establishment, and division: <u>NWSB</u>		
Kind of business or organization (e. g., wholesale milk, insurance agency, mfg. of locks, etc.):		
Number and kind of employees supervised by you:		
Name and title of immediate supervisor: <u>M. ...</u>		
Reason for desiring to change employment:		

(CONTINUED ON NEXT PAGE)

69-16-47298-2

HARRY S. TRUMAN LIBRARY

President's Committee  
on  
Civil Rights

June 1946 COMMISSION APPLICATION FOR FEDERAL EMPLOYMENT Form approved Budget Bureau No. 50-RC46.

ANS.—Answer every question below clearly and completely. Typewrite or print. If you are applying for a specific United States Civil Service examination, read the announcement carefully and follow all directions. Mail this application to the office in the announcement. Be sure to mail to the same office any other forms required by the announcement. Notify the office with which you file this application of any change in your address.

1. Name of examination, or kind of position applied for:

2. Optional subject (if mentioned in examination announcement):

3. Place of employment applied for:

4. ~~Mr.~~ (First name) (Middle) (Last, if any) (Last)  
Mrs. Evelyn Mae Browne Hill

5. Street and number or R. D. number:  
1124 Columbia Rd. N. W.  
City or post office (including postal zone), and State:  
Washington, D. C.

6. Legal or voting residence (State): 7. Office phone No.: Home phone  
Re. 7500  
Ext. 72721 Du. 7921

8. Place of birth (city and State; if born outside U. S., name city and country):  
Washington, D. C.

9. Date of birth (month, day, year): 10. Age last birthday: 11.  Male  
1/3/1915 32  Female

12.  Married  Single 13. Height without shoes: 4 feet 11 inches Weight: 92 pounds

14. Have you ever been employed by the Federal Government?  Yes  No  
If now employed by the Federal Government, give present grade and date of last change in grade:  
CAF-4 - 6/16/46

DO NOT WRITE IN THIS BLOCK  
For Use of Civil Service Commission Only

<input type="checkbox"/> Appor.	<input type="checkbox"/> Material	Entered register:		
<input type="checkbox"/> Non-appor.	<input type="checkbox"/> Submitted	<input type="checkbox"/> Returned		
Notations:		App. Review:		
Approved:				
OPTION	GRADE	EARNED RATING	PREFER-ENCE	AUGM. RATING
			<input type="checkbox"/> 5 points (tent.)	
			<input type="checkbox"/> 10 points	
			<input type="checkbox"/> Wife or widow	
			<input type="checkbox"/> Disal.	
			<input type="checkbox"/> Being investigated	
INITIALS AND DATE				

Indicate "Yes" or "No" answer by placing X in proper column

	YES	NO
15. (a) Would you accept short-term appointment, if offered, for—		
1 to 3 months?		X
3 to 6 months?		X
6 to 12 months?		X
(b) Would you accept appointment, if offered—		
in Washington, D. C.?	X	
anywhere in the United States?		X
outside the United States?		X

15. (c) If you will accept appointment in certain locations ONLY, give acceptable locations:

(d) What is the lowest entrance salary you will accept: \$ 2394 per year.  
You will not be considered for positions paying less.

(e) If you are willing to travel, specify:  
 Occasionally  Frequently  Constantly

16. EXPERIENCE.—You are requested to furnish all information asked for below in sufficient detail to enable the Civil Service Commission and the appointing officers of agencies to determine your qualifications for the position for which you are applying. In the spaces provided below describe EVERY position you have held. Use a separate block for EACH position. You may also include any pertinent religious, civic, welfare or organizational activity which you have performed, either with or without compensation, showing the number of hours per week and weeks per year in which you were engaged in such activity. Start with your PRESENT position and work back, accounting for all periods of unemployment. Explain clearly the principal tasks which you performed in each position. Describe your experience in the Armed Services in question 17 (Military Experience).

(a) If you were ever employed in any position under a name different from that shown in Item 4 of this application, give under "Description of your work" for each position, the name used.

(b) If you have never been employed or are now unemployed, indicate that fact in the space provided below for "Present Position."

**PRESENT POSITION**

Dates of employment (Month, year) From: 6/16/46 To present time	Exact title of your present position: Clerk-Stenographer	Salary or earnings: Starting, \$ 2394 per annum Present, \$ 2394 per "
Place of employment (city and State): Washington, D. C.	Description of your work: See Attachment	
Name and address of employer (firm, organization, or person). If Federal, name department, bureau or establishment, and division: Nat'l. Wage Stabilization Board - Wash. D. C.		
Kind of business or organization (e. g., wholesale silk, insurance agency, mfg. of locks, etc.): Government		
Number and kind of employees supervised by you: 1 typist		
Name and title of immediate supervisor: Mr. V. F. Geagan, Unit Chief		
Reason for desiring to change employment: Board being liquidated		

(CONTINUED ON NEXT PAGE)

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MR. RICHARDSON: The Personnel Office of the Wage Stabilization Board, still seeking to place its laid-off employees, referred four Negro clerical workers to the Agriculture Department. The employees were interviewed by the Agriculture Department, were told to leave their applications and that they would be contacted. Several days later one of them received in an official, postage-free envelope from the Agriculture Department a batch of four applications, including her own, of Negro applicants. I submit now the photostats - I have just given them to you - of the memorandum which was attached to the application forms, along with photostats of the applications and one of the envelope. These applicants have not yet been hired by the Agriculture Department and we have been informed that, although the personnel office of Agriculture knows the identity of the writer of this memorandum, no disciplinary action is contemplated. In other words, discrimination is clear, but the Agency shows no intention of carrying out the President's policy on this matter.

For every case which has come to the attention of the Union, we realize that there are at least 15 or 20 undiscovered cases which occur, working hardship on members of minority groups and remaining undiscovered, with the perpetrator going free to continue his sinister activities.

The Civil Service Commission has demonstrated only half-hearted willingness to clear up the discrimination against Negroes in Government. Between October, 1941 and March, 1946 the Civil Service Commission handled 1,871 complaints of discrimination based on race, creed, color or national origin. Of this number, it made a finding of discrimination in only 58 cases.

Not only have more recent cases been presented to the Civil Service Commission, but they have also been carried to the White House by the Union. Our charges have been substantiated by various Government officials. This problem has received widespread discussion in the national press and radio. Yet, no apparent change has been observed. Negroes are still being discriminated against by the Federal Agencies.

There is serious doubt as to whether or not the Civil Service Commission is interested in carrying out the President's policy on this matter if it means a conflict with the individual Government Agencies.

The U.P.W. proposes the establishment of a central hiring register for the discharge of Civil Service responsibilities in regard to temporary jobs.

It is clear that the responsibility for the maintenance of the

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principle of equality of opportunity rests squarely upon the shoulders of the Civil Service Commission and the Government. It is ridiculous to argue that such pedestrian problems as lack of funds and the principle of decentralization in Government personnel operations prevent the Civil Service Commission and Government from acting to correct this problem. The U.P.W.-C.I.O. maintains that the problem of discrimination against Negroes and other minority groups in Government hiring is so basic as to warrant any corrective steps which may be found necessary. We have consistently advanced that position without any favorable response from the Civil Service Commission. In fact, despite serious warnings that practices of discrimination by the various Agencies were imminent, the Civil Service Commission prepared an Executive Order for the President's signature which gave the Agencies the right to hire temporary workers without prior Civil Service approval. This order is now known as Executive Order 9691. The warnings our Union gave are substantiated by the body of evidence just submitted.

The Union had advocated that the Civil Service Commission create a central hiring register which would serve to reduce the violations of the rights of Negro job applicants. Such a central hiring register would have centralized applicants and centralized job referrals, so that Agencies would not be able to pick and choose according to the prejudices of the individual hiring officers.

Our Union contends that a central hiring register could well be utilized during the period of hiring for temporary jobs, which will go on for at least another year and a half, for a sum of approximately \$100,000, a small cost for the solution of such an important problem. The failure of Government to institute such a central hiring register is partly responsible for the fact that there is an unofficial but well-known policy of discrimination on the part of the ten Agencies listed above, despite the efforts of the Civil Service Commission Inspection Division.

U.P.W. proposes that laid-off Government workers who pass Civil Service exams be given preference in the filling of permanent jobs.

The waste of trained manpower brought about by the policy of discrimination represents a most uneconomic approach to the question of Government administration.

The Civil Service Commission states that it is holding as rapidly as possible examinations for permanent jobs in Government. The United Public Workers of America contend that the experience and training of laid-off War Service workers should be utilized by Government by granting them some preference in the setting up of

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lists for permanent jobs. In Executive Order 9691, a laid-off War Service worker, if he has taken and passed the examination, may be given a preference of five points if the Agency so desires. The Union contends that, like other provisions regarding the rights of people who worked for the Government during the war, this should not be an optional provision but that the Government should guarantee such a provision by making it compulsory.

The waste resulting from the failure to apply this policy can be seen by the example of the Processing Division of the Bronx Bureau of Internal Revenue.

U.P.W. proposes the establishment of an F.E.P.C. in Government.

The looseness of Executive Order 9691 which permits discrimination in hiring for temporary jobs and the general lack of concern and sensitivity on the part of the Civil Service Commission and other Government authorities to the problem of discrimination, presents the country with a situation which will mean the almost complete elimination of Negroes from Government jobs if allowed to continue.

For example, with the return of the "Rule of Three", an Agency will have certified to it three job applicants who are at the top of the current list for a particular job. The Agency can choose any of the three for the job. If a Negro is Number 1 on the list, and the Agency is so disposed, it can pass over his name and pick Number 2. If the first and the second names are both Negroes, the Agency can pass over these names and pick Number 3. Thus, even within the framework of Civil Service regulations, discrimination is completely possible. U.P.W. proposes that the Agency be compelled, when passing over the first and second names, to give its reasons for doing so in writing and to make these reasons available to the job applicant or his representatives.

The Civil Service Commission states that its Inspection Division will prevent discrimination in both temporary and permanent jobs. The Inspection Division is totally inadequate to deal with this problem. It is responsible for the handling of veterans' problems. It is responsible for the policing of examinations. It is responsible for the general application of Civil Service rules and regulations. The staff of this Division is small. It has so far failed to handle satisfactorily the problem of racial discrimination.

The statement of the Civil Service Commission that its Inspection Division can adequately handle this problem is merely

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another indication of the Commission's refusal to address itself directly to this problem.

In order to narrow as much as possible the areas which permit discrimination, the United Public Workers proposes that the President create by Executive Order a Committee to guarantee adherence to his fair employment practices policy in Government, a Committee which would have the authority to adjust problems of discrimination brought before it. Such a body need not be an elaborate one, but would consist of three Commissioners and a staff of seven, which could operate under a minimum budget of \$85,000. Such an action by President Truman would serve as a warning to all that he intends to see his statement against discrimination in Government brought to life firmly and with determination. Such an action by the President would come as a ray of light to those hundreds of Negroes who today are facing a dark picture of disillusionment with regard to achievement of their basic rights as American citizens.

Summary.

It is our contention that Government as an employer has the responsibility of setting an example for all other employers in carrying out those basic citizenship rights which are set forth in our Constitution. The existence of discrimination against Negroes which has been described above, is a clear indication of Government's failure in this field. Government cannot convincingly attack the problem of civil rights for the nation as a whole unless it, first of all, grants full civil rights in the operation of the Government Service. By civil rights in this case, I mean the right to a job. Otherwise, the great body of discrimination which has arisen in this country in the state, county and municipal governments and in private industry will continue to grow and the American nation as a whole will continue to be guilty of repudiating those principles for which the last war was fought.

I, therefore, reiterate the recommendations which my Union makes to correct this cancerous situation:

A. That a central hiring register be established immediately for the recruiting of temporary workers on the basis of service and experience.

B. That War Service workers, laid off from Government jobs, who take and pass the coming Civil Service examinations for permanent jobs, be given preference over all applicants from the outside, except for veterans.

C. That there be created immediately by Executive Order a

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Fair Employment Practices Committee for Government hiring.

D. That the "Rule of Three" be corrected to require the Agency to submit in writing reasons for passing over names of applicants and to make available these reasons to the job applicant or his representatives.

E. That Agencies be penalized for violation of rules and regulations.

MR. LUCKMAN: Mr. Richardson, that certainly is a very comprehensive and clear statement of your position. If agreeable I think we will withhold the questions which I am sure we all have, in the interest of hearing first from Mr. Weaver who has now joined us, and then perhaps we can combine our questions to both of you.

MR. RICHARDSON: That is perfectly agreeable.

MR. LUCKMAN: Mr. Weaver, will you proceed, please, and make whatever statement you desire, and then we will ask you both questions.

STATEMENT OF GEORGE L. P. WEAVER  
Director, CIO Committee to Abolish Discrimination

MR. WEAVER: I have brought along with me, Mr. Chairman, three documents for the information of the Committee on the activities of the CIO, the first of which is entitled "To Abolish Discrimination", of which I think I have enough copies to go around.

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MR. WEAVER: For the purpose of saving time, as I understand there is a time limit --

MR. LUCKMAN (Interposing): Yes, we are unfortunately faced with that necessity.

MR. WEAVER: I have attempted to summarize this statement and I will read the summary which I have prepared.

This report represents a factual statement of the activities of the Congress of Industrial Organizations to extend democracy to Americans of every race and creed, and is being submitted to the President's Committee on Civil Rights in the hope that it will point up the need for specific legislation designed to implement the Constitution and Bill of Rights. In order to save time we would like to summarize this statement rather than read it in toto, and present additional factual material.

I would like first to call your attention to the first objective in the constitution of the Congress of Industrial Organizations, which is:

"To bring about the effective organization of the working men and women of America, regardless of race, creed, color or nationality, and to unite them for common action into labor unions for their mutual aid and protection."

The CIO Committee to Abolish Discrimination was created to implement this policy by rendering active assistance to our affiliated unions with a view toward achieving this objective throughout our movement. The Committee's activities among our membership and in our communities and the influence it exerts on government agencies, represents a practical attempt to translate this policy into every-day reality.

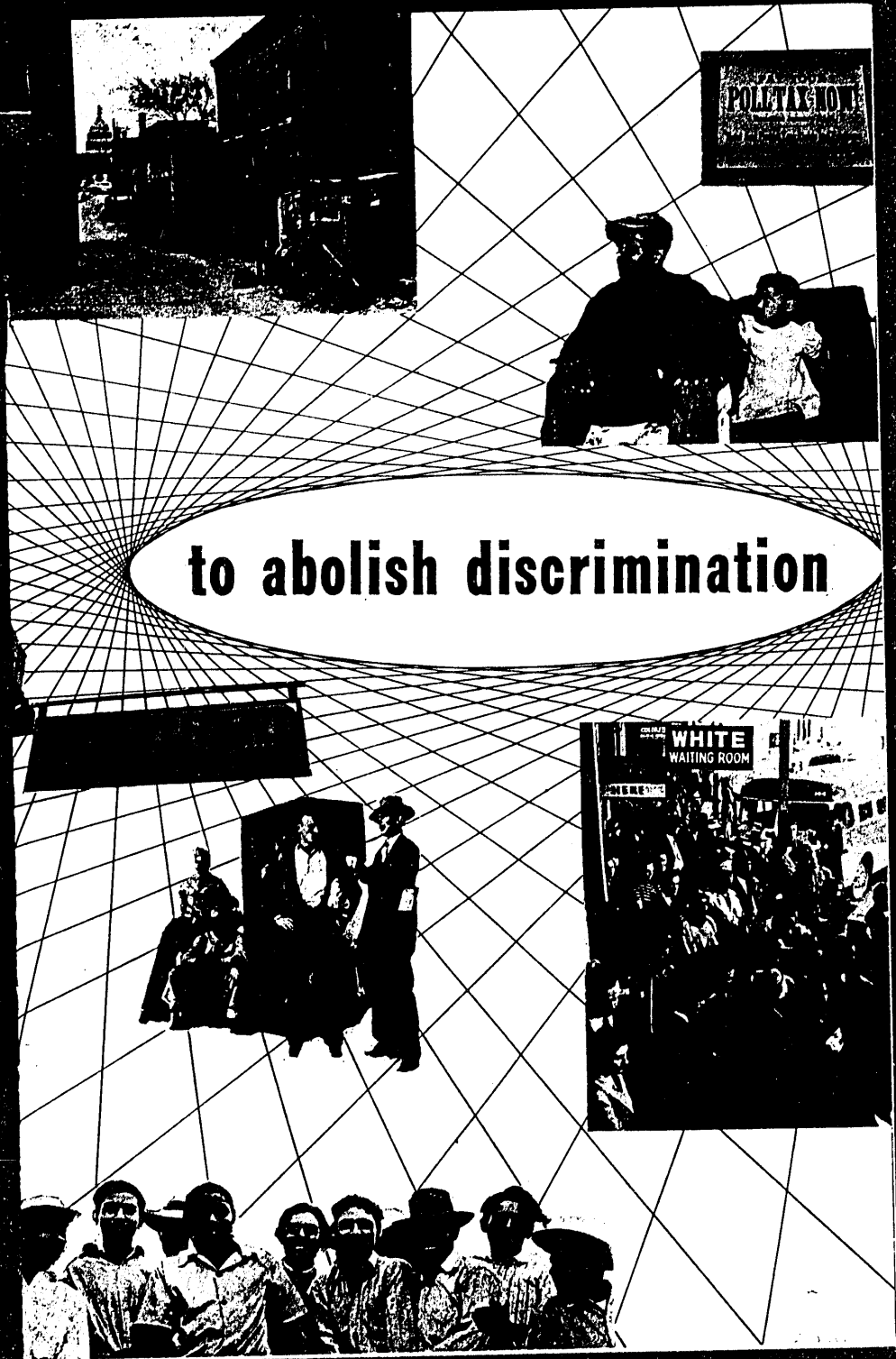
I might also add that it was felt and demonstrated during the beginning of the war that this constitutional objective or statement of policy in many instances was just a pious declaration of intent rather than a practical reality, and that bore heavily on the creation of this arm of the CIO to implement this policy.

The day-to-day program of the Committee falls into the following categories:

1. Formation of committees to abolish discrimination within the framework of each CIO industrial union council - state, county and municipal - as well as in each CIO international union.

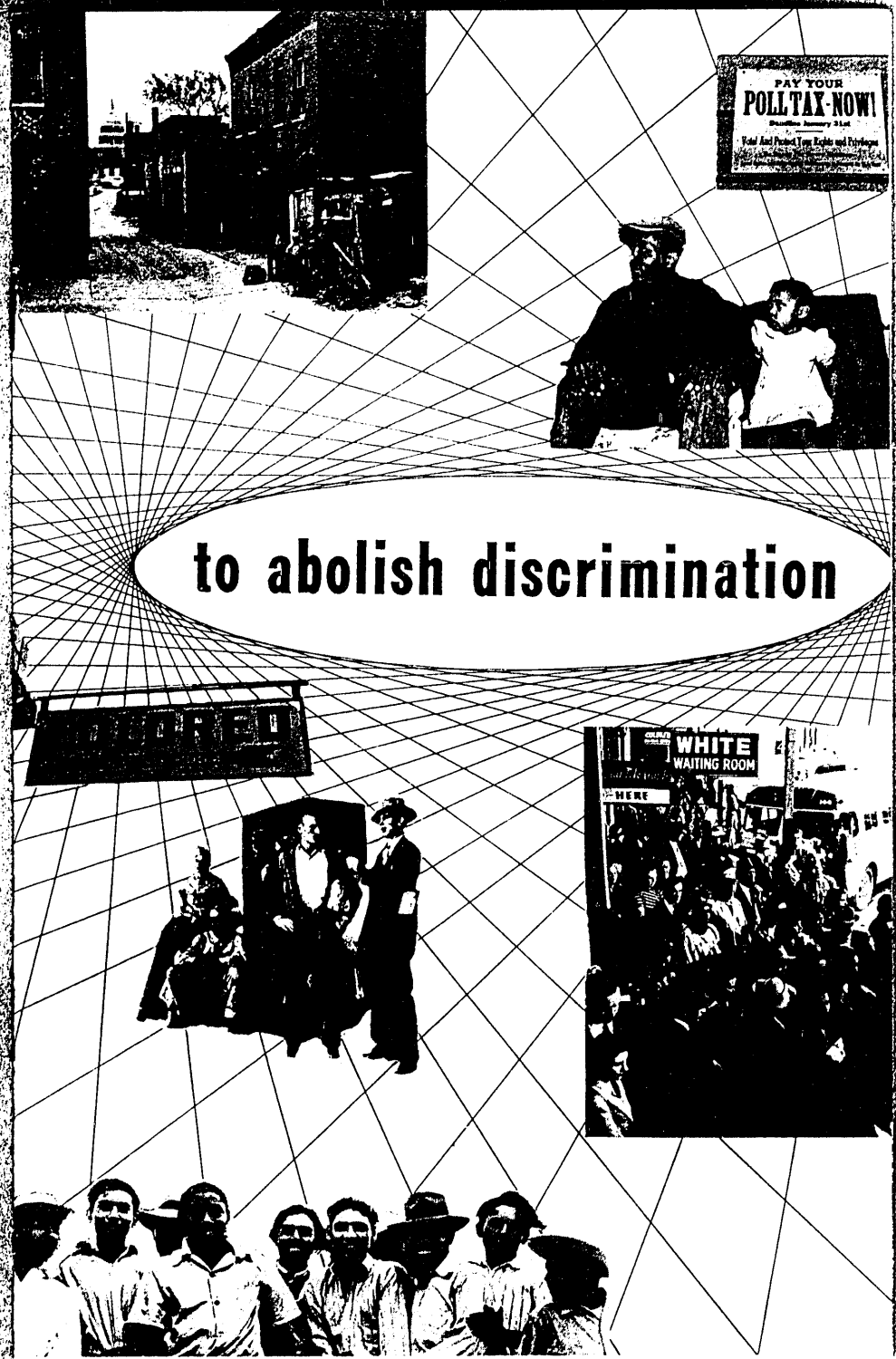
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**IN** a world groping for peace, there are fundamental issues which are demanding solution. Among them, is the so-called race issue. In recognition of this fact, President Truman created his Commission on Civil Rights, which has the responsibility of recommending to Congress and the American people legislation that will guarantee in fact the rights and privileges of American citizens, regardless of race, color or creed, as already enunciated in our Constitution.

How this problem is solved will help determine whether the world will witness a maximum or a minimum degree of racial turmoil in the coming decades. Will America lead the world to a level of enlightenment, by dealing with this problem on a high level of humanism and intelligence, or will we yield to the dark and primitive residues in our national spirit, attempting to ride roughshod over the racial problem, the Negro in particular? This is a decision which can bring to America a post-war era of internal healing and recovery, or a period of extreme tension and conflict between the races, and involvement in an expanding conflict which might eventually precipitate the third world war.

America must unequivocally realize that the American race question transcends domestic politics. This fact was recognized by the civilized world when on June 26, 1945, delegates from fifty nations signed the Charter of the United Nations. In Article I of the Charter, the peoples of the United Nations affirm as one of their purposes:

“. . . to achieve international cooperation . . . in promoting and encouraging respect for human rights and for fundamental freedoms for all, without distinction as to race, sex, language or religion.”

The Charter repeats this principle four other times.

This is not a new concept to America. On the contrary, it is consistent with the principle which the Declaration of Independence advocates and the Constitution demands. In the deliberations of the President's Commission, this standard must be used in determining the practice of democracy in the fundamental relationships of our everyday life here in America. The task is to bring forth recommendations that will enable the United States government to guarantee and protect the inalienable rights of those American citizens who heretofore have been denied this protection because of their race, creed, color or sex.

America has two approaches to the problem. The first is an official approach through governmental acts and policies. The second is through the private acts and attitudes of citizens, religious groups, business groups, voluntary associations of workers, and the many other types of organizations operating in our communities. An enlightened, courageous federal program will go far in conditioning the racial practices of citizens and their organizations. But, unfortunately, the federal government, as a rule, operates on a policy of official expediency, and actually it has been the viewpoints of private citizens and their pressure groups which have given direction to the government. One of the negative results of this kind of policy is that American citizens are assured of greater protection and respect for their civil rights while on foreign shores than many of them are granted within U. S. borders.

Based on the experiences of the Congress of Industrial Organizations, it is hoped that the Commission may bring about the realization that there can be positive accomplishments in this field, and also a realization of the difficulties which are and will be encountered in this area of human relations, without adequate legal implementation.



The CIO states as its first objective:

"To bring about the effective organization of the working men and women of America, regardless of race, creed, color or nationality, and to unite them for common action into labor unions for their mutual aid and protection."

The National CIO Committee to Abolish Discrimination was created to implement this policy, by rendering active assistance to our affiliated unions toward achieving this objective, throughout our movement. The Committee's activities among our membership and in our communities, and the influence it has exerted in government agencies, represent a practical attempt to translate the aforementioned constitutional objective into everyday reality.

The day-to-day program of the Committee falls into the following categories:

1. Formation of COMMITTEES to abolish discrimination within the framework of each CIO industrial union council—state, county and municipal—as well as in each CIO international union.
2. Dissemination of EDUCATIONAL MATERIAL to our membership and to the general public.
3. Establishment and maintenance of contact with GOVERNMENT AGENCIES, in order to eliminate the traditional practice of denying participation of minorities in the administration and integration of the programs of these agencies.
4. COOPERATION with social, civic, educational and other groups whose programs are consistent with that of the CIO.

#### 1. COMMITTEES

In May 1943, the National Committee decided to organize committees to abolish discrimination in each state, county and local industrial union council, in order to carry out the policies and functions of the National Committee on the local level. A program for these local committees was adopted in March 1944. In March 1945, however, as a result of the experiences of the preceding year, a more comprehensive program was drafted, in which our recommendations with regard to the operation of these committees were more clearly defined. In this program, a procedure was outlined to assist in the processing of a complaint brought to the attention of the local committee. A suggestion was also made that the committees actively cooperate in the

educational programs and activities of local unions, and with community agencies whose programs are consistent with CIO principles.

The Congress of Industrial Organizations is composed of autonomous international unions. The National CIO and all CIO national committees are the creation of these international unions. Neither the CIO Committee to Abolish Discrimination nor any of its subordinate committees, possess mandatory powers over any CIO international union. In many instances, therefore, the National Committee as well as the state and local committees, encountered varied problems in securing adherence to their recommendations.

In order to bridge this gap, the National Committee recommended that a committee to abolish discrimina-



tion be organized within each international. We further recommended that these committees be composed of Executive Board members or high elected officers of the international, with adequate staff personnel.

To date, ten of the international unions in CIO have created this type of committee structure, and many more have designated officers or members of the staff to handle racial problems. We now have a total of one hundred council and international union committees functioning within CIO, working on the various problems facing minority group workers.

The most important task confronting the Committee to Abolish Discrimination in the future is to maintain continuous contact with this network of CIO committees. If adequate methods of serving these committees are maintained, this committee structure will remain the most effective network yet devised by a labor organization for the abolition of discrimination within our movement.

## 2. EDUCATIONAL MATERIAL

In the last two years, the National Committee has received and filled requests for more than 1,930,000 pieces of literature in the form of pamphlets, posters and other informative material. It is through this medium that we have attempted to introduce an effective technique of uprooting the evils of discrimination, prejudice and ignorance, and thus make possible the achievement of our democratic ideals.

In this area, there exists the closest cooperation between the Committee and the CIO Department of Education, in the preparation and distribution of edu-

cational material. In the library of the Department of Education are many film strips, which are available to local unions upon request. Included among these are the following:

**Brotherhood of Man** (in color)—Gives the true story of the races of mankind, based on their inherent equality.

**Saga of 666** (in color)—Shows how to handle a plant grievance. (Produced by UAW-CIO Education Department.)

**Man in the Cage** (in color)—Deals with the need for a permanent FEPC.

Because the most effective educational program is one in which the message is brought forth in a simple, interesting and entertaining manner, we stress the use of films at local union meetings.

The resources of the National Committee are always at the disposal of all the council and international committees to help them in preparing educational programs, area conferences, etc. Nor is our help reserved for the CIO alone. Universities, colleges and labor educational institutions all over the United States have called upon the officers of the Committee to explain our program and methods of implementation.

We are aware, however, that our efforts in the educational field are inadequate. In order to establish a dynamic democratic society, America must do a better job of inculcating democratic ideals into our youngest prospects—the children. We must more effectively utilize the public schools, from the nursery and kindergarten up, as a proving ground. We must institute throughout our educational system the concept of



democratic living and planning—from playing together in kindergarten to planning together in high school and college—running like a thread, binding together all studies and activities, curricular and extra-curricular. As this takes effect, there will develop a body of knowledge and experience calculated to bring about the kind of democracy which is much talked about but rarely practiced.

This can be done and it must be done. The totalitarian systems have demonstrated, frightfully well, what the contrary achieves. We are challenged to prove that we can live and work together for a democratic society.

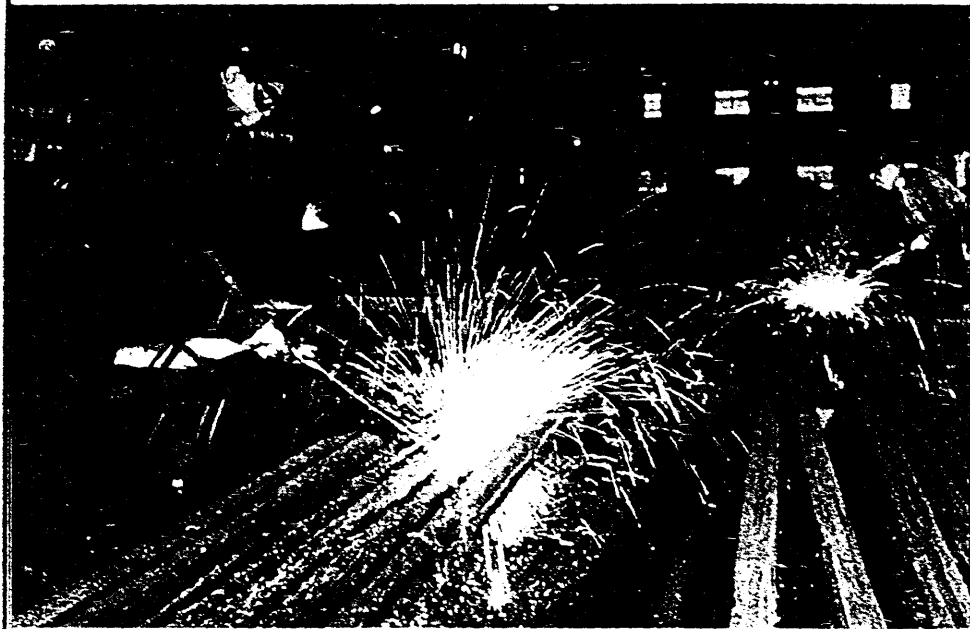
### 3. GOVERNMENT AGENCIES

Prior to the organization of the CIO Committee to Abolish Discrimination, there was no group functioning in Washington that was interested in insuring full minority participation and integration, from a trade-union point of view, in the administration of the various governmental programs. The officers of the Committee have spent a great deal of time and effort in filling this gap.

The Committee has become the recognized CIO agency to be consulted on matters relating to minority groups in the programs of the United States Employment Service; National Housing Agency and its constituent agencies, the Federal Public Housing Agency and the Federal Housing Agency; U. S. Department of Education; the Veterans Administration; and the Department of Justice.

During the war, we were in direct and constant contact with the Industrial Contract Division of the Army and Navy; the War Relocation Authority; the Office of Price Administration; and the War Production Board. We participated in the creation of minority sections of the Labor Divisions of OPA and WPB.

Shortly after the termination of hostilities, President Truman convened a National Labor-Management Conference in Washington, in order to provide an orderly method of achieving a high level of production and industrial peace. As a result of the insistence of CIO President Murray, the Conference finally unanimously adopted the following resolution, which was the most significant development of this Conference:



"Resolved, that the Labor-Management Conference urge on all elements of labor and management the broad democratic spirit of tolerance and equality of economic opportunity, in respect to race, sex, color, religion, age, national origin or ancestry, in determining who are employed and who are admitted to labor union membership."

The Committee immediately advised each CIO affiliate to attempt to negotiate this proposal into all collective bargaining agreements between employers and CIO unions.

#### U. S. Employment Service

America had achieved undreamed-of heights in employment during the war. Since the end of the war, our task has been to maintain the same high level of employment to produce the products of peace. The government agency responsible for directing the right worker to the right job was the USES.

Except for its policy regarding the members of minority groups, this agency's record is creditable. On racial issues, its program has consistently lagged. During the period of acute manpower shortages, the USES continued to follow a policy of discrimination. This policy, in many instances, was a carry-over from that of the several states, from which the federal government, by executive order, took over the administration of the USES, shortly after Pearl Harbor.

Prior to Pearl Harbor, each state was responsible for the administration of its own employment service and was subject only to certain standards established by the Social Security Board. These standards related primarily to unemployment compensation, efficient administration of the agency, and to the basis for selection and promotion of personnel. As a result of the lack of uniform standards, each state adopted its own policies and practices on referrals of minority group workers and on accepting discriminatory orders from employers. Many states made no attempt to refer members of minority groups to certain types of jobs, and many more practiced open discrimination against Negroes and other minority groups.

On November 16, 1946, the Employment Service was returned to the states. In view of the importance of this agency in the reemployment of CIO members, we feel it necessary that certain democratic standards govern its operation as the states reassume responsibility for policy and administration.



To prevent the resumption of the undemocratic practices previously employed, we have recommended that our state committees, reinforced by the state councils, request conferences with the various state employment service directors, in order to secure acceptance of the following standards:

- a. No office shall accept discriminatory orders.
- b. No referrals shall be made on discriminatory orders.
- c. No employer shall be permitted to use the facilities of the employment service to recruit workers unless he hires on a non-discriminatory basis.
- d. Segregated offices shall be abolished and all persons shall have equal opportunity for employment on the staff of the agency, without regard to race, creed, color or national origin.
- e. Each state plan of operation, submitted for approval to the U.S. Labor Department, shall contain provisions for promoting the full utilization of minority groups in local employment, and training programs serviced by the agency.
- f. State plans shall include appropriate training and reporting provisions to eliminate discrimination because of race, creed, color or national origin.



#### Fair Employment Practices

Discrimination in the USES highlights the need for state and federal fair employment practices legislation. It is only in states where such statutes exist that we are reasonably sure of democratic operation of the employment services. The adoption of the above standards, adequately implemented by FEPC statutes, would strengthen our efforts to remove discrimination from employment, as the passage of the Wagner Act implemented our efforts to organize workers.

Nothing short of Congressional action to end employment discrimination can prevent the freezing of American workers, in many sections of the country, into fixed groups—with ability and hard work of no account to those of the “wrong” race or religion. This denial of equal opportunity, if not ended, cannot fail to create civic discord and to be a source of embarrassment to the U. S. in its international relations.

The Committee made available to the state councils a model state FEPC law and the full resources of the Committee to aid in its passage. We have given maximum support and cooperation towards securing a federal FEPC. In addition to our independent efforts, we have given moral and financial support to the National Council for a Permanent FEPC.

#### 4. COOPERATION

##### Housing

Next to employment, provision of good housing for everyone is one of the imperatives of the postwar period in this country. Filling the housing needs of the American people clearly involves a public responsibility which must be met by government action.

The CIO naturally is interested in the general welfare to be promoted through the development of a

strong, efficient and stable housing industry, which will contribute its full potential toward the achievement of decent housing for all Americans, and at the same time stabilize our national economy at the level yielding full employment. In addition, the CIO, since its inception, has taken an active interest in the problem of providing housing for its membership, which of course includes the fight for elimination of restrictive covenants which hamper Negroes and other minorities.

The critical housing problem facing Negroes requires accurate definition, with understanding of its real nature, and the marshalling of concerted action for its solution. To this end, representatives of several national organizations met from time to time during 1945 to devise an effective action blueprint which would have wide application, especially in urban centers. These meetings resulted in the compilation of the pamphlet, **FACING THE JOB OF HOUSING NEGROES**, which outlines sound and practical steps toward the solution of the disproportionate difficulties minority groups face in procuring decent housing. The program recommended has become the basic guide to action in the housing field by many organizations interested in this aspect of our housing problem. The Committee to



Abolish Discrimination and the CIO Committee on Housing and Community Development jointly published and distributed this study.

#### **Civil Rights**

During the transitional period from a wartime to a peacetime economy, there have been dangerous indications of a growing trend toward the use of police brutality, and the increased resort to mob rule. Lynchings, and the admitted helplessness of local and federal officials, are an open invitation for the substitution of lynch law for due process of law.

These developments are the answers, given by reactionary forces of America, to the extension of economic and political democracy. They are in part the answer to the successful struggle of Negroes in some

places, to participate in the election of officials; in part an answer to the effort to organize America's industrial backwoods in the South; and in part the answer to those who would end segregation wherever it exists. The closer America moves toward the goal of making our "moral creed" correspond to "reality," the more bitterly will this resistance manifest itself.

Many Americans were shocked into action by the destruction of a whole community in Tennessee, and the horrible lynchings of two workers and their wives in Georgia.

As a result of an argument, which later developed into a fist fight, a chain of events were unleashed in Columbia, Tennessee, on February 25, 1946, which resulted in the destruction of an entire Negro community by state police in the best Storm Trooper tradition—two men killed and thirty-one Negroes arrested and charged with crimes, ranging from attempted murder in the first degree to carrying concealed weapons. These men, more than half of them recently discharged servicemen, were the innocent victims of race hatred and violence.

The Executive Board of the CIO passed a resolution pointing out the growing trend toward police brutality and the dangerous implications of this incidence for organized labor. This resolution was immediately implemented by the Committee to Abolish Discrimination, through direct participation in the National Committee for Justice in Columbia, Tennessee, which was called together—by the National Association for the Advancement of Colored People, under the co-chairmanship of Mrs. Eleanor Roosevelt and Dr. Channing H. Tobias—for the purpose of coordinating the activities of the many groups and individuals interested in securing justice in this case. President Murray, a member of the executive board of the NAACP, and

CIO Secretary-Treasurer Carey served on the new executive committee.

The fourfold purpose of the Tennessee Committee is:

- a. To pursue the purely legal phase (directed by the NAACP legal department).
- b. To secure the prosecution of the real culprits who are responsible for the cold-blooded wrecking of the Negro community and for killing two prisoners in the jail.
- c. To institute legal and other damages for destruction of property and personal injury.
- d. To publicize this case in order to awaken America to the pattern of fascism involved.

To date, the National Committee for Justice in Columbia, Tennessee, can report partial success for items one and four. The verdict of "Not Guilty" for the defendants in the trial concluded in Lawrenceburg, Tennessee, is only the first step in securing for the unfortunate victims a measure of justice.

On July 25, 1946, five months after the Columbia



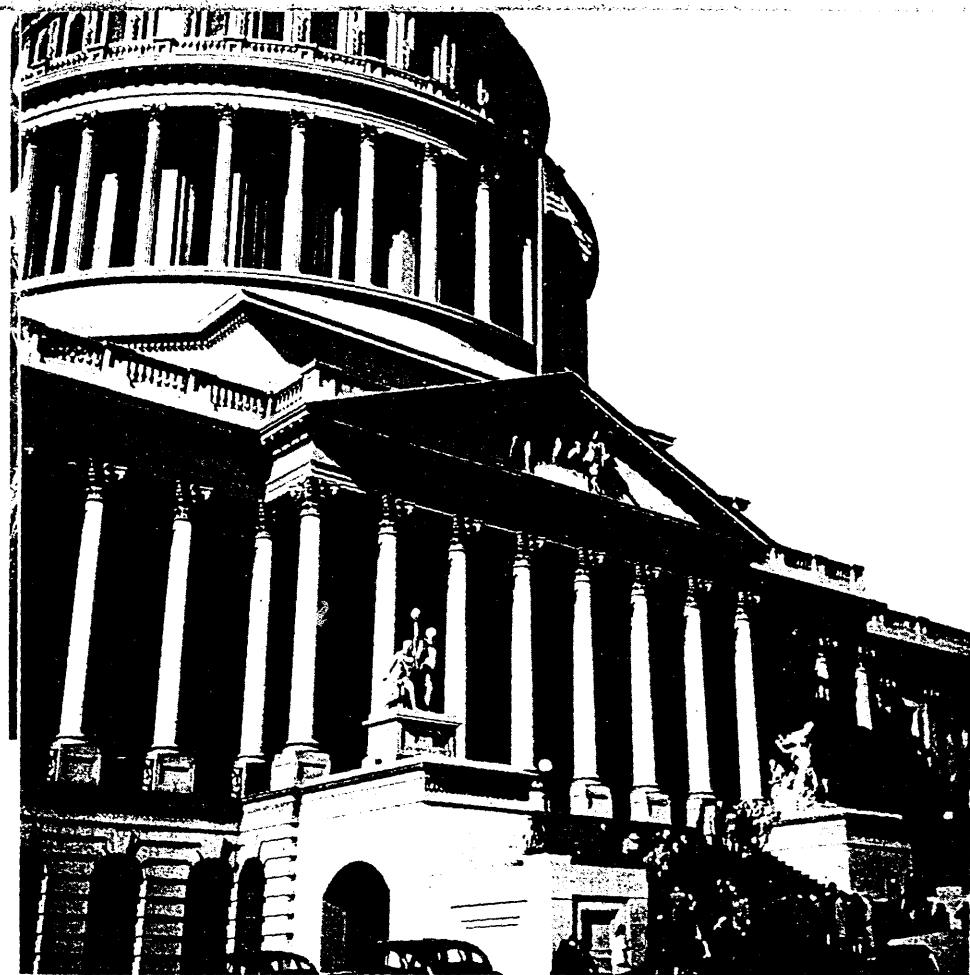
incident, two workers and their wives, all colored, were waylaid by a mob and hung in Monroe County, Georgia, as the result of the stabbing of a white farmer. The two women were killed because one of them recognized members of the mob. The tragedy did not become known until July 26th.

There was an instantaneous protest throughout the nation, joined by the President of the United States, against the appalling violence and callous disregard for due process of law. Telegrams were immediately sent by Chairman Carey of the National CIO Committee to President Truman and Attorney-General Clark.

After consultation with the officers of the CIO Committee, the NAACP was importuned to sponsor a move to coordinate the activities of all organizations and individuals interested in securing equal justice and protection before the law, for all citizens. To this end, forty-one organizations came together to form the National Committee to combat Mob Violence, which adopted a program of action. An executive committee was selected with President Murray and Secretary-Treasurer Carey representing the CIO.

In addition to securing the prosecution of the real culprits, this latest Committee's most important function is to publicize mob violence in order to awaken America to the need for making lynching as illegal as kidnaping.

President Truman appointed the Commission on Civil Rights to investigate the facts surrounding this wave of mob terrorism, and other forms of discrimination and bigotry, and to formulate a legislative program for the consideration of Congress, designed to give the Department of Justice adequate power to protect and make secure the civil rights of all citizens.



#### **Congressional Press Galleries**

Acting on a request from the American Newspaper Guild, CIO, to aid in obtaining the admission of Negro newspapermen to the House and Senate Congressional press galleries, the Committee made the matter a major project. In the long history of this country, only two Negro writers had ever succeeded in gaining admittance to those galleries, and that was in 1871.

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Inquiry revealed that Congress had enacted a set of rules which delegated its official responsibility in the matter to agents of American newspapers and magazines, and thereafter disclaimed all responsibility for denying 13,000,000 Americans access to information at the very fountainhead of government. Our CIO Committee refused to recognize the validity of this abdication of Congressional responsibility.

The Committee's position received wide publicity with the result that two Negro newsmen were admitted recently, but under such restrictions and conditions that the two instances amount to no more than sops thrown out for public consumption and political capital. The Committee will agree to no special conditions or qualifications on the admission of Negro correspondents. To allow special conditions based on creed or color would be only a variation of the *status quo*. The Committee's position is that the Jim Crow bars of the press galleries must be taken down completely.

### CONCLUSION

In reviewing the activities of the Committee, we realize that we have not created the perfect mechanism for solving the problem. The problem of minorities in America is the problem of the Negro, the Jew, the Catholic, the Protestant. It is the problem of all the people who have bought freedom at inflation prices—with the lives of over 250,000 Americans. It is the problem of one hundred and forty million people, who have fought and produced together, and who must learn to live in peace, with respect for each other, if the victory is to become truly a people's victory. *Equal opportunity and justice for every citizen is the end we seek.*

published by CIO Department of Education & Research  
photographs • Library of Congress (OWI, FSA)  
cover design by Ruth Robbins

10c a copy, 100 for \$8, 500 for \$35.



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2. Dissemination of educational material to our membership and to the general public.

3. Establishment and maintenance of contact with government agencies, in order to eliminate the traditional practice of denying participation of minorities in the administration and integration of the programs of these agencies.

I might point out here that the function of this committee in comparison with that of the United Public Workers' interest in activities and efforts with Government agencies, is more in line with programming than it is with personnel policies. We feel that that falls more exclusively within the jurisdiction of the United Public Workers. So our efforts and activities have been devoted toward programming.

4. Cooperation with social, civic, educational and other groups whose programs are consistent with that of the CIO.

In order to consider the Committee's functions in their proper content, it might be well to examine the structure and the powers of the CIO and its affiliated agencies. The CIO is composed of autonomous international unions. The National CIO and all CIO national committees are the creation of these international unions. It should be kept in mind that none of these subordinate committees possess mandatory powers over any CIO international union. Their powers lie in negotiation, conciliation and persuasion. In order to underline that fact for example we cannot, our committee nor any other committee cannot issue a directive, so to speak, or a mandatory order to any CIO union, any international union, and expect compliance. We are the creation of the unions rather than the unions being the creation of the national body. So a good comparison, and one that we sometimes facetiously make, is in comparing the structure of the CIO with the relationship between the Federal government and the State governments, and some of our discussions too closely for comfort resemble some of the debates upon the Hill in relation to states' rights and powers.

It was felt, therefore, in order to give substance to this national policy, that machinery should be created extending these policies into the local unions and local communities.

Consequently, committees were organized in state, county and local industrial union councils and it was recommended to the international unions that fair practice committees be created in each international union, composed of top elected officials, with adequate personnel.

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I would like to speak off the record for a moment.

(Off the record statement.)

The educational phase of our program is a very vital one. The section on educational material deals with a few of the more important educational activities in which we engage. In supplementing this section of the report, it might be well to point out how much the resources of the Committee are drawn upon by universities, colleges and other educational institutions. The Committee has received numerous requests for its members to speak before college classes on labor programs, in addition to receiving many requests from students writing term papers, for specific material on the experiences encountered and techniques used in attempting to make CIO policy in this field a reality.

In an attempt to strengthen our public education system, we have presented in testimony before Congressional Committees on various bills for federal aid to education which have been introduced from time to time; articles have been prepared by our Research Department in this field for dissemination throughout our movement; local union officials have been actively working in their communities in an effort to strengthen and democratize local school systems.

In the section on GOVERNMENT AGENCIES, I would particularly like to call to your attention the section on the United States Employment Service which, in light of our experiences, we feel is one of the key government agencies. If properly utilized, it could be of tremendous aid in advancing democracy in industry. The discriminatory practices which have and still do prevail in U.S.E.S., highlight the need for state and federal fair employment practice legislation.

Next to employment, we believe that provision of good housing for everyone is one of the imperatives of the post-war period in this country, the need for which is tremendous. In order to fill this need, experience has shown that it clearly involves a public responsibility which must be met by government action. We feel that the critical housing problem facing Negroes is more difficult of solution than providing decent housing for other groups in our population.

It has been demonstrated that there is need first for an accurate definition which would bring about an understanding of the real nature of this problem. To fill this gap, the CIO Committee to Abolish Discrimination and the CIO Committee on Housing and Community Development, together with other national organizations

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working in the field of race relations, agreed upon and published a definition of this problem in the form of a pamphlet titled FACING THE JOB OF HOUSING NEGROES, which we are glad to pass on to the Committee.

During this transitional period from a wartime to a peacetime economy, the CIO, in addition to many other groups, has been tremendously concerned about the dangerous indications of a growing trend toward the abridgment of civil rights and due process of law. This trend has manifested itself in increased lynchings and resort to police brutality, and has made more conspicuous the helplessness of local and federal officials in such instances.

There has been an obvious campaign to abridge civil rights and resort to violence during our current drive to organize in the South. Since our drive began, many of our organizers and local union leaders have been beaten. Two CIO representatives in Alabama were ambushed and shot at and their car was set on fire. In several towns, CIO members have been denied the right of public assembly. The right of free speech has been abridged in several instances. Forgeries in the name of our Committee have been circulated in an attempt to foment racial disturbances.

It was called to our attention last week by one of the organizers in Georgia that a letter was being circulated over a facsimile of our Committee stationery, circulated to the white members; and there was a covering handbill with it pointing out that the CIO's main purpose was to bring about social equality rather than to organize workers.

We have followed the custom of printing up the Committee reports and circulated them among the members, and we received complaints sometime ago from CIO members in the South taking us to task at the national office for sending out printed material without a union label. They sent a copy of the pamphlet in, and we discovered that the Textile Institute, an employers' organization, had our pamphlet reprinted and had circulated it pretty widely in the South to the white workers, pointing out that as an indication of the CIO's interest in American society, being one of bringing about social equality rather than organizing.

This type of activity represents quite a problem in organizing, but we haven't minded it too much, because it has aided us in circulating our material; and we feel that in the end more good will come of it than harm.

In many instances we have received reports, which have been substantiated, on the denial of public assembly. These incidents

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fit neatly into a pattern which has been developed by southern industrialists to prevent the organization of workers in the South, who try to use the racial question as their weapon in stirring up trouble between the races.

In conclusion of this summary, I would like to say that our experiences, both during and since the end of the war, have emphasized the need for federal legislation guaranteeing fair employment practices in industry. In addition, we feel that this need could be emphasized and highlighted if the Executive Department of our Government created a Fair Employment Practices Commission to guarantee the carrying out and implementation of this Administration's oft stated policy of non-discrimination. In our opinion, this could be accomplished by an Executive Order of the President creating a commission of this description with jurisdiction over the executive agencies of the Government, which in many instances set an unhealthy example for American industry to follow.

I have had many instances working on problems in the South, particularly where the President's Fair Employment Practice Committee was in operation, by union rank and file members on the floor, generally veterans, who would stoutly deny that the Federal Government meant what it said in their policy setting up the FEPC or the directives issued by the committee; and they would say, "When I was in the Army" -- particularly those in the Navy -- "that Negro troops were kept separate from the whites."

They would point to instances in the community and in the Federal Government. We have had employers say the same thing: If the Government meant what it said, they would take steps to implement their statement of policy.

I would like to strongly emphasize the point Mr. Richardson made, that we think the first step in this field is for the Government to demonstrate -- the Administration particularly -- to demonstrate that they mean this policy by the creation of machinery to handle discrimination in Federal employment.

In this instance I don't think that a valid argument is one of having to go before Congress because it can be done, according to some of the authorities in the Department of Justice, by executive order.

I would also like to present to the Committee a memorandum from the United Automobile Workers' Fair Practice Department, which is a somewhat lengthy explanation of the machinery in the United Automobile Workers and calls the Committee's attention to a specific problem that they are facing in the field of recreation.

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The UAW, which by the way, of all the CIO unions, has probably gone farthest toward implementing in practical fashion the policy of no discrimination -- they set up by a constitution a Fair Practice Department and they allocate a portion of the per capita tax each month to this department.

It has a fairly large staff and is doing an excellent job. The director isn't able to be here. He was called out to Kansas City and he asked me would I present this memorandum for him.

So our experiences as -- of whatever value they are -- are what a private organization operating with only the nominal powers or minimum powers of individuals are willing to give up to organization can accomplish in this field.

(Statement of William H. Oliver, Co-Director, Fair Practices and Anti-Discrimination Department, UAW-CIO, referred to by Mr. Weaver, is as follows:)

SUMMARIZED STATEMENT

by

FAIR PRACTICES AND ANTI-DISCRIMINATION DEPARTMENT, UAW-CIO

to the

PRESIDENT'S COMMITTEE ON CIVIL RIGHTS

for

INITIAL HEARING

April 2, 1947

This statement is submitted as a supplement to the report of the National CIO Committee to Abolish Discrimination and covers only the aspect of discrimination in the field of recreational activity as it affects our membership. The general report submitted by the National Committee to Abolish Discrimination covers economic and other issues posing problems of a discriminatory nature in the union and community.

William H. Oliver, Co-Director  
Fair Practices and  
Anti-Discrimination Department,  
UAW-CIO

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It has long been the thinking of the UAW-CIO in the area of inter-cultural and intergroup relations that all groups which comprised the American scene should not be prohibited from availing themselves of all the facilities in the framework of our democratic processes in every field of American life.

America is a community of minority peoples -- all working towards a fuller realization of economic, social and political democracy. The American labor movement in our country, has been the machinery through which all people who toil for existence have affiliated for the accomplishment of these common objectives. Our organization is comprised of practically every minority element in American life.

Our concept and belief, as set forth in the first paragraph, is well demonstrated in view of our union's action, in that we have this principle enunciated in our International Constitution under Article II, Section 2, which reads as follows:

"To unite in one organization, regardless of religion, race, creed, color, political affiliation, or nationality of employee, under the jurisdiction of the International Union."

We have held steadfast to this position and at our last convention at Atlantic City, the UAW implemented this principle by unanimously approving the setting up of machinery designed to abolish discrimination within our ranks. This was in the form of an amendment to our International Constitution which created the Fair Practices and Anti-Discrimination Department. This amendment not only provides for the setting up of a department within the International Union, with adequate financial support to carry out the Union's policies of anti-discrimination, but also includes machinery to protect all minority groups, including a special section devoted to women's problems.

The following is a direct quotation from our Constitution which provides for the operation of our Anti-Discrimination Department:

"Section I. There is hereby created a department to be known as the Fair Practices and Anti-Discrimination Department of the International Union.

"Section II. The International President shall appoint a committee composed of International Executive Board members to handle the functions of this Department. He shall also appoint a director who shall be a member of the

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Union and approved by the International Executive Board. He shall also appoint a staff which shall be qualified by previous experience and training in the field of Inter-Racial, Inter-Faith and Inter-Cultural Relations.

"Section III. One cent (\$.01) per month per dues paying member of the per capita forwarded to the International Union by local unions shall be used as the Fair Practices and Anti-Discrimination Fund of the International Union as provided in this Constitution.

"Section IV. The Department shall be charged with the duty of implementing the policies of the International Union dealing with discrimination, as these policies are set forth in the International Constitution and as they may be evidenced by action of the International Executive Board and of International Conventions, and to give all possible assistance and guidance to local unions in the furtherance of their duties as set forth in this article, and to carry out such further duties as may be assigned to it from time to time by the International President or the International Executive Board.

"Section V. It shall be mandatory that each Local Union set up a Fair Practices and Anti-Discrimination Committee. The specific duties of this shall be to promote fair employment practices and endeavor to eliminate discrimination affecting the welfare of the individual members of the Local Union, the International Union, the labor movement and the Nation."

At the first International Executive Board meeting following the 1946 Convention, President Walter P. Reuther appointed the Committee as directed by Article 25. Chairman of the Committee is International Vice-President, Richard T. Leonard, with the following Directors named Committee members: Arnold Atwood, Joseph Mattson, Jack Holt, and Emil Mazey.

Our basic endeavors have been in the area of establishing equality of job opportunity for all workers regardless of race, color, creed, sex, or national origin. During the war years, we made a determined effort to integrate all minority workers into the industry where we maintain contracts. Women in general were victims of pre-war patterns of denial of employment based on sex. When they were employed, as a result of the union's protests, they were subjected to lesser pay than were male workers. We are constantly eliminating this form of discrimination against the women in industry.

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It is significant to point out that Negro women were faced not only with this differential, but because of their race, they were the last to be brought into the plants during our war program. Negro men, during the war, experienced difficulty in acquiring assignments comparable to their skills. Now, the Negro male worker is still deprived of equality of job opportunity based on his qualifications.

This pattern was created and is maintained by management and is being gradually eliminated by negotiating the following "no-discrimination clause" in our agreements:

"The company agrees that it will not discriminate in the hiring of employees or in their training, upgrading, promotion, transfer, lay-off, discipline, discharge or otherwise because of race, creed, color, national origin, political affiliation, sex, or marital status."

This clause has been successfully negotiated in about fifty percent of our contracts.

Here too, the job of educating our membership has been a tremendous one, because of the old traditions and community patterns which had to be broken down. We have, however, emerged with an attitude of pro-democratic thinking in most of our local unions under UAW-CIO jurisdiction.

Another problem confronting our organization today, is that one which affects the recreational activities of our workers.

The Union provides a carefully planned recreational program and our Constitution provides that funds be set aside, specifically earmarked for this purpose. In accordance with the provisions of our Constitution, such activities must be made available to our entire membership regardless of race, creed, color or national origin.

Prominent among the activities of this program is the national sport of bowling. The Union's Recreation Department developed an extensive program in this sport, only to be faced with a most serious problem insofar as participation by certain minority and national groups are concerned.

The American Bowling Congress is a tightly knit and monopolistic organization which controls sanctioned bowling throughout America and the world. The constitution of the ABC proclaims that it will only admit into membership those people of the Caucasian race, which is a repudiation of the basic democratic concept of fair play. This in effect excludes the participation of such minorities as

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Chinese, Mexicans, Hawaiians, Indians and Negroes. It was pointed out in our meeting with the ABC that, notwithstanding the fact that the U. S. Government accepts Indians to be a part of the Caucasian race, the ABC does not consider them eligible for membership.

It is the belief of the International Union, and we are sure of all fair-minded people, that true American sportsmanship should know no color line. The aforementioned minority groups as well as those people of the Caucasian race are equally entitled to participate in recreational programs sponsored by the International Union. This is a situation which our labor organization cannot affectively cope with alone.

In December, 1946, the International Union, UAW-CIO, adopted a policy regarding the ABC. A copy of that policy is attached.

Also attached is copy of a statement from one of our local unions in Beloit, Wisconsin, which conveys the extent to which the ABC discriminates.

In view of the seriousness of this problem, the UAW-CIO'S Recreation, Education and Fair Practices and Anti-Discrimination Departments, along with the National CIO Committee to Abolish Discrimination, scheduled a conference in Chicago, Illinois, on April 1, 1947, where a group of national organizations were invited to participate in the formulation of plans to persuade the ABC to delete the undemocratic language of the "membership eligibility clause" from its constitution. Attached is a list of the organizations participating and a copy of the program for this conference.

We have been in constant contact with the officials of the ABC and have received an invitation to appear before its Executive Board meeting in Los Angeles, California, on April 16, 1947.

We would like to make the following recommendations to the President's Committee on Civil Rights:

- a) Request the appearance before the President's Committee of the officials of ABC towards the end of securing information as to why the ABC maintains such an undemocratic clause in its constitution.
- b) That the Committee examine the question of the ABC monopolistic control of the national sport of bowling in a determination as to whether or not they can maintain such a control and outlaw the participation of the minority groups mentioned in this report.
- c) That the UAW-CIO's Fair Practices and Anti-Discrimination

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Department be permitted to appear before the committee regarding this question.

Detroit, Michigan  
December 10, 1946

To: UAW-CIO International Executive Board Fair Practices Committee  
Richard T. Leonard, International Vice-President and Chairman  
Members of the Committee:

Emil Mazey	International Executive Board Member
Joseph Mattson	" " " "
Arnold Atwood	" " " "
Jack Holt	" " " "

From: Fair Practices and Anti-Discrimination Department, UAW-CIO  
Walter P. Reuther, International President and Director  
William H. Oliver, Co-Director

The UAW-CIO is perhaps the only CIO union sponsoring bowling as part of its recreational program. This activity was coincident with the formative period of our union and has been an increasingly popular form of recreation among many of our dues-paying members in various locals throughout the country.

Although bowling, as such, accounts for considerable portion of the recreation program of our International Union, it does carry with it the evil of discriminatory practices due to the influence of the American Bowling Congress' rules, regulations, and constitutional provisions.

The Constitution of the American Bowling Congress (under Membership Eligibility, Section 4) reads as follows:

"City associations shall be composed of teams with the membership of three or more individuals of the white male sex who are members of a league or leagues bowling a game of American 10 pins weekly or bi-weekly."

Despite the fact there has been considerable correspondence and discussion with the American Bowling Congress, that organization did reaffirm its discriminatory rules in April, 1946, at its first convention since the revocation of war-time restrictions. Former Recreation Director Melvin West and former Fair Practices Director George W. Crockett had both corresponded and conferred with ABC officials and requested them to revise their policy. Because of alleged constitutional limitations, however, ABC declined to act,

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pending a convention of their national organization.

In 1944, the UAW-CIO International Executive Board adopted a resolution condemning the action of the ABC and, due to the fact that the tournament season was close at hand, the Board did not effect withdrawal of UAW-CIO teams in tournament play.

Water P. Reuther, International President, directed the following communication to the Secretary of the American Bowling Congress in Buffalo, New York, as follows:

"Our Recreation Director, Mel West, had made repeated but unavailable protests to your Congress about your denial of membership to Negro UAW bowlers. At its meeting in October 1944 our union's Executive Board unanimously condemned your organization's position on this matter but decided not to withdraw UAW teams from sanctioned bowling. We did this in the hope that your present meeting would correct this injustice. May we again urge that ABC remember its position as a national organization with a nation-wide responsibility to all of our people. And that your Congress at its present annual meeting repeal that provision in your Constitution which excludes persons from membership and participation in sanctioned bowling merely because of their race or color."

The Fair Practices and Anti-Discrimination Department seeks to avoid re-occurrence of union participation in violation of our Constitution and Democratic precepts. Thus, it is our opinion that this question must be faced squarely in advance of ABC tournaments this coming season.

Recommendations:

1. The International Executive Board shall declare that our membership shall not participate in any union-sponsored activity which encourages, condones, or permits discrimination or segregation because of race, creed, color, sex, national origin, or political affiliation.

2. The International Executive Board herewith directs the International Union's Fair Practices Committee, the Director of the Fair Practices and Anti-Discrimination Department, and the Director of the Recreation Department to enter into a discussion with officials of the American Bowling Congress to advise this organization of the UAW-CIO Policy on Bowling, and to determine during these discussions the willingness of this organization to comply with the basic democratic precepts of our union and our country.

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3. If, at the end of this 1946-1947 bowling season, the American Bowling Congress is unwilling to put an end to its discriminatory practices against Negro bowlers, the International Union Executive Board shall take steps immediately to sever from the American Bowling Congress relationship of all bowling teams sponsored in the name of, or by, UAW-CIO and its respective locals.

The UAW-CIO shall, at that time, authorize the Recreation Department to establish the UAW-CIO Bowling League; and, all local unions who officially sponsor bowling shall be encouraged to participate in this activity.

The UAW-CIO Fair Practices and Anti-Discrimination Department and the Education Department shall assist the Recreation Department in the educational aspects of this program in order that our members who participate in bowling will more fully realize the policy of the International Union and the spirit of American Democratic Sportsmanship.

Beloit, Wisconsin (Local 77) - Gim Cham Wong is a member of Local 77, UAW-CIO, and was born and lived his entire life in Beloit, Wisconsin. Was graduated from Beloit High School; following that, he worked at Yates American Machine Company from 1942 to 1944. He was inducted in November, 1944, served eighteen months overseas in the Philippines, Asiatics, Pacific Theatres of operation. He was also on duty in the Philippine liberation campaign and in the Philippine occupation forces. He was awarded two battle stars for his service during the war in the anti-aircraft artillery brigade. Wong was discharged November, 1946, and returned at Yates and became a member of the Union's bowling league as well as the Company's team.

Of the forty-five members of the local union's league, Wong ranks fifth with an official average of 157. During the 1944 season, Wong bowled two and one-half months. At that time, he was issued an ABC card and his eligibility was not questioned. He still has a card and is providing this office with photostatic copies.

During the month of January, 1947, D. B. DeNoyer, local ABC Secretary, corresponded with Mr. Baumgarten, National ABC Secretary, as to the eligibility of Brother Wong. It is yet undetermined who prompted DeNoyer to initiate such an inquiry; however, DeNoyer made available to Wong and to the Chairman of the Bowling League (Charles Meyers) the reply from Baumgarten as well as a refund of fifty cents from the Beloit organization.

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MR. WEAVER: In conclusion, I would like to pass these two pamphlets on to the Committee. This one, "Facing the Job of Housing Negroes," has been used quite extensively throughout the CIO because housing represents, next to employment, probably our most important problem, because we find that union members bring their community problems in on the job and into the local union hall the same as they take their union problems back to their communities.

In many instances the union is the only source of help that they have to turn to. We have come to the conclusion that housing -- to really basically attack segregation and discrimination in this country -- that your first and most important job is in the field of housing because no matter what you are able to accomplish, for example, on the job or what you are able to accomplish other ways, as long as we have segregated and discriminatory neighborhoods, we are going to have the problem of segregation.

For example, New York City has in law an integrated school system, but because of the neighborhood patterns you have in fact a reasonable resemblance to a Jim Crow school system; and you will find all the evils to a lesser extent in the New York school system than you will find in any other segregated set-up.

We feel it in the unions. For example, something as simple as handling a meeting, holding a meeting -- we have a lot of difficulty in finding a hall, making provisions for holding union meetings that are accessible to all groups; and most of our problem can be traced back to these segregated and discriminatory neighborhoods.

We have been forced to devote a good deal of time to the field of housing, and we feel that this one of the best guides to collective action that has been prepared in this field.

The other pamphlet is entitled "What is the Law?" We found a great need to bring sharply home to our membership their rights under the civil rights statutes that have been passed by northern States because of the difficulty we have encountered in attempting to arrange conferences and conventions and meetings; so this is a layman's interpretation of the civil rights status in the various States, with a few suggested techniques to follow out in order to enforce these statutes.

There is a little tragic irony about this pamphlet. It was completed just a few weeks ago, and the first time it was introduced was at a CIO educational conference in Columbus, Ohio, a couple of weeks ago. It was introduced because we ran into discrimination in this hotel. We had had difficulty with this hotel about two years ago and sued them under the Civil Rights Statute of the State of Ohio, and we secured an agreement from the hotel management that

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they would not discriminate in the future.

With that in view in looking around for a hotel to hold our national conference, we decided on Columbus because we knew the hotels were all right; and we made arrangements with this hotel there for the conference. We made the arrangements in November, and in February the management changed hands and the Hilton chain bought it. We didn't know it.

We had a letter to the effect that all of our delegates would be served and be accorded equal treatment and all the facilities would be open to them.

It was a rather peculiar situation because there were three dining rooms in the hotel and only in one dining room did they refuse to serve Negroes. So this pamphlet was introduced at this conference and was put into action immediately.

The whole conference went down to the dining room for breakfast at 7:30 in the morning, and we were still sitting there at 4:00 trying to get breakfast; but we held sessions of the conference in the dining room and were fortunate to get nation-wide publicity on it.

I think that demonstrates a technique we have tried to follow also because we realized we could have -- and some of the delegates suggested that we pull out of the hotel and put a picket line around it in order to notify the people in Columbus of what had happened -- but we realized some of the delegates were from out of town and that the Columbus people would have to handle it if it was to be brought to a successful conclusion.

So we hit upon the idea of sitting in the hotel trying to outsit the management, which we weren't successful in doing; but in the process we got nation-wide publicity on it. The Associated Press and United Press picked it up, and two or three of the Sunday evening commentators on the radio; and so that evening we met with some of the leaders of civic groups in the community and it was decided to set up a city-wide committee, a rather imposing committee, and pretty well representative of all religious groups and some of the fraternal groups and the civic organizations working in this field.

The chairman of the committee happened to be the pastor of the mayor, and we decided to continue each day to go down to the hotel as a mixed group, to go into the hotel and attempt to get service. We were trying to build up enough suits to really make it mean something to management, because the penalty under most of the civil rights statutes is so small that large corporations do not mind too much paying the damages once or twice a year.

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So we decided to try to work up at least a hundred or 150 suits, but a group went down on Tuesday, the next day after this meeting, and the mayor called right away and he had begun to get a lot of repercussions throughout the country. Five conventions scheduled to be held in Columbus immediately cancelled on that Monday. So he asked us would we hold off any further action until he had a chance to consult with the management; and they are in the process of negotiating with management now.

The only thing that we are asking -- we are not interested in suits -- we are asking a public statement from the management that it is not the policy of the hotel to discriminate and assurances that they will not in the future.

So we have found that this pamphlet has more than justified the cost and effort of the publication so far.

We are looking to the President's Committee for quite a good deal of implementation and help. There was a good deal of interest exhibited throughout the CIO when the commission was appointed, and it was felt that at last we would probably get some implementation from some of the very fine and stirring statements that have been made over the last three or four years towards the strengthening and extending of democracy.

I think that just about concludes the statement of the CIO. I would like to pass these pamphlets around.

MR. LUCKMAN: It certainly is a beautifully documented presentation. I think that it will be in order for us now to have a brief question session. Rabbi Gittelsohn, starting around the table, would you like to ask any questions?

RABBI GITTELSOHN: I am curious to know from Mr. Richardson whether the United Public Workers have taken any stand or adopted any attitude by way of reaction to President Truman's loyalty directive of recent date.

MR. RICHARDSON: Yes. I will talk to that point, if you wish. I had not anticipated discussing that.

RABBI GITTELSOHN: I don't know if that was brought up this morning, Mr. Chairman, but I feel certain that that is fundamental to the very purpose for which this Committee was created and it is something we will have to deal with along the line.

MR. LUCKMAN: The subject was touched on, but not thoroughly.

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MR. RICHARDSON: What is your feeling, Mr. Luckman?

MR. LUCKMAN: Could you do it somewhat briefly, even though it is a very comprehensive question?

MR. RICHARDSON: I could say that we don't think that the order was necessary. We feel that on the books now are sufficient laws under which subversives, spies, saboteurs, violators of the Constitution, and those who wish to overthrow the Government by force or violence can be handled; we don't feel that the order is helping the situation at all.

As a matter of fact, we feel that this sort of order is the kind of thing which a spy or saboteur or any of the categories mentioned in the order could well use as a guide to action. All he has to do is not do any of the things the order says he should not do and he has complete freedom for the carrying out of his activities.

Our feeling is, as I said before, the order was not necessary in view of the laws already on the books, and in view of the machinery available already.

MR. TOBIAS: I would like to ask Mr. Weaver a question. On page 2 of your statement, you say, explaining CIO policy, "It should be kept in mind that none of these subordinate committees possess mandatory powers over any CIO international union. Their powers lie in negotiation, conciliation and persuasion. It was felt, therefore, in order to give substance to this national policy, that machinery should be created extending these policies into the local unions and local communities."

Now, I know, of course, that the situation I will mention is not wholly analagous, but it seems to me that could be used by the opponents of enforcement powers in a federal employment practices bill who feel that the whole program should be negotiation, conciliation, and persuasion.

While you are expressing here what is your national and local structure, there would be those who might say, "Well, what right has the Federal Government to possess mandatory powers over industries that operate within States and within local communities?"

Why not express the objectives in a general way, as you do through your national committee against discrimination, and leave it up to the international unions that compose your national structure to actually get the work done?

MR. WEAVER: I could only comment on that line of reasoning in

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this way: Despite the fact that our policy is one of no discrimination, and in addition I venture to say that there isn't any other organization, even churches to the contrary, who have more assiduously and in a practical way lived up to that policy. We still feel the need, as we have indicated and have said repeatedly before Congressional committees, the need for mandatory powers. We only wish that we had them.

I was attempting to be very clear here in pointing out the need for the power and the lack of power that we possess -- that is, our national committee. I personally have wished that we could have the power in the CIO or that some federal agency would see to it.

I have had many officials in the South who would like to follow CIO policy, and they feel that they can't because of political expediency. When the FEPC was in existence, it was a lifesaver for many of these officials because they could always point to some other agency. It was the Federal Government ordering them to do this. That isn't the type of admission that you could be proudest of, but it happens to be reality.

We have pointed up each time we have testified before the Congressional committees concerning FEPC this factor: We don't believe that management nor union has the right to impose discriminatory patterns on other employers or on other people. I think we should have some voice in the choice of employees. We try to exercise that principle on our side, but we have to work with what management provides us with or who management hires.

MR. TOBIAS: My point is: Are you trying to get it done in your union structure? Do you feel the need for mandatory power on the part of the national structure of your organization that would take effect down in the local communities?

MR. WEAVER: Yes, we have in many instances felt the need for that type of structure, but it is completely foreign to the total structure of the CIO.

MR. TOBIAS: My only point is that: You realize, of course, that in the present negotiations that are going on in connection with the bill that is being proposed at the present time that the main argument is around whether or not it should be an educational program or a bill with enforcement powers.

What I am thinking about is how much use the opponents of enforcement powers could make of the example that the CIO sets in its national structure as it deals with this particular problem.

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MR. WEAVER: I see the point there and, of course, I think the only way and the best and most effective way we could answer it is pointing to our stand in our attempting to secure fair employment practice legislation despite the progress we have been able to make in this field.

MR. LUCKMAN: I would like to ask what may be an obvious question, but I should like to be sure I am clear on what your answer would be.

You have pointed out clearly that in your various activities you have had many instances of where individuals -- you have mentioned several veterans, etc., -- who decried the fact that the Federal Government was not, shall we say, practicing what it preaches; and it is obvious from your statement that there have been many individuals who have taken the position that the Federal Government is in fact making a serious problem, creating a serious problem, in the fact that they do not themselves follow out the President's Executive Order.

What I should like to know is: Have you had instances where industry itself has leaned on that same excuse for not themselves being cooperative in carrying out non-discriminatory acts?

MR. WEAVER: Yes, countless instances.

MR. LUCKMAN: Both industry and individuals?

MR. WEAVER: Both industry and individuals. I think the most damaging case was in the oil workers' case we had in Texas during the war. That was one of two CIO unions that were cited by the President's Committee on fair employment practices, and they issued a directive. Before they went to the President, they asked us to do all that we could to see that the directive was obeyed.

I went down to visit with the local union and I met with the local union the night before, and it was rather an appalling situation. The refinery was in a little town outside of Houston. I didn't know about it -- I was going out with the committee in the car and I heard one of the men say, "Did you clear with the sheriff?" I wanted to know what he meant by "clear with the sheriff" and I discovered that in this little town they didn't allow Negroes in an hour after the shifts changed. The shifts changed at 8:00 o'clock, 4:00 o'clock, and 5:00 o'clock, and they weren't supposed to be in town after 9:00 or after 6:00 or after midnight.

When we got out to the local union hall, we met about two or three hundred people standing around out in the street and we went

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in and sat down with the committee. That was the first thing I got across, the statements from members of the executive committee, and the chap who made the strangest argument was a Navy veteran. He pointed to specific examples.

We met with the company the next day, and I was met with the same argument by the company. They bitterly resented, of course, what they called yankees from Washington coming down and telling them what to do. I was struck with the similarity of the argument. I suspected that there had been some collaboration, at least, on their stories.

We met that argument all the way up the line, negotiating with Sinclair, starting down in Texas and going all the way to New York; and we ran into it quite often in the automobile industry in the early days of the war when we were running into quite a good deal of difficulty.

We have had industry after industry to tell us since the war was over that they have attempted to return to pre-war patterns of discrimination. In the same sort of fashion they point out that FEPC is out of existence and that they are going back to the old pattern.

We feel very strongly that it would be like a shot in the arm to use on the firing line, so to speak, if we could get a concrete demonstration by the Federal Government that they intended to live up to their own policies.

MR. LUCKMAN: That answers it very completely and on behalf of the Committee I should like to express to both of you gentlemen, and through you to your organizations, our very deep appreciation for what has been one of our very best presentations. Thank you very much.

STATEMENT OF BORIS SHISHKIN,  
A Representative of the American Federation of Labor.

MR. LUCKMAN: Mr. Shishkin, I would like to have you express your views completely and then we will ask questions so as not to interrupt your trend of thought.

MR. SHISHKIN: You are exploring the problem of discrimination in employment. Are you confining your discussion to the legislative aspects of it?

MR. LUCKMAN: More directly connected with what might be called at the moment Fair Employment Practices Act, which, as you know, this

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Committee has some responsibility for. We have other responsibilities, too, but because of the time limitation today we have been trying to confine ourselves to that.

However, we have approximately an hour at our disposal, and if after we hear whatever expressions you have on the FEPC, and you care to go into any of the other aspects of the problem, we would be glad to hear them because it would be of interest to us.

MR. SHISHKIN: I would like first of all to let you have the official statements that were adopted by our convention of the American Federation of Labor held in Chicago last October. I have brought several copies of each so that members of your subcommittee might have them.

The first document includes a resolution that states the objective with regard to the Fair Employment Practice Commission established by federal legislation. I have some copies here.

The second resolution deals with the question of discrimination and is not confined to employment alone, but discrimination in general. It also deals with the question of a poll tax as well as the establishment of Fair Employment Practice Commission, which would eliminate discrimination in employment in private industry, as well as Government work.

The resolution which was adopted by the convention also provides that the unions affiliated with the American Federation of Labor be urged to wage an unrelenting struggle against discrimination, etc.

Finally, there is an action of the convention, which first of all adopted recommendations of the Executive Council to the Commission with respect to the fair employment practice legislation and also a further resolution that was adopted, which endorsed and expressed support to the National Council for a fair employment practice committee and program of the National Council and called on the affiliates to cooperate with the National Council in its efforts to secure sound and effective legislation for the application of the principles of fair employment practice.

(The documents referred to above follow:)

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Actions of the American Federation of Labor at  
the 65th Annual Convention October 7-17, 1946  
On Fair Employment Practice Legislation

"Resolution No. 9 -- Delegates A. Philip Randolph, Milton P. Webster, Brotherhood of Sleeping Car Porters.

"WHEREAS, The American Federation of Labor in several conventions has gone on record supporting Federal legislation for a permanent Fair Employment Practice Commission to eliminate discrimination in industry and labor organizations based upon color, creed, country and ancestry, therefore, be it

"RESOLVED, That this 65th convention of the American Federation of Labor in Chicago go on record as reaffirming its position of supporting Federal legislation for the establishment of a permanent Fair Employment Practice Commission because it represents and expresses the basic democratic spirit of the American Federation of Labor.

"Your Committee recommends adoption of the resolution. \* \* \*

"The motion to adopt the report of the Committee was carried."

From Report of the Proceedings of the Sixty-Fifth Convention of the American Federation of Labor, 1946. PP. 491-492.

Actions of the American Federation of Labor at  
65th Annual Convention October 7 - 17, 1946 on  
Fair Employment Practice Legislation

"The Executive Council reports in detail on the course of legislation designed to establish a permanent Fair Employment Practice Commission for the purpose of eliminating discrimination in employment because of race, creed, color or national origin. No vote was reached and no proper consideration of the pending measure was obtained in the Senate, due to an extended filibuster and failure to terminate the obstructionist debate by cloture. These parliamentary tactics which bar consideration of legislative proposals on their merits are inimical to the democratic process and must be severely condemned. The American Federation of Labor renews its support of sound, constructive and practical legislation which would provide for investigation and study of discrimination in employment against minority groups and establish sound and equitable means to eliminate such discrimination, as a matter of national policy, consistent with rights and freedom inherent in a democratic society.

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We therefore urge that the American Federation of Labor take a leading part in the preparation of proper fair employment practice legislation for introduction in the next session of Congress and that every effort be made to secure its early enactment.

"The recommendation of the committee was unanimously adopted." October 17, 1946.

National Council for Permanent FEPC

"Resolution No. 189 -- By Delegates A. Philip Randolph, M. P. Webster, Brotherhood of Sleeping Car Porters.

"WHEREAS, The National Council for a Permanent Fair Employment Practice Committee is the recognized and responsible agency, free from all totalitarian influences from the right or left, which is waging a nation wide educational campaign among the churches, trade unions, schools and colleges, civic groups, and homes with a view to informing public opinion of the nature and importance of Federal Legislation for a Permanent Fair Employment Practice Committee, not only because of its significance to Negroes, Catholics, Jews, Mexicans, Filipinos, and Japanese Americans, but also because of its basic value to our American democratic institutions and traditions, and

"WHEREAS, Some sixty or more national organizations in the country including such agencies as The Interracial Catholic Commission, the Federal Council of Churches of Christ in America, The B'nai B'rith, the Y.M.C.A. and the Y.W.C.A., are supporting and cooperating with the Council, therefore, be it

"RESOLVED, That this 65th convention of the American Federation of Labor assembled in Chicago, October, 1946, go on record as endorsing, supporting, and cooperating with the National Council for a Permanent Fair Employment Practice Committee and its program, and call upon the various national, international, and federal unions, central bodies, and State federations, to cooperate with this National Council for a Permanent F.E.P.C. in its efforts to secure sound and effective legislation for the application of the principles of fair employment practice.

"Referred to Committee on Resolutions, October 9, 1946."

"Resolution No. 189 -- National Council for Permanent FEPC

"Your committee recommends concurrence in the resolution.

"A motion was made and seconded to adopt the committee's report. \* \* \* President Green said he felt that the action of the

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convention on the resolutions in question reflected the judgment and the opinion of the great membership of the American Federation of Labor."

"The motion to adopt the committee's report was carried.  
(October 17, 1946)"

MR. SHISHKIN: Now, I have presented them in that sequence because insofar as the legislative effort is concerned, this convention action makes it clear that apart from any independent statement directly on behalf of the organizations that the A. F. of L. might take, that its work in the promotion of F.E.P.C. legislation is directed through the National Council. Mr. Green is a member of the board of directors and I am a member of the board also and have representation on both the Policy Committee and Administrative Committee of the National Council; so that the concentrated drive to which our union is lending cooperation is carried through to a large extent through the National Council organization.

Just to cover the entire ground, I would like also to present here a model bill, which was prepared by the American Federation of Labor and distributed to the States and State Federations of Labor concerned. That is, the States where the adoption of the fair employment practice laws was to be considered in these coming legislations, so that there is a prospect of a favorable attitude towards laws of that kind.

This model bill was not prepared to cover all of the States and it was not only because of the differences in the problems involved in different States, but because as a matter of our national policy, our feeling is that the major goal today is Federal legislation and that any State or local enactments are secondary, not in the importance of such State enactments because of the difference in coverage, but from the standpoint of an effective approach.

We have found that in some localities those who were opposed to the enactment of federal legislation were the sponsors for the State enactment as a diversion; and therefore, we felt that the efforts of the labor movement should be concentrated on the enactment of the permanent F.E.P.C. legislation federally.

These are the copies of the model State bills.

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American Federation of Labor

January 1947

SUGGESTED LANGUAGE FOR A  
STATE FAIR EMPLOYMENT PRACTICE LAW

An Act to prevent and eliminate practices of discrimination in employment and otherwise against persons because of race, religion, color or national origin, and to create a State Fair Employment Practice Commission, defining its functions, powers and duties, and providing for the appointment and compensation of its officers and employees.

- Section 1. Declaration of Public Policy
2. Right to Freedom From Discrimination in Employment
  3. Definitions
  4. State Fair Employment Practice Commission
  5. General Policies of Commission
  6. General Powers and Duties of Commission
  7. Unfair Employment Practices
  8. Procedure
  9. Judicial Review and Enforcement
  10. Penal Provision
  11. Posting of Notices
  12. Government Contracts
  13. Construction
  14. Separability
  15. Effective Date of Act

Section 1. DECLARATION OF PUBLIC POLICY.

A. The practice or policy of discrimination against persons by reason of their race, religion, color or national origin is a matter of State concern. Such discrimination foments domestic strife and unrest, threatens the rights, privileges and immunities of the inhabitants of the State and undermines the foundations of a free democratic state. The denial of equal employment opportunities because of such discrimination and the consequent failure to utilize the productive capacities of individuals to their fullest extent deprive large segments of the population of the State of earnings necessary to maintain decent standards of living, necessitates their resort to public relief and intensifies group conflicts, thereby resulting in grave injury to the public safety, health and welfare.

B. It is hereby declared to be the public policy of this State to foster the employment of all persons in accordance with their fullest capacities, regardless of their race, religion, color or national origin, and to safeguard their right to obtain and hold employment without such discrimination.

C. This Act shall be deemed an exercise of the police power of the State for the protection of the public welfare, prosperity, health and peace of the people of the State.



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Section 2. RIGHT TO FREEDOM FROM DISCRIMINATION IN EMPLOYMENT.

The opportunity to obtain employment without discrimination because of race, religion, color or national origin is hereby recognized as and declared to be a civil right.

Section 3. DEFINITIONS.

When used in this statute:

A. The term "person" includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers, any organized groups of persons, and the State and all political subdivisions, boards and commissions thereof.

B. The term "employment agency" includes any person undertaking with or without compensation to procure opportunities to work or to procure, recruit, refer or place employees.

C. The term "labor organization" includes any organization which exists and is constituted for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection in connection with employment.

D. The term "unfair employment practices" includes only those unfair employment practices specified in section 6 of this statute.

E. The term "employer" does not include a club exclusively social, a fraternal, charitable, educational or religious association or corporation, if such club, association or corporation is not organized for private profit; nor does it include any employer with fewer than six persons in his employ; but it does include the State and all political subdivisions, boards and commissions thereof.

F. The term "employee" does not include any individual employed by his parents, spouse or child, or in the domestic service of any person.

G. The term "commission", unless a different meaning clearly appears from the context, means the State Fair Employment Practice Commission created by this statute.

H. The term "national origin" shall, for the purposes of this statute, include "ancestry".

I. The term "discriminate" means to accord differential status or treatment to any qualified employee or to segregate or classify any group of qualified employees on the basis of race, religion, color or national origin.

Section 4. STATE FAIR EMPLOYMENT PRACTICE COMMISSION.

A. There is hereby created a State Fair Employment Commission. Such commission shall consist of five members, to be known as commissioners, who shall be appointed by the governor, by and with the ad-



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vice and consent of \_\_\_\_\_ (insert state legislative body), and one of whom shall be designated as chairman by the governor.

B. The term of office of each member of the commission shall be for five years, provided, however, that of the commissioners first appointed one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years. Any member chosen to fill a vacancy occurring otherwise than by expiration of term shall be appointed for the unexpired term of the member whom he is to succeed.

C. Three members of the commission shall constitute a quorum for the purpose of conducting the business thereof. A vacancy in the commission shall not impair the right of the remaining members to exercise all the powers of the commission.

D. Each member of the commission shall receive a salary of \_\_\_\_\_ dollars a year and shall also be entitled to his expenses actually and necessarily incurred by him in the performance of his duties. He shall not engage in any other business, vocation, or employment, but shall devote his full time to his duties under the Act.

E. Any member of the commission may be removed by the governor, with the consent of \_\_\_\_\_ (insert state legislative body), for inefficiency, neglect of duty, misconduct or malfeasance in office, after being given a written statement of the charges and an opportunity to be heard thereon.

Section 5. GENERAL POLICIES OF COMMISSION.

The commission shall have the following functions, powers and duties:

A. To establish and maintain its principal office in the city of \_\_\_\_\_ (insert name of capital), and such other offices within the state as it may deem necessary.

B. To meet and function at any place within the state.

C. To appoint such attorneys, agents, clerks and other employees as it may deem necessary, fix their compensation within the limitations provided by law, and prescribe their duties.

D. To obtain upon request and utilize the services of all governmental departments and agencies.

E. To adopt, promulgate, amend and rescind suitable rules and regulations to carry out the provisions of this statute, and the policies and practice of the commission in connection therewith.

F. To receive, investigate and pass upon complaints alleging discrimination in employment because of race, religion, color or national origin.

G. To hold hearings, subpoena witnesses, compel their attendance, administer oaths, take the testimony of any person under oath, and in

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connection therewith, to require the production for examination of any books or papers relating to any matter under investigation or in question before the commission. The commission may make rules as to the issuance of subpoenas by individual commissioners. No person shall be excused from attending and testifying or from producing records, correspondence, documents or other evidence in obedience to the subpoena of the commission or of any individual commissioner, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture, but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such person so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. The immunity herein provided shall extend only to natural persons so compelled to testify.

H. To create such advisory agencies and conciliation councils, local, regional or state-wide, as in its judgment will aid in effectuating the purposes of this statute. Such agencies and councils may make recommendations to the commission for the development of policies and procedures in general and in specific instances, and for programs of formal and informal education which the commission may recommend to the appropriate state agency. Such advisory agencies and conciliation councils shall be composed of representative citizens, serving without pay, but with reimbursement for actual and necessary traveling expenses; and the commission may make provision for technical and clerical assistance to such agencies and councils and for the expenses of such assistance.

I. To issue such publications and such results of investigations and research as in its judgment will tend to promote good-will and minimize or eliminate discrimination because of race, religion, color or national origin.

J. To render each year to the governor and to the legislature a full written report of all its activities and of its recommendations.

K. To adopt an official seal.

Section 7. UNFAIR EMPLOYMENT PRACTICES.

A. It shall be an unfair employment practice for an employer:

1. to refuse to hire, to discharge, or otherwise to discriminate against any individual with respect to his terms, conditions or privileges of employment, because of such individual's race, religion, color or national origin.

2. to utilize in the hiring or recruitment of individuals for employment any agency or source which discriminates against such individuals because of their race, religion, color or national origin.

B. It shall be an unfair employment practice for any labor organization to discriminate against any individual or to limit, segregate or classify its membership in any way which would deprive or tend to deprive such individual of employment opportunities, or would limit

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his employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment, or his wages, hours or employment conditions because of such individual's race, religion, color or national origin.

C. It shall be an unfair employment practice for any employment agency to discriminate against any individual in the recruitment, referral, or listing of applicants for employment or in any other way which would adversely affect the individual's status as an employee or applicant for employment, or his wages, hours or employment conditions because of such individual's race, religion, color or national origin.

D. It shall be an unfair employment practice for any employer, labor organization or employment agency to discharge, expel or otherwise discriminate against any person because he has opposed any practices forbidden under this statute or because he has filed a complaint, testified or assisted in any proceeding under this statute.

E. It shall be an unfair employment practice for any person, whether an employer or an employee or not, to aid, abet, incite, compel or coerce the doing of any of the acts forbidden under this statute, or to attempt to do so.

Section 6. PROCEDURE.

A. Any person claiming to be aggrieved by an alleged unfair employment practice may, by himself or his agent, make, sign and file with the commission a verified complaint in writing which shall state the name and address of the person, employer, labor organization or employment agency alleged to have committed the unfair employment practice complained of and which shall set forth the particulars thereof and contain such other information as may be required by the commission. The \_\_\_\_\_ (insert title of head of state labor department) or attorney-general may, in like manner, make, sign and file such complaint. The commission, whenever it has reason to believe that any person has been or is engaging in an unfair employment practice, may issue such a complaint. Any employer whose employees, or some of them, refuse or threaten to refuse to cooperate with the provisions of this statute, may file with the commission a verified complaint asking for assistance by conciliation or other remedial action. Any complaint filed pursuant to this section must be so filed within one year after the alleged act of discrimination.

B. After the filing of any complaint, the chairman of the commission shall designate one of the commissioners or an agent of the commission to make, with the assistance of the commission's staff, prompt investigation in connection therewith; and if such commissioner or agent shall determine after such investigation that probable cause exists for crediting the allegations of the complaint, he shall immediately endeavor to eliminate the unfair employment practice complained of by conference, conciliation and persuasion. The members of the commission and its staff shall not disclose what has transpired in the course of such endeavors.

C. In case of failure so to eliminate such practice, or in advance thereof if in his judgment circumstances so warrant, he shall cause to be issued and served in the name of the commission, a written notice, together with a copy of such complaint, as the same may have been

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amended, requiring the person, employer, labor organization or employment agency named in such complaint, hereinafter referred to as respondent, to answer the charges of such complaint at a hearing before three members of the commission, sitting as the commission, at a time and place to be specified in such notice.

D. The place of any such hearing shall be the office of the commission or such other place as may be designated by it. The case in support of the complaint shall be presented before the commission by one of its attorneys or agents, and the commissioner or agent who shall have previously made the investigation and caused the notice to be issued shall not participate in the hearing except as a witness, nor shall he participate in the deliberations of the commission in such case; and the aforesaid endeavors at conciliation shall not be received in evidence. The respondent may file a written verified answer to the complaint and appear at such hearing in person or otherwise, with or without counsel, and submit testimony. In the discretion of the commission, the complainant may be allowed to intervene and present testimony in person or by counsel. The commission or the complainant shall have the power reasonably and fairly to amend any complaint, and the respondent shall have like power to amend his answer. The commission shall not be bound by the rules of evidence prevailing in courts of law or equity. The testimony taken at the hearing shall be under oath and be transcribed at the request of any party.

E. If, upon all the evidence at the hearing the commission shall find that a respondent has engaged in any unfair employment practice as defined in section 7: of this statute, the commission shall state its findings of fact and shall issue and cause to be served on such respondent an order requiring such respondent to cease and desist from such unfair employment practice and to take such affirmative action, including (but not limited to) hiring, reinstatement or upgrading of employees, with or without back pay, admission or restoration to membership in any respondent labor organization, as, in the judgment of the commission, will effectuate the purposes of this statute, and including a requirement for report of the manner of compliance. Upon the submission of such report of compliance the commission may issue a declaratory order stating that the respondent has ceased to engage in unfair employment practices.

F. If, upon all the evidence, the commission shall find that a respondent has not engaged in any such unfair employment practice, the commission shall state its findings of fact and shall issue and cause to be served on the complainant an order dismissing the said complaint as to such respondent. A copy of its order shall be delivered in all cases to the \_\_\_\_\_ (insert title of head of state labor department), the attorney-general, and such other public officers as the commission deems proper. The commission shall establish rules of practice to govern, expedite and effectuate the foregoing procedure and its own actions thereunder.

Section 9. JUDICIAL REVIEW AND ENFORCEMENT.

A. Any complainant, respondent or other person claiming to be aggrieved by a final order of the commission may obtain judicial review thereof, and the commission may obtain an order of court for its enforcement, in a proceeding as provided in this section. Such proceeding shall be brought in the \_\_\_\_\_ (insert name of court of

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original jurisdiction) of the state within any county wherein the unfair employment practice which is the subject of the commission's order occurs or wherein any person required in the order to cease and desist from an unfair employment practice or to take other affirmative action resides or transacts business.

B. Such proceeding shall be initiated by the filing of a petition in such court, together with a written transcript of the record upon the hearing before the commission, and the issuance and service of an order of notice as in proceedings in equity. The court shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony and proceedings set forth in such transcript an order enforcing, modifying and enforcing as so modified, or setting aside in whole or in part the order of the commission.

C. No objection that has not been urged before the commission shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances.

D. Any party may move the court to remit the case to the commission in the interests of justice for the purpose of adducing additional specified and material evidence and seeking findings thereon, provided he shows reasonable grounds for the failure to adduce such evidence before the commission.

E. The findings of the commission as to the facts shall be conclusive if supported by sufficient evidence on the record considered as a whole.

F. All such proceedings shall be heard and determined by the court and by any appellate court as expeditiously as possible and with lawful precedence over other matters.

G. The jurisdiction of the \_\_\_\_\_ (insert name of court of original jurisdiction) shall be exclusive and its judgment and order shall be final, subject to review by \_\_\_\_\_ (insert name of court with reviewing authority).

H. The commission's copy of the testimony shall be available at all reasonable times to all parties for examination without cost and for the purpose of judicial review of the order of the commission. The review shall be heard on the record without requirement of printing.

I. The commission may appear in court by one of its attorneys.

J. If no proceeding to obtain judicial review is instituted by a complainant, intervener, or respondent within thirty days from the service of an order of the commission pursuant to section 8(e), the commission may obtain a decree of the court for the enforcement of such order upon showing that the respondent is subject to the commission's jurisdiction, and resides or transacts business within the county in which the petition for enforcement is brought.

Section 10. PENAL PROVISION.

Any person, employer, labor organization or employment agency, who or which shall wilfully resist, prevent, impede or interfere with



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the commission or any of its members or representatives in the performance of duty under this statute, or shall wilfully file a false complaint, or shall wilfully violate an order of the commission, shall be guilty of a misdemeanor and be punishable by imprisonment for not more than one year, or by a fine of not more than five hundred dollars, or by both; but procedure for the review of the order shall not be deemed to be such wilful conduct.

Section 11. POSTING OF NOTICES.

Every employer, employment agency and labor union subject to this Act, shall post in a conspicuous place or places on his premises a notice to be prepared or approved by the commission, which shall set forth excerpts of this chapter and such other relevant information which the commission deems necessary to explain the Act. Any employer, employment agency or labor union refusing to comply with the provisions of this section shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars.

Section 12. GOVERNMENT CONTRACTS.

Every contract to which the State or any of its political or civil subdivisions is a party shall contain a provision requiring the contractor and his subcontractors not to discriminate against any employee or applicant for employment, to be employed in the performance of such contract, with respect to his hire, tenure, terms, conditions or privileges of employment or any matter directly or indirectly related to employment, because of his race, religion, color or national origin. Breach of this covenant may be regarded as a material breach of the contract.

Section 13. CONSTRUCTION.

The provisions of this statute shall be construed liberally for the accomplishment of the purposes thereof. Nothing contained in this statute shall be deemed to repeal any of the provisions of the laws of this State relating to discrimination because of race, religion, color or national origin; but, as to acts declared unfair by section 7. of this statute, the procedure herein provided shall, while pending, be exclusive; and the final determination therein shall exclude any other action, civil or criminal, based on the same grievance of the individual concerned. If such individual institutes any action based on such grievance without resorting to the procedure provided in this statute, he may not subsequently resort to the procedure herein.

Section 14. SEPARABILITY.

If any clause, sentence, paragraph or part of this statute or the application thereof to any person or circumstances, shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this statute.

Section 15. EFFECTIVE DATE OF ACT.

This Act shall take effect thirty days from the date of its passage.

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MR. SHISHKIN: There were several proposals in the last session of Congress, in the 79th Congress, for FEPC, which we supported in general despite the fact that in some respects some of these proposals we felt were in need of improvement. The Ives Bill and its companion bills introduced in the House are the result of the work we have done jointly with the National Council in our recommendations and submissions.

Prior to its introduction on March 27, the Ives Bill, the draft of the bill, was very considerably modified and additional provisions were included, which were to some extent, we feel, unnecessary and to some extent might detract from the effectiveness of the original draft as we saw it. This is not necessarily in criticism of the so-called legislative provisions of the bill, but is a comment rather on the emphasis the bill carries.

We have the problem -- that is, discrimination in employment -- and the question of law as to whether or not discrimination of employment reaches into an area in which Federal intervention is necessary and proper in our national policy. We feel that the implementation of national policy very effectively as a matter of law that would protect citizens against discrimination as a matter of right is essential.

There is another aspect of the bill in which there is a serious question, and that is its failure to cover adequately discrimination in government. That is probably the greatest shortcoming of the Ives Bill.

The provisions as they stand today are not enforceable. They are to a very large extent discretionary. It is a very difficult area. It is one in which the initial versions of the Chavez Bill and other bills in the last session were also subject to criticism. The provisions, for example, that gave the Attorney General discretionary powers and exclusive jurisdiction for recommending whatever action might be taken was of that character.

Our feeling is that very clear extension to the Federal Government in its employment of the basic principle which the Federal Government imposes upon private employment is extremely important.

There is, of course, this: Senator Ives in introducing the bill made a very strong point of the fact that the principle of fair employment is the backbone of this bill. but this is a bill against discrimination and this is not an FEPC bill.

Well, of course, whatever might have prompted Senator Ives to say that, the Ives Bill as it stands today is in its basic pro-

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visions an effective FEPC bill. It is unfortunate that it is a bill against something rather than for something.

The principle of fair employment practice is the principle that should be stated affirmatively.

One aspect of the bill that I would like to call the attention of the Committee to, particularly, is the provision of the Ives Bill dealing with unlawful employment practice on the part of labor organizations. Now, that is on page 5 of the bill in Section 5 (b), and I would like to call the particular attention of the Committee to this provision because of the important principle that is involved here. The Chavez Bill, as well as some of the proposals pending before the Ives Bill was finally drawn, placed a direct responsibility upon the unions against discrimination as unions.

In other words, the proposal was that the employer discrimination because of the employer-employee relationship was discrimination in employment alone; whereas, when the union category was included in the bill, that the unions as unions were prohibited discrimination, which includes discrimination related to employment and also to membership to the union in general.

Well, our feeling was that in order to stand up, that this legislation has to be related to employment. The section as it is now drawn reads:

"(b) It shall be an unlawful employment practice for any labor organization to discriminate against any individual or to limit, segregate or classify its membership in any way which would deprive or tend to deprive such individual of employment opportunities, or would limit his employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment, or would affect adversely his wages, hours, or employment conditions, because of such individual's race, religion, color, national origin, or ancestry."

As you see, the way the section is now written, any unlawful employment practice as defined here on the part of a labor organization is one which would directly or indirectly affect wages, hours, employment conditions or employment status. In other words, nobody on the side of the opposition can raise the question and say that this, under the guise of an employment bill and protection against discrimination in employment, would regulate the functions of any voluntary association of persons that are non-economic and that are social in character.

I mean if the union has a clambake or picnic and there is

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segregation there on a purely social basis in the performance of a social function, that is not related to fair employment because of the local conditions, that a charge leveled at the union on the basis of that would not be a proper complaint under this legislation, but if any action that is taken of limiting membership, segregating it, or classifying it, reaching all the way down to the possibility of setting up auxiliaries, or in any other way distinguishing between one class of employees and another, that would in any way impair the employment status, of course, that would be reachable by this legislation.

I might say that despite what I said with regard to our approach on Federal legislation, we have to be realistic and recognize the difficulty of expecting prompt enactment by Congress of this proposed legislation. We do recognize, however, that the work of the 80th Congress is not going to end this summer, that the session resumed will be the continuing session of this Congress; and therefore, the scope of our objective will extend over a period beyond 1947. So that we certainly don't approach this in any spirit of defeat.

However, because of the experience with FEPC legislation last year and there having been a number of legislatures that are considering State fair employment practice legislation, a number of our Federations of Labor are very actively supporting the enactment of State bills where they have been introduced and have introduced either our model bill or corrected proposals that would balance the State legislation, much of which is pretty lopsided.

Now, so much for the specific legislative approach. There are a number of things that have been done by the American Federation of Labor, and we have on our own and in cooperation with our affiliates in other cooperating organizations been doing a great deal of educational work among the membership in support of legislation of this kind.

Here are some of the pamphlets we used in distribution to the membership, which might be of interest. The last pamphlet that just came out is called "Discrimination Costs You Money." is almost entirely a cartoon pamphlet done in verse.

MR. LUCKMAN: Could you mail one in to us?

MR. SHISHKIN: Surely. The text was prepared by the National Labor Service, which has maintained a cooperative arrangement with us in that respect.

I just wanted to add a word with regard to some of the problems

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that we have. There has been some misapprehension and some misunderstanding with regard to the policies of some individual unions in this respect. The policy of the American Federation of Labor in regard to discrimination of employment because of race, creed, color, or national origin is of long standing. It has been a national policy.

The national policy of the Federation is applicable and binding upon its direct affiliates. There is no way in which the Federation itself can enforce the acceptance of that policy by the national and international unions affiliated with it who maintain an autonomous standing with regard to their own policy making.

Over a period of years a program of both education and persuasion -- and some of the persuasion has been pretty stern persuasion with respect to affiliates -- has been carried on. We have made a great deal of progress and we have probably made more progress during the years of the operation of the emergency wartime FEPC than any other time.

The presence even of a temporary agency with limited powers in eliminating discrimination within the unions is matched by the progress made by the temporary FEPC in discrimination of employment by the employers. I think it is fair to say that there are not more than six or seven national organizations today which can be charged either with laxity or with a definite affirmative policy of giving approval to discrimination in employment. We find that what has been done in New York and New Jersey has helped a great deal to reduce the impact of even that. The unions have proven to be cooperative in those areas and have indicated their willingness to effect full compliance.

The problem is not an easy one, nor is it one that is clearly confined to any particular geographical area. Many unions in the South, building trades and metal trades and others, who are accepting Negroes and whites to membership without any discrimination, and even accepting them as officers -- there have been many shifts and changes in the course of events.

During the present southern organizing drive a great deal of progress has been made in organizing on a non-discriminatory basis. We have instances of some of the oldest unions in the South -- bricklayers and stone masons in New Orleans, for instance, that were originally preponderantly Negro unions and consisted of craftsmen who held title to the craft skills in the trade in that city, and who have apprenticed white workers to their skills.

The same is true of New Orleans iron workers. We have today

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the unions in the building trades, the plasters, for example, in Atlanta --

MISS TILLY: I was going to ask about that.

MR. SHISHKIN: -- who have officers on their board that are Negroes; and there are a mixture of unions on which both Negroes and whites are represented.

Here in Washington there is an interesting basis for observing the changes. Take one aspect that dates back to the period before the last war. In Washington, D. C., most of the service trades -- 95 percent of the barbers, and 90 percent of waiters and waitresses in hotels and restaurants prior to the last war were Negroes. Under the impact of World War I and the economic pressures generated, Negroes were to a very large extent displaced by whites.

In regard to union organizing, we first organized Negro locals in some of the service trades and then organized mixed locals, and they finally gave way to entirely white locals and almost entirely white workers.

There has to a large extent been a shift back, including other categories. Where waiters and waitresses were included in only one local union and did not operate jointly as a union with bus boys and kitchen help -- in Washington there are mixed locals.

In the case of several building trades unions here in Washington we had segregation -- Negroes in one local and whites in another and in the same category. When I first came down to Washington 15 years ago, that was the case. A great deal of work has been done under the leadership of the national and international unions here and the local Building Trades Council; so the same unions today in Washington have both white and Negro officers and are conducting their business in mixed meetings, and the problem that was indicated to be completely insuperable 15 years ago has been resolved without any difficulty or friction, despite the fact that we were told 15 years ago that Washington was part of the South, and the patterns of mores and customs are part of the South, and no white man working as a skilled tradesman in the trades would tolerate a colored officer presiding over his meeting and telling him when to speak.

That was done, and the experience over a period of years, experience in Washington, experience in the South and on the West Coast during the war, experience in large war production centers, both in the First and Second World Wars in which there as a great conglomeration of labor attracted by war industries indicates that the maximum of friction in employment is caused not by intolerance

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or hatred, but is caused by economic disparity. There is evidence -- and also abundant evidence not yet developed -- there is evidence that the FEPC started developing to some extent through its staff work and National Planning Association indicating the extent to which wage differentials in the United States were basically not geographical differentiations, but were ratio differentiations. The material is available because of classification of workers in the studies made by the NRA, in the studies made by the Industry Committees of the Wage and Hour Division, in which both labor and management participated, the Division of Public Contracts in the letting of the government contracts prior to the war contain ample evidence of the effective discrimination, not only in hiring of workers but also in the maintenance of standards after they have been hired, by paying Negroes a lower scale of pay.

One of the things that is extremely important, it seems to me, in order to provide a basis for future action -- I know that this Committee will neither have the time nor have the resources to develop a study of this kind, but it is not a difficult job and not a big one. It requires skilled help, but not numerous help to do one thing: Merely to bring together the available basic wage information by proper classifications and initiating current census classifications and census studies that would relate the information previously available with the facts that will be available currently to show the shifts of this pattern and persistence of the problem itself.

Discrimination in employment is economic discrimination. There is no question about it. The ingrown attitudes are the result of and are rooted in economic problems. The disparities and discrepancies in wage standards created by the war have contributed a great deal to the growth of it. That is at the root, and the study of the economic causes of discrimination are extremely important. If the Committee can contribute to this, it will help a great deal.

Finally, I think with whatever equipment, including that type of equipment, the Committee could help in furthering the Congressional consideration of the permanent FEPC legislation within the broad framework of the Ives Bill, perhaps, with some improvement, and helping to focus public attention on it, provide justification for the strong public pressure for that type of legislation. I think that the purposes of the Committee will be greatly served and the national policy will be greatly strengthened.

MR. LUCKMAN: Thank you very much, Mr. Shishkin. That is certainly a comprehensive and enlightening presentation.

Would you be agreeable to some questions, which I am sure have been raised in our minds?

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MR. SHISHKIN: Of course, I would be glad to.

MR. LUCKMAN: Rabbi Gittlesohn?

RABBI GITTLESOHN: You have a strong distinction between what you call social segregation as, for example, in the formation of local auxiliaries on a color basis on the one hand, and economic discrimination in the form of anti-employment discrimination --

MR. SHISHKIN: May I correct that? There was no distinction between auxiliaries. This legislation covers auxiliaries and would outlaw them.

RABBI GITTLESOHN: In accordance with this provision local auxiliaries for Negroes, for example, would be outlawed?

MR. SHISHKIN: Yes, and would be a violation.

RABBI GITTLESOHN: And the national stand of the American Federation of Labor is in favor of support of the law?

MR. SHISHKIN: There is no question about it. If I might comment on that -- we have done a pretty effective job in connection with that. There are examples of wartime development of setting up auxiliaries in which Negroes were given a segregated membership. Machinists have done it in some instances and the boilermakers have. Now, in that case the auxiliary was set up for Negro workers. A large number of Negro workers were brought into the shipyards over which the Boilermakers had jurisdiction and held contracts.

Now, the American Federation of Labor put a great deal of pressure on the Boilermakers at that time, and as a matter of fact President Green, when the convention of the Boilermakers was held in the spring of 1943, appeared personally before the convention, urging the Executive Board to recommend to the convention the elimination of auxiliaries altogether; and although they were not eliminated completely, several important changes took place.

For one thing, they previously were supervised by the white local and had no independent standing. Secondly, they had no right to elect delegates to the convention, and thereby were left without a voice. There were other features of that kind which were eliminated, so that they are now given the status of complete parity with white locals.

There is only one distinction that remains of any consequence and that is in the Boilermakers Union a member of a white local after either his job folds up or he leaves the locality to go to another place in search of work or to join his family, he is given a transfer

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card which entitles him to rights and privileges, including seniority rights, in seeking employment in another place.

Now, the member of a Negro local in the Boilermakers has all the other rights and privileges except the right of universal transfer, on which the most difficult part of the fight in the 1943 convention was concentrated; and they only went so far in the convention as to say that these are steps we have taken now. This is the progress. We recommend consideration of the next step at the following convention. They have conventions every four years.

RABBI GITTLESOHN: Are there any facts or figures which indicate what is happening, for example, to the pattern of auxiliary locals within the American Federation of Labor, the rate they are decreasing in number, if they are so decreasing?

MR. SHISHKIN: There are no figures available, but the only unions in which auxiliary organization was in effect was the Boilermakers and Machinists, now independent and not A.F. of L., but who have many locals to which Negroes now are admitted. It wasn't done overnight and it wasn't done without the intervention of the FEPC, but they did eliminate a number of local discriminations as a result of FEPC and also because of President Roosevelt's personal intervention, but it is not completely cleaned up yet. There are still some auxiliary locals in the Machinists.

So far as auxiliary locals, I don't know of any other organization in which there might still be auxiliaries. There are many unions who maintain mixed locals in the North, while they maintain segregated locals in the South. In the case of segregated locals not auxiliaries, they have full rights and privileges. The only difference is one is white and one is a Negro local in a southern city.

RABBI GITTLESOHN: Would this provision of the bill hit segregated locals?

MR. SHISHKIN: To the extent that the white local union would not admit Negro members and the Negro local union would not admit white members.

RABBI GITTLESOHN: We are not worried by the latter case.

MR. SHISHKIN: You have to provide the legal basis. It works both ways. There is prima facie evidence of discrimination in each case.

MR. LUCKMAN: I would like further enlightenment on a phrase

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you mentioned when making an analysis of this particular section. You indicated that you thought events which might be described as clambakes would not come within the jurisdiction or provision of this section. Do you think that they should?

MR. SHISHKIN: No, I don't think they should.

MR. LUCKMAN: That being a social endeavor and having nothing to do with the economic factors?

MR. SHISHKIN: If the union holds a dance, there is no reason why that kind of social function covered be covered by legislation which relates to unions only and not to all social organizations, including churches.

MR. TOBIAS: To what extent are there separate unions, I mean segregated?

MR. SHISHKIN: In the labor movement generally?

MR. TOBIAS: In the American Federation of Labor.

MR. SHISHKIN: The unions that --

MR. TOBIAS: I mean those unions that Negroes may not join if they want to.

MR. SHISHKIN: The unions that discriminate -- as I said, I think there are no more than six or seven today that have either open or hidden bars to Negro membership in the American Federation of Labor.

MR. TOBIAS: The question of the help that the leadership of the unions gives in securing favorable consideration of a bill like this bill, it would seem to me, would be affected or conditioned by the policies of the unions themselves on the issues that are raised here. I am trying to visualize what would happen in a hearing -- it has happened -- when the opponents of a bill of this kind would ask what the policies of labor unions are, particularly in the fact that they do not have authority within the National Federation itself, government policies and local or international unions, and yet what is being asked of the Federal Government is that it pass a law that will affect practices all the way down the line, across State lines, across sectional lines.

Suppose that is raised as an objection to a law of this kind and there would be advanced the thought that, for example, local sentiment, should all be taken into account, and why not leave this?

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In other words, why have a national law at all if you can bring about the acceptance of bills of this kind by the legislatures of the several States? We are getting some of that done, and there are those, of course, who believe that the approach to it is on a state level rather than on a national level.

MR. SHISHKIN: Well, in the first place, we have had an FEPC for a period of several years, and we have seen it in operation as an expression of a national policy that is still the same national policy, except it was put to a crucial test, and when the crucial test comes, it requires that kind of implementation.

There is no reason why the national policy should go in abeyance simply because the pressure of the crisis is not upon us. It might arise at any time.

Dean Acheson, as was reported in the final report of the FEPC that was just issued -- stated that the existence of discrimination against minority groups in the United States is a handicap in our relations with the other countries. We take a stand in the United Nations. We took a stand in Germany against discrimination, and we have got to back it up. We have got to back it up in urging the continuation of the fair employment practices as a national policy unrelated to the decisions of the individual States.

MR. TOBIAS: This would be a national law, not just a stand or expression of opinion.

MR. SHISHKIN: Yes, but isn't our national policy an empty gesture until it is implemented by law?

MR. TOBIAS: The question will arise: Why doesn't that apply to labor unions as well?

MR. SHISHKIN: In the Federation we have a union structure. The question is simply this: We are a Federated organization, as the Federal Government itself is. The right of autonomy of the individual unions is comparable to that of the States. The convention and the convention alone can empower the Federation to adopt stands on issues which would become binding on the individual unions, and it has adopted stands on some of those issues, but very few.

They are broadly concerned with the basic principles of labor organization. The rest is left to the individual States, so to speak, the individual organizations. Unless that bar is removed, we don't have the power to impose through national enactment of the Federation the kind of thing we propose here.

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MR. TOBIAS: I was trying to see what the answer was.

MR. LUCKMAN: Would it be correct to say that presuming the passage of a properly worded FEPC Act with sufficient provisions for enforcement, that that Act would then make possible and require uniform action on the part of all labor organizations, as it would all industrial organizations, and that assuming that set of facts, the position of the American Federation of Labor would be as presented in your resolution in favor of conforming to that national Act, even though you did not have within your own organization the structure that would make it possible for you to conform to a national policy without that Act?

MR. SHISHKIN: That is right. We have evidence in New York and New Jersey -- New York particularly -- where unions, some not affiliated with the American Federation of Labor, some of the brotherhoods not affiliated, the railroads -- they are the chief negotiators of the non-discrimination policy -- evidence that they are willing to effect full compliance. The problem is a little more complex than just the relation between the national organization and its national affiliates.

Let's take the Bricklayers Union, which has a non-discrimination policy all over the country. They have mixed locals of bricklayers.

In the city of St. Louis there is a large local of bricklayers, masons, and others included in the union. At the beginning of the defense program they didn't have any Negroes and didn't admit any. There was nothing in writing and no rule, but they simply excluded them.

We went after them. The Government went after them, and they made a token compliance. Their national union went after them. They admitted to membership half a dozen Negroes and stopped there. Nobody could say they discriminated, that they didn't have Negroes. They did have them. They stopped. Beyond that they didn't admit anybody.

It was a very tenuous quota basis on which they did it, and it takes a great deal to get over that hurdle. We must guard against that in the operation of a law of this kind. We must guard against that kind of subterfuge and evasion of the law by creating a semblance of compliance.

MR. TOBIAS: As long as you have segregated and affiliated unions made up of any racial element of the type of a minority group, if this law should pass, you would have to do away with those

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discriminations in your unions and you would be up against this section.

MR. SHISHKIN: That is right.

MR. LUCKMAN: That is what I was trying to bring out and that their policy would make that quite acceptable to them.

MR. SHISHKIN: That is the reason we are supporting this, because then compliance by the affiliates would be mandatory upon them but not imposed by us.

MISS TILLY: I have been listening to the stand which the CIO held on the FEPC bills. The opposition to that comes very largely from the South.

What kind of a program -- if labor is for it. I think it can go through -- what kind of educational program have you in the South on these segregated membership unions that you have got to make them accept FEPC because from them is going to come the opposition that will reach the southern Congressmen, who will filibuster?

MR. SHISHKIN: There are two aspects to that. There is a great deal being done. It isn't my purpose here to sell you the virtues of our organization in education because some of them are virtues and some are vices, but apart from the fact that this is currently being dealt with as an organizational problem, the necessity of educating on this basis -- here is what one union has done.

In the same area and same type of community under the same circumstances that you claim to be a bar, why don't you do it? That is No. 1.

The second one, which is most far-reaching and on which we are hoping to accomplish the greatest result, because there is a greater recognition today than ever before, both at the national level and all the way down the line that we are riding the high tide today, which is not going to continue, and that the creation of reservoirs of employment with competition for the jobs will lead us again to greater and widening disparity in wage standards -- and once there is a reservoir of Negro workers competing against white workers, then we all know where the forces of discrimination are going to lead.

Because of the integration of Negroes into many jobs where skills are required, there will be an earlier and larger proportionate number of Negroes employed and will undermine the standards of all workers; and therefore, it is the problem of all workers to

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see that, as we say, "Discrimination costs you money." and that is our emphasis.

MISS TILLY: I just want you to do special missionary work in the South right now.

MR. LUCKMAN: I would like to express to you, Mr. Shishkin, the appreciation of the Committee for the work that you have done for us this afternoon; and I would also like to suggest to you, if it is agreeable with you, that your background and experience in this work would be of considerable value to this subcommittee; and while you are not an official member of the Committee, I do wish you would give consideration to sitting in with us whenever your time will so permit. I am sure that would be of great help to us.

MR. SHISHKIN: I would appreciate that very much.

MR. LUCKMAN: In the light of that, I would like to suggest you arrange to make available to Mr. Shishkin a full set of the minutes of today's meeting so that he can have everything that was given to our subcommittee today.

MR. SHISHKIN: I am glad to have had a chance to come; and on some special areas, which I had to deal with just as an individual in serving in FEPC -- not so much on the national committee as one who had to deal with these specific problems as they arose in the field -- this being also in a dual capacity of being a representative of a national organization that was concerned with this in a very affirmative way, but also as a member of the wartime FEPC Committee -- I will be glad to contribute in any way I can to adding a touch of realism in consideration of the problems that might arise.

MR. LUCKMAN: Thank you very much.

(Whereupon, at 4:00 p.m., the Committee adjourned. to reconvene in the East Wing of the White House at 10:00 a.m., April 3, 1947.)

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Tuesday, April 15, 1947

Subcommittee No. 3 of The  
President's Committee on Civil  
Rights,

Washington, D. C.

The subcommittee met at 11:00 o'clock a. m., in Room 208,  
1712 G. Street, N. W., Washington, D. C., Mr. Boris Shishkin, pre-  
siding.

Present: Mr. Boris Shishkin.

Also present: Mr. Robert Carr, Mr. John Durham, Mr. Milton  
Stewart and Miss Frances H. Williams.

MR. SHISHKIN: All right, Mr. MacKnight, we would appreciate  
it if you would proceed to give us a statement on the matter we  
have under consideration, at the conclusion of which we may desire  
to ask you some questions.

STATEMENT OF MR. JESSE MacKNIGHT

Department of State

1 MR. MacKNIGHT: From 1941 until the fall of 1943, there was  
2 in the Department of Justice a special War Policies Unit which had  
3 among its responsibilities the administration of the Voorhis Act,  
the Foreign Agents Registration Act; the general responsibility for  
considering, reviewing and recommending on problems in the field  
of subversive activities and sedition.

In the fall of 1943 that unit was abolished, and the work was  
divided up in the Department of Justice. A section in the War  
Division was set up to administer the Foreign Agents Registration  
Act and to sort of be caretaker of the Voorhis Act. That was known  
as the Foreign Agents Registration Section.

The activities under the Sedition and Subversive Activities  
laws were made the responsibility of the Criminal Division.

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As of the present time there is still a small unit in the Criminal Division charged with administration of the Foreign Agents Registration Act.

I might say that the War Division was abolished toward the tailend of 1945, at which time the Foreign Agents Registration responsibilities went to the Criminal Division.

Now I am here today speaking purely as an individual, with all the bureaucratic disclaimers that one makes in the Government these days.

MR. SHISHKIN: In connection with those agencies in the Department of Justice, I was wondering whether you would mention what your responsibility was?

MR. MacKNIGHT: Surely. I was Chief of the Organizations and Propaganda Analysis Section, which was one of the sections in the Special War Policies Unit. Later, from 1943 on, I was Chief of the Analysis Unit of the Foreign Agents Registration Section. During those four years I had responsibility for the analysis work in this area, as distinct from the legal work. We had a combination of political and social scientists working with lawyers. The staff was parallel, they worked as teams under the direction of the lawyer who was Chief of the Unit, or later, in 1943, Chief of the Foreign Agents Registration Section. We were administering a disclosure statute, two disclosure statutes as a matter of fact, the Voorhis Act, which was put on the books in 1941, and the revised Foreign Agents Registration Act, which was originally enacted in 1938 as an outgrowth of the Dickstein-McCormick investigation in '35 and '36. That Foreign Agents Registration Act, or the McCormick Act, was amended first in '39, and then in 1942.

From 1938 until the 1942 amendment, the responsibility for administration was vested in the Department of State. In 1942, it became a responsibility entrusted to the Department of Justice, where it remains to this day.

MR. SHISHKIN: That is fine.

I presume Mr. Durham has told you about the special interest of this subcommittee with respect to disclosure.

MR. MacKNIGHT: Yes. I might say I have read what apparently Mr. Ernst's original statement to the group was; I know of his general thinking in this field.

Let me get back to my disclaimer again. As an employee of

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the Department of State, I feel obligated to state again that these comments that I make represent my own views as an individual. I have no responsibility at present for administration of the Foreign Agents Registration Act or any other statute; I am engaged in work now which is sort of the reverse of what I was engaged in while I was over in the Department of Justice.

MR. SHISHKIN: This is solely for the ears of the committee, I might say.

MR. MacKNIGHT; There I was interested in what other people were trying to do to us. Now you might say I am interested in trying to do something to other people, in the foreign field chiefly.

I have a personal interest in this whole question of what we do in a democracy about people who want to influence other people, or who wish to deny to others a full and fair picture of who they are, what they are trying to do, and why they are trying to do it. I also have the four and a half years - actually five years, I should say, because I was a consultant before I was employed full-time by the Department of Justice - I have this five years of experience as part of this larger group administering the two disclosure statutes.

I likewise have what you might almost term a professional interest in the general field of communications and public opinion; in other words, how you make people believe what you want them to believe, or how you can unsell them on ideas that they may have or that someone else is trying to sell to them.

I have reviewed the responsibilities of the Department of Justice so far as statutes are concerned, in passing, when I was talking about the responsibilities of the Special War Policies Unit and the War Division. First of all, we had the Voorhis Act, which required registration and disclosure on the part of those who were engaged in civilian military activity or activity with a desire to overthrow a government, not necessarily our own but any government, and those who had foreign connections. The Voorhis Act, for all purposes, can be considered a "dead duck", and it has been for some time. I don't want to go into all the reasons why it is not being used by the Department of Justice now, because after all, that is a decision that is arrived at at higher echelons. In general the Act, I think you could say, was unworkable; unworkable because it was in a sense self-incriminating, and it proved impossible to administer.

The Foreign Agents Registration Act, on the contrary, is

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being administered haltingly, but nevertheless it is still actively in use.

So far as sedition and subversive activities are concerned, they are no longer a problem of any importance, I should say, to the Department, because they are issues that exist primarily in time of war or grave national emergency.

There was, I should say in passing, another field of interest in which the Department carried certain responsibilities for a period of time. For roughly two years, from 1941 to 1943, this Organizations and Propaganda Analysis Section also had responsibility for reading the domestic foreign-language press and for servicing various government agencies with information in this press of interest to the various agencies. This operation was somewhat similar to the old Office of Government Reports with which you are probably familiar; they operated on the English-language press in this country. During the war period and the period immediately preceding Pearl Harbor, there was felt to be a need for reviewing the foreign-language press, both for control purposes and for purposes of intelligence about the activities of individuals, the activities of those who were operating the newspapers.

MR. SHISHKIN: How large a staff did that maintain, do you remember, roughly?

MR. MacKNIGHT: The peak of the staff was 110. That was divided roughly 50-50 between professional and clerical personnel. The professional personnel, in turn, would be roughly divided 50-50 between translators and those who were full-fledged analysts. You see, you had to run somewhat of a team combination within the analysis section, because you had people who were employed primarily for their language skills; and they serviced, in turn, the political and social scientists whose field was propaganda, communications in general. They were the specialists in that field. The clerical personnel, of course, did the normal things that a clerical personnel are called upon to do.

MR. DURHAM: Do you remember the approximate budget at this point?

MR. MacKNIGHT: I can't remember the peak budget, but the most we had for reading the foreign-language press, which was designed to feed in a lot of material, was \$125,000. I think you could say as a fair estimate, under the then existing compensation system, that the analysis unit ran about \$180,000 or \$190,000, to which I would add the \$125,000, so that you had roughly \$300,000. That is a matter which I would like to refer to later on, because it does have application to this whole question.

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Now as far as disclosure itself, I am a very firm believer in the same thesis that Morris Ernst has written down there, namely, that we have got to come out with some democratic alternative to deal with an anti-social situation. If we apply un-democratic methods to it, I am perfectly certain that they are doomed to failure.

I hold no brief that even the application of disclosure statutes is going to provide a remedy that will be satisfactory to everyone, or even satisfactory to most of us. But in looking at the possibilities of coping with these anti-social problems, forces, influences, I myself can see no other alternative which holds as much promise as disclosure. With all of its difficulties, with all of its limitations, I still feel that it is the most desirable alternative that is available in our society. I think, however, that it has to be protected both from its friends and its foes. There is a tendency on the part of some individuals to look at the disclosure technique through rose-colored glasses. I can say out of the fullness of my own experience that you sometimes need some smoked glasses when you are looking at disclosure, because some of the problems that are dredged up and the decisions that you have to make are pretty sharp and hard on your eyes.

There is no sense in overselling or overpromising what disclosure can do. It is not a panacea by any stretch of the imagination; it is not a simple device that will deal with unpleasant problems. It is a complex remedy, it has difficulties in application. But all in all, I would say again that it seems to me the alternative that offers the most hope.

Now by "disclosure", I have reference to a procedure whereby certain requirements are placed against anyone who wishes to operate in the arena of public opinion to influence others. In general, I think it can be reduced to three major elements: labeling of material disseminated, which means the identification of material; financial disclosure; and reporting on activities, which would include the usual run of things, such as personnel, connections, what is actually disseminated, how it is disseminated, the quantities in which it is disseminated. You might also include a fourth category, and that is one that might be attached to the labeling provision, namely, the filing requirement. Generally, I think we use the term "labeling and filing".

I have segregated financial disclosure because I think that it has a special application in this field which should be pulled out for attention on its own merits rather than merely carried in the broader body of the reporting requirements.

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MR. SHISHKIN: I wonder, as you develop this, whether you would mention the distinction between disclosure to the Government, which may under some circumstances not necessarily be public, and full public disclosure?

MR. MacKNIGHT: Yes, I will refer to that in sort of reverse fashion under the problems.

Now some of the friends of disclosure tend to look at it in rather simple fashion. There is a tendency to refer back to the business of labeling of foods and drugs, and reference is frequently made to the S.E.C. provisions for protection of the public against fraud.

There is a certain element of truth in all of them, and yet the business of registration and disclosure as applied to the field of ideas has certain particular and peculiar problems which do not exist so far as the labeling of food and drugs, or the registration of securities, and things like that, are concerned. In the first place, I think it is far from certain that there is as wide a general acceptance of ideas as commodities, in the same fashion that food and drug items or securities are. There is just less awareness on the part both of the general public and of responsible leaders, both in Government and outside, so far as ideas as something in themselves are concerned.

The whole field of communications and public opinion is something that has gone ahead with sort of atomic speed in the last 20 years, and we are trying to catch up rapidly, and there is a definite lag in the comprehension on the part of people in the field of ideas in contrast to some of these other areas.

I would like to go down a list of some of the major problems which I think have pertinence here, in light of our experience in the Department of Justice. Again I emphasize that these are the views of a participant-observer who stands to be contradicted by others who may have also been participant-observers. I am sure that you will find people who worked right alongside me in the Department of Justice, having somewhat different ideas, different emphases, and arriving at different conclusions. As a matter of fact, I think you can say that we used to have a rather democratic caucus within our own shop when it came to battling out some of these issues. I think that is inevitable when you have a group of social or political scientists who are conscientiously trying to apply this type of remedy to the situation. Needless to say, you have the same situation existing so far as lawyers are concerned.

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You will undoubtedly have others, both inside the Government and outside, who are looking at the same set of facts from the vantage point from which they were able to observe or are able to observe the problems of the Department of Justice in the disclosure field, and they, too, will come to different conclusions. But I hope that they will be just as charitable of me as I am of them. I have learned long ago that a great deal depends on where you are standing when you look at a set of facts, and I think one of my greatest accomplishments is learning or has been to learn that there are some things that bureaucrats have to learn through suffering that you never learn if you never have the responsibility of becoming a bureaucrat, or let me say the opportunity.

The same is true when you are inside a machinery that is grinding out some of the decisions of government. It even, I might say - and I want to emphasize this - appears very different from the vantage point which you occupy within the hierarchical framework in which the responsibility is being carried out. I know that some of the people who worked for me on my staff as analysts will have and have very different ideas about disclosure than I would hold. Some people who were in the operation at one time and who departed for other jobs at a subsequent date before I left the organization, will come up with different ideas about it.

All this means is that the administration of disclosure responsibilities in the Department of Justice probably isn't any different than the administration of any other bureaucratic responsibilities. But in disclosure, I would say that one of the major problems is the need for competent personnel. Now again, that is not peculiar to disclosure, to the Department of Justice, to the United States Government. There is just as much a need for competent personnel on the part of private business enterprises, philanthropic and educational groups, as there is for the Department of Justice or the Department of Agriculture or the American Battle Monuments Commission. With enough good people, people who are adequately trained, who know what the score is, you tend to get a better job done.

MR. STEWART: What constitutes competence in terms of training?

MR. MacKNIGHT: I want to discuss some of those factors. I think that disclosure, as applied to this field you have to have a team-type of operation; you have to have the person who is trained in the law, and then you have to have working with that individual a person trained in the general field of social and political science. I don't think that either one can operate successfully by himself. In other words, the lawyer is handicapped

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to a major and crippling degree if he is forced to operate a disclosure statute by himself. The social or political scientist is no more competent to operate alone than the lawyer is.

Now this stems in large part from the educational process, the experience process through which lawyers are trained in the legal profession, and social and political scientists are trained as social and political scientists. Unfortunately, the legal profession, by and large, emphasizes the law in the narrow sense. I will say that that is the general rule, and I think it is an unfortunate situation, because I think it denies a great many individuals who have a major contribution to make to social problems, government problems, it denies them the opportunity of making the maximum contribution because they just don't have the equipment with which to do it.

I think to the same degree the reverse is true, that those of us who come up through the liberal arts field and get our training in social and political science, while we have a great many research assets, we compile a great body of knowledge, we are seriously deficient, by and large, in the utilization of that skill we have acquired in terms of the legal application that is required by disclosure statutes, or any other statute. We simply have not been sufficiently exposed to the requirements of the law to again make the major contribution that we should and are capable, by and large, of making.

So that I have a serious indictment particularly of the legal educational process. I think that the law schools are even more backward than the liberal arts colleges and universities. I think there is more awareness on the part of the political and social scientists of some of the legal requirements, than there is vice versa, on the part of the lawyers, of the social and political implications of the problems to which they are applying or attempting to apply legal remedies.

The second problem, I would say, is the need for adequate funds. That, I said I would refer to. You can't operate a disclosure statute, or carry out your responsibilities in any fashion that gives satisfaction, without spending money.

Now there is, of course, a sort of expensable amount that is involved in something like this. You can do a job in various degrees of magnitude and of quality, although it is fair to say that even a small job should be done in the highest quality. Nevertheless, it is also a fact that everybody recognizes, that if you are going to do a larger job you need more money than you need if you are going to do a smaller job. There is a certain

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minimum, I think, beyond which you can't drop without washing out the whole operation. You can't operate on a shoestring; you have got to have personnel, you have got to have personnel in adequate numbers, they have to be competent personnel, they have to be people whose salaries reflect competence. Otherwise, you will not get competent people; otherwise, you will not have the job done in the fashion that it has to be done if it is worth doing.

It also costs money, I want to point out, for materials, because in this field you have to purchase a sizable quantity of published materials, since a large part of your operation consists of systematically extracting intelligence and information from published materials.

It also costs you money for specialist assistants, because it does not pay in all cases to have experts in all fields of the problem on full-time assignment, it is a waste of the taxpayers' money. What you do require is a well-rounded, flexible staff able to call upon expert consultants to plug the holes when you have some special angle of the problem to consider.

There is also a fourth field in which you have to expend funds, and that is for the investigatory function. Now there was nothing in the \$300,000, roughly, that I mentioned before, which covered expenditures for investigation. By "investigation", I mean the business of sending out trained investigators who work not with public documents, but concentrate their attention more on the undercover phases of the situation. The difference there would be between the Special Agents of the Federal Bureau of Investigation on the one hand, who would be the investigators, and the analysts who were in the Special War Policies Unit who were working with public sources.

Another problem is the need for topside belief in the democratic method as the alternative to suppression. My own experience has been, again not confined to the Department of Justice in this field, but my experience wandering around Washington and before I came to Washington is that if you don't have a straight-line organization from top to bottom which believes in what you are doing, you suffer from a great many headaches that not only may cause you to lose sleep and get stomach ulcers, but eventually cause you to depart from your present occupation and find a job that is more productive. There are times when, through the operation of the normal factors that exist in our society, you find people topside in an organization who are either not sufficiently aware of, or, if they are aware, are not of the same opinion that their subordinates are.

I think there have been times, certainly, when in the

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administration of these disclosure statutes in the Department of Justice, there was neither sufficient understanding nor sufficient belief in disclosure as a method of dealing with the problem, on the topside of the Department of Justice, to do the job well and to do it adequately.

I might make a parenthetical statement off the record.

(Discussion off the record.)

MR. MacKNIGHT: A fourth problem is that of good public relations. Now to me, it is constantly amazing that people will have an understanding and allege they have a belief in disclosure as a device to protect our society against certain inroads, but at the same time they are perfectly blank on the public relations side. Now disclosure is no good if you merely disclose it to the favored few. The whole virtue of the disclosure technique is that you make public disclosure, that you permit people to have access to ideas, to points of view, to attempts to influence them, but that those who are engaged in such activity are labeled, are identified, people know about them, they don't have to take a large slice of their life prying around in the files of the Government to find out what the score is.

I think the Department of Justice has been seriously deficient in the field of public relations as applied to the disclosure program. With the exception of one report at the beginning of 1945 on the administration of the Foreign Agents Act, there has been no other report made. Indeed, the whole Act and the Department of Justice itself, and the United States Government I think it is fair to say, have suffered because of this blind spot on the part of topside in the Department of Justice to understand that you have to explain to people what the facts of the situation are if you expect any understanding on the part of the general public of what is going on. That is the old story, that you can't in the long run carry on any activity of a public nature without being completely sensitive to the fact that you have got to take the public into your confidence.

There have been some rather serious indictments of the Department of Justice in the disclosure field where the criticism was entirely unwarranted. I don't want to discuss specific cases, but there are a significant number of them, I would say, where the Department, and in turn the United States Government, have been blamed for certain things for which there should be no blame attached to the Government; the Government would have a perfect case, they were clearly within their rights, they were clearly within their responsibilities in applying the law. But by failing

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to explain to the public what the facts of the situation were, they were indited in public opinion for certain actions they took or for the lack of certain actions, because it cuts both ways.

That is very important, not merely, again, to present the results of the application of the Act, but to realize that in disclosure you are dealing with something that is unique. As far as I know, we are the only nation in the world that attempts to approach this problem with this type of solution. Now the common approach to it is to attempt to suppress things that are anti-social, and by "anti-social" I merely mean anti-the established order, I am not putting any values one way or the other on the situation, but the typical method is to try to clap a person in jail, to shoot him, to kill him, to deny him access to the channels of communication. I suppose you could also say that there is the other alternative of doing nothing at all about it, but I think the weight of experience has demonstrated that it is frequently rather fatal to adopt a hands-off policy in the field of ideas.

Now since this is a unique approach, and since this is a rather unique and complex world in which we live, in which it is sort of a goldfish bowl so far as the United States is concerned in the world, what we do in the United States or what we fail to do in the United States is no longer our secret, it is something that is available to the whole world to examine, to reflect on and to evaluate; nor is it a local problem with which we are dealing, either, within the United States. Present-day advances have enabled the channels of communication not only to acquire information, but to disseminate it almost instantaneously to all corners of the country, so that people can see and hear what is going on.

Now when they get into a crisis situation, I think there is a tendency to fall back on the established pattern of thinking, when you sort of take on what your father and your grandfather had as remedies for the situation. The established remedy, I would say, is to attempt suppression, even though I think most people, on reflection, are quite willing to admit that you can't suppress something in the realm of ideas. Nevertheless, that, to the average American citizen, is the one way in which the situation can be approached.

I think that is very well illustrated by the current situation we have in the country now towards some of our problem children, and the remedies that are advanced to deal with those who are linked with the Soviets.

So that you have got a need for a public relations program not only in terms of presenting the results, but also a need for a

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broad educational approach to the problem of disclosure, so that people understand what disclosure means, what values it has, what limitations it has, and so on. Without that, the presentation of the results is severely handicapped, and indeed somewhat meaningless, and perhaps even in some situations dangerous.

Fifth - I would say there is need for systematic revision of disclosure statutes. Without keeping such statutes abreast of experience and of current developments, the administering agency is tending to handicap itself in its functioning. I don't think it is any trade secret to anybody in the legal profession or even to anybody in the general public, again, if they think about it, to realize that once you put a law on the statute books, you immediately have a number of people affected by that law, and these people immediately hire themselves legal counsel to find out what holes there are that they can take advantage of; and in the disclosure field they are no different than they are in any other field. There has been a tendency to employ lawyers to find certain loopholes in the law, because words are susceptible to varying interpretations. Experience tends to assign certain meanings to laws, certain procedures grow up. You realize that you are on shaky grounds sometimes, and that there may be more than one way of reading a certain set of words and getting meaning out of them.

Now unless you take cognizance of these facts and systematically report where the gaps are and make recommendations for the improvement of the legislation, the administering agency is remiss. Not only does it handicap itself, but I might say this, the reverse is also true, it may be inflicting on the general public or a special public some degree of burden over and beyond what is fair. And that should be also taken into account that laws can operate harshly on some people and there should be a positive remedy for it. We shouldn't just let the situation degenerate to the point where it becomes a crisis.

Sixth - I would say that you need supplementary legislation. There has to be a sort of a network of statutory enactments which plug up the major loopholes.

Now I don't think you can do it all in one law, because I don't think it is always administratively feasible. There is a certain natural flow of responsibility in the Government which should not be set aside for a special purpose of this sort. It is the job of coordinating these various powers, these various protective mechanisms, so that they mesh together in the most productive fashion, not merely centralizing everything in one bureau. I have reference here to things like a reexamination of the tax deduction privileges, which I believe are under the Treasury

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Department, for charitable, educational and scientific contributions; the question of access to the mails at preferential rates. As a matter of fact, that comes within the purview of the Post Office Department.

Seventh - I think there is a problem as to where the responsibility for administering a disclosure statute in this field should be placed. As I said, the responsibility at present, for disclosing the field of foreign agents, is placed in the Department of Justice. When you get into the field of civil rights, you have got to consider a number of factors. Obviously, the first factor that comes to mind is that of the gathering of sufficient and adequate information. You have got to have your public materials reviewed and evaluated, analyzed and evaluated. But you have also got to have some mechanism which will go beyond the public materials and gather certain essential information that gives you a complete picture, or a relatively complete picture of the situation. That means you have got to have an investigative arm.

Again, I think from the standpoint of over-all government administration there is a lot to be said for utilizing the facilities of the Federal Bureau of Investigation. They are the largest, the best trained, and, I should say from my observation, the most capable investigative agency in the government by far. They have their limitations, serious limitations, but they have no real competition.

A second sub-factor under this question of things that affect the question of where the responsibility for administration should be placed, is consideration of attaching disclosure to criminal penalties, to the Criminal Division, so to speak, where the Civil Rights Section is now operating. There are pros and cons on that. I would say that the cons by far outweigh the pros. You will never get anyone to give you anything but exceedingly grudging compliance if their disclosure is attached to the Criminal Division. People then look upon the whole business as a criminal process rather than as a disclosure process, and that is immediately self-defeating. So that my own observation is that if you want a disclosure statute that works, you had better keep it away from the Criminal Division. True, the Criminal Division will have to carry certain responsibilities, because the disclosure statute must have some sanctions and those sanctions, in our society, have to be sanctions of the law, by and large, in the last analysis. So that means that you have got to have a case prepared and taken to a Grand Jury and, if the Government can secure an indictment, then you take it to trial. You have to defend it on appeal. Now all those things are in the criminal field, so you have got to have a relationship there that is well spelled out, harmonious and cooperative.

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MR. SHISHKIN: There has been some suggestion that the administration of the whole set of problems in the civil rights field might be placed in the hands of an independent agency of the Government, a Civil Rights Commission, or something of that sort.

MR. MacKNIGHT: I want to refer to that.

The next point I want to make is this possibility of what you could generally describe as the hearing board technique. That is to have a panel of individuals who have quasi-judicial power to hear complaints and to make findings of fact, and perhaps even recommendations. There are a great many advantages, I should think, to that procedure. There are a great many difficulties, also, but I do not think that that area of administering a disclosure statute has been, even on a minimum basis, explored.

You need to put the best legal and social minds on that problem. Such a board would, of course, I think, have to have subpoena power. I think it would also be fair to say that such a board would also have to submit its findings of fact to court review. I think in general the courts are a protection that is the right of every individual, no matter how personally obnoxious he may be to me or to any of us in this room. I say that because I always am aware of the fact that somebody who doesn't like me may get in control of our society, and I certainly would want to have the opportunity of getting a hearing in court.

There is also a question there of access for those who have complaints.

Now in summary, then, I would say that the Department of Justice experience has been that a disclosure statute is not easy to administer; it is possibly susceptible of misuse - I haven't gone into that, but by "misuse" I have in mind largely the device of a trap statute to catch those that you don't like, and to not apply the legislation against those who are acceptable and are working for the same values that you deem worthwhile working for. There is a possibility, in other words, of a one-sided application of disclosure.

Third - it costs money to administer.

Fourth - it must be kept up to date.

Fifth - I think it is also fair to say that it is not welcomed particularly by those who are affected by its application. The usual claims, I would say, are that it is an undue burden to comply with the statute; that it stigmatizes those who do comply; and,

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third, that it may be discriminatory in its application.

I think the alternatives of the situation are those which I have enumerated previously. You can do nothing about it and ignore the situation. I don't think anybody feels that that is particularly satisfactory or desirable. I think in this field you can rely on education for social change, the long pull. I don't particularly want to minimize the contribution that education can make, but it is a long pull and it may not be sufficiently fast or sufficiently full to afford the protection which we need in our society. The next alternative, it seems to me, is censorship or suppression. I don't think any person who has objectively examined the experience of the human race to date will have much if any hope that censorship or suppression has any significant contribution to make.

The fourth alternative, which is disclosure, I would class as freedom and responsibility, freedom to expound one's ideas but the assumption of responsibility for those ideas. Such responsibility would include the business of taking the public into your confidence. If you don't do it voluntarily - and I think a great many people would not do it voluntarily - then it seems to me that the Government has an obligation to require it in the public interest.

Well, that is, I say, a rather preaching lecture.

MR. SHISHKIN: That is very helpful.

I was wondering as to one particular phase of this, which I think it is quite important to outline clearly in the mind of the committee, what your thought was. You were referring to the experience, to a very large extent, in which the basis for disclosure was a certain set category or a group in society, no matter how that is defined or interpreted by the administering agency, but it wasn't generally applicable. Would you feel that some of the difficulties might multiply or disappear if the application of this kind of an operation is made to be a general one, without setting any categories at all, but it would be applied equally to all groups?

MR. MacKNIGHT: Well, I would not be prepared - I think you have put your finger on a point that, in my quick review last night, it didn't occur to me to jot down, but it is certainly one that I am aware of, namely, that the area of application for disclosure is part of the difficulty of writing a law that will hold. Admittedly it is easier to write a satisfactory law when you can segregate some group like foreign agents. If you generalize it on too broad a

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basis it would create an unworkable administrative burden, I am sure. In other words, you would have to spend too much money to get any significant results. If you narrow it too far, you meet the other side of the picture, that you are not really coming to grips with the problem.

I would say that that again is an area where some of our better minds could profitably apply themselves. I am not satisfied that sufficient thought has gone into the definition of the group or the area of the public to which this should be applied. There are various alternatives which I think tend to run from pretty sure-footed ground to pretty marginal areas.

There are various ways, I think, of tackling that. One, perhaps, is the application of a law to those who attempt to influence legislation, and I think there is a fair basis for writing a workable statute that would require disclosure by anyone who tries to affect legislation, in the sense of requiring certain data along the lines of the three points that I have mentioned. Certainly I don't think anyone will have serious objection to continuing disclosure for those who are agents of foreign interests. I think you could extend the boundary of the area to which it could legitimately and workably be applied, still further.

I wouldn't want to pursue it here today, but I think that that is an area that should be explored. I think there is a tendency on the part of some, particularly lawyers who are prone to be somewhat like administrative people in Government, to find 25 reasons why you can't do something for every half reason they can find as to how you can do something. I don't know whether you have worked for the Government or not, Mr. Shishkin, but I will say that we bureaucrats have our troubles with the administrative people, and I will say that the lawyers are not basically different from administrative people. Take a case to a lawyer, and you spell out the facts, and the first thing he does is to give you all the reasons why there is no case there. He is looking at it from the narrowest legalistic standpoint.

Commendably or otherwise, I think it comes down to the fact that he wants his batting average to be fairly high. So for that reason I think there is a tendency to throw out a lot of cases that are not black and white or open and shut on the face of them.

That, incidentally, is another problem that is involved to a very great degree in the field of disclosure.

I might say that most of us, I think it is fair to say too, in the whole disclosure field, would look upon criminal prosecution

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as almost a confession of failure. That is the last resort for the sinner. If you can't convert him in any other way, you take him to jail. There is really little fundamental difference between censorship before you apply it, or censorship by putting a man in jail. So you come up against the philosophical problem very graphically. That is why I emphasize the essential nature of public relations.

However, as I say, I think you can find lawyers, and other people who are not lawyers, who are aware of the problem, who are just as aware as even the most narrow legalistic minded lawyer of the difficulties of carving out an appropriate area, who could with profit explore this situation and come up, I think, with some answers that would hold water.

MR. SHISHKIN: There is one very minor wrinkle --

MR. MacKNIGHT: I might say that that is very well illustrated by the Voorhis Act. In the first place, it was a sort of a siamese twin proposition. I don't know whether you remember the history back in those days, but you had a lot of people who were concerned about uniformed groups, the Storm Troops, the division of the Bund, marching around Yorkville or going over to Camp Nordlund in uniform. So The American Legion and a lot of other people felt that one of the ways of putting the cuffs on these people was to clamp controls on civilian military activity, and that was one school of thought. You had some others who wanted a sort of a dragnet to catch the Communist Party and other obnoxious characters, in their minds, and they were pushing the political activity side.

The net result was that you had one of these legislative deals where both sides got together and you had two things in one bill, neither one of them particularly well thought out. They seemed like simple propositions on the face of them, but when you get to writing the law they were more complex.

MR. SHISHKIN: Has any constitutional question been raised about the Voorhis Act?

MR. MacKNIGHT: No, there has never been any prosecution under it. I believe five groups registered, completely inconsequential. There have been --

MR. SHISHKIN: Do you have your own doubts on the ground of self-incrimination?

MR. MacKNIGHT: Yes, on the Voorhis Act I think that is quite

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clear.

The Foreign Agents Act has been tested in court to some degree. The Government has won some cases. But again, this reluctance to come to grips with the problem I think has affected the Act. In my view the Government should legitimately test the boundaries of its authority, when a legitimate issue arises, and even though they lose the case it tends to delimit the area of their responsibility as far as application of the Act is concerned. I think the Department has been very reluctant to do that. So rather than face up to the fact that they should make a court test of certain marginal cases to determine whether or not the Act applies or doesn't apply, as it is now written, they have let the thing drift, and that is a very unsatisfactory situation because in a sense it is condoning evasion of the law. I think it has an unhealthy effect in the long pull, because it tends to throw our whole legal structure into something of disrepute.

There is a tendency sometimes to make a selection of other statutes on which to prosecute people, so that what you are doing actually is penalizing people under one sanction, whereas actually their major error, if it is an error, has been the violation of another sanction. That is not unusual, I would say, in this field; it is probably done in others. You can't get Capone for doing certain things that have to do with assault and battery, so you trip him up on income tax.

Well, it is far less desirable to accept those alternatives in the realm of ideas, because I think it tends to promote almost an erosion of civil liberties to do that. Somebody else may come along who is even less tolerant of dissent and begin to extend this marginal application of other laws to take care of this situation, into other fields.

MR. SHISHKIN: We are running way behind our schedule.

Do you have any questions?

MR. CARR: No, I don't have any.

MR. DURHAM: We had some here, but Mr. Klaus is out there and has been there for about 30 minutes. I don't know how you feel or how he would feel, but we might ask him whether we could run over until tomorrow morning sometime.

We have three others coming up, one at 2:00, one at 3:30, and the last one at 4:30 o'clock. We could run until 1:00 o'clock and perhaps trespass on the good nature of all concerned, or we might

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ask Mr. Klaus if he would come back tomorrow morning.

MR. SHISHKIN: I was wondering if it might not be the best procedure, as far as Mr. MacKnight is concerned, to have him here sometime when one of the other members of the subcommittee would be present, and see if there might not be a possibility of setting a time either tomorrow or at some other session to pick up where he left off. We may have a few questions. As a matter of fact, we might have a little discussion among ourselves and send some questions over to you, and then have a very brief meeting and not impose upon your time. We are very grateful to you for your time and help.

MR. MacKNIGHT: As I said initially, this is something that is close to my heart. I am not sure that disclosure is the answer, but it is the closest I can come to it; and if somebody else can come up with one, they have my best wishes.

MR. SHISHKIN: Well, we are going to count on your help to develop this.

MR. MacKNIGHT: Thanks a lot.

MR. SHISHKIN: I understand that Mr. Durham has told you something about this subcommittee's interest and the area of exploration that we are conducting at this time. It is a difficult one, and much of it is an entirely new exploration, and we certainly would like very much to have your reactions in the light of your experience, as to what the committee's approaches should be, and how effective it could be in the field of disclosure and related measures that might be attempted in that field.

STATEMENT OF SAMUEL KLAUS

State Department

MR. KLAUS: By the "field of disclosure", do you mean disclosure by organizations of their activities?

MR. SHISHKIN: That is right.

MR. DURHAM: Mr. Klaus, you might very briefly for the record explain a little bit about your background.

MR. KLAUS: I got into this problem when I was a Treasury official. I was a Treasury official from 1934 to 1945, or 1944, I believe it was, as Special Assistant to the Secretary or to the General Counsel of the Treasury Department.

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In 1940 it occurred to me that the best thing I could do would be to try to prepare for the war that I thought was coming, that we were getting into, and I made arrangements with the Secretary to start looking into the question of identifying in the United States the centers of Fascist and Nazi activity and just what the Germans and the Nazis and the Communists were doing in the United States to penetrate, not merely economically but culturally, and through propaganda and so on.

As events progressed of course the problem of the Communists sort of dropped out and became less important and we concentrated largely on the Nazi and Fascist problem. I use Fascist in the sense of the Italian Fascist Party, the Italian Government.

Well, that led to the taking over of German assets and Italian assets in the United States, and it also led to the identification of propaganda organizations which they were behind in some way or another.

We used at that time every possible Treasury power to get the facts, to find out what was going on, and then decide what we could do about it. We did it in the Treasury simply because I was in the Treasury and because Mr. Morgenthau was a very willing actor in this enterprise, and we had a few other people who were quite willing to go along.

We set up pretty soon a Foreign Funds Control System which was theoretically based on the necessity of controlling the expenditure of funds by enemy organizations, but my theory was that the power to deny money could be used as a power to get facts. We said to the German Railroad office, for instance, or the Hamburg-American Lines, "If you don't tell us what you are doing we won't let you draw funds out of the bank". That was the substance of it, "If you don't talk you can't eat". And in that way we were able to dip up a good deal of information as to what they were doing. Much of it was very late, they had already done their dirty work and had disappeared for the most part. But we got a good deal of information.

And we used other Treasury powers. We had Customs, and we found out what was coming through to the propaganda organizations, especially that the Germans were shipping in tons and tons of literature to be peddled in the United States. A lot of it came through the embassies and consulates, but a lot of it came direct, and the problem was what could we do about that. At one stage - as usual it was quite late - we stopped permitting that stuff to come in; we didn't deliver any of it and the Post Office stopped delivering it. Nevertheless the German Embassy used to get crates

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of that stuff and we tried as far as we could, consistent with diplomatic practices, to stop that from coming in on the ground that it wasn't really diplomatic material, and so on.

Well, now, that is the background of this investigation. You can see that what we were trying to do was to act extemporaneously; there wasn't much in the way of organized procedure to handle this problem. Here we were faced with a war practically on our hands, and with an enemy that had been isolated, identified, but which was still working here legally and quite openly. So we had to do the best we could.

We made arrangements with the Department of Justice to get what information we could from them. We made arrangements with all our other sources of information in the Treasury to do the same thing, and the Post Office. And the State Department then organized an office similar to mine to do the same kind of work there.

We did the best we could to get the facts. I am a great believer in operations; I don't believe in passing papers that other people give you, but in creating information in the first place to pass on to others. So we had several thousand Treasury Agents and a small staff of coordinators, and did the best we could. Jesse MacKnight was over in Justice at that time, and I think that L. M. C. Smith had sort of set up a similar organization there to read the press, and we exchanged a good deal of material. But as a weapon we mostly had only the foreign fund control device. We would say, "We have identified you as a national of a foreign country; if you don't show us what you are doing you can't get any money."

Well, now, to get to the subject in which you are probably more interested, after we had exploited the foreign funds device and set up an elaborate investigative organization, we got into the war, and there came up the question of these other organizations that were operating on the so-called cultural level, other than merely on just the economic level, corporations or societies that had no assets and you couldn't use this device of withholding funds, and where I was pretty sure they were doing the same thing.

At that time Mr. Ernst, who is a member, I take it, of your subcommittee, had become interested also in the collateral problem of making some of these organizations, especially of the America First Committee type, report to the Treasury Department about their activities, and he was able to sell that to the Secretary. I got that project, and the one I was already working on, of organizations trying to get into the cultural activity of the United States, and we put them together as a single project. I am giving you my rough recollections now, and if you have seen these reports

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that I wrote you probably know more of the detail. But the general idea was that we had to use a power which we had in the Treasury to find out what the facts were, and it seemed to me - taking advantage also of Ernst's suggestions - that we might be able to do it through our tax powers, and that under the taxing laws we had the authority to find out whether an outfit or an organization should file a return. Every person who is a potential taxpayer is supposed to say whether he does or doesn't owe any money, and if they were engaged in any activity they should file, unless they were exempt, and if they claimed to be exempt they were supposed to file a special form as to why they claimed exemption, and that form required disclosure of certain information.

So that on a theoretical basis, if you expanded and intensified that sort of thing, we had the power to find out what the German singing societies were doing, what the Bund organizations were doing, what the totalitarian American type of organizations were doing, and so on.

Well, it was by exercising that power that we found out most of what we knew about the organizations in this country directed toward the propagation of either pro-Hitler or pro-Mussolini, and even Native Fascist, if you want to call it that, ideas. We also, to some extent, used the foreign funds device where we could sort of make a reasonable case against an organization as an agency of one of those governments.

Now our experience under that program is contained in a lot of reports which are in the Treasury, and they cover many organizations.

Then there were lots of German singing societies, and the student-professor exchange which the Nazis had organized, by which they sent both spies and propagandists into this country and they would propagandize our boys and girls who went to Germany, rather than vice versa. It was a one-way traffic. There were a bunch of other so-called cultural societies, and a good many of these loud organizations which turned out usually to have very few people, and I may say, very little money, that were joined up with the America First Committee, such as the Pelley type of organization.

I did those things in order chiefly to get isolated cases of different types so that we could arrive at some conclusions. It was obvious that we couldn't police the whole system. My conclusions are stated in these memoranda which I think Charlie Oliphant has given you.

MR. DURHAM: He picked out a few but I haven't gotten any

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orderly picture of them yet.

MR. SHISHKIN: I think the committee would like very much to have them.

MR. DURHAM: I don't think I have a complete record, but I would like to talk with you about those that I have, and perhaps you could help us select others.

MR. KLAUS: I would be very happy to help you except that there is this point, of course, and that is one of the defects in this whole approach. The Treasury is an organization which has to operate in secrecy in so far as tax matters are concerned, and there is an antithesis between that and any disclosure program that you might have. So a lot of these reports may not be available to you except in summary form.

Now I was going to say that I organized this thing on a regional basis because that seemed most desirable administratively. We made studies of Nazi and local Fascist or anti-civil liberties organizations in several areas - Baltimore, New York, Philadelphia, Chicago, some here in Washington and some on the West Coast. Naturally, since this was a project organized by me personally, and which had to have a personal touch, the further away from the scene I was the less work was done. So I had to travel around to get the interest of these people going in doing this job.

That brings me to the point of why the Treasury is one of the worst places into which to put this project. You see the Internal Revenue Bureau, which would have this function, is a tax collecting organization. Their function is to raise money, and it is almost on a mathematical basis. For every dollar you put out you have got to get so much in in revenue. Therefore, any project which is not revenue producing will be resisted, and could only be forced on these men by the fact that the Secretary of the Treasury wanted it personally, that there was a war on and everybody felt patriotic and would do this sort of thing.

In the second place, this sort of a job requires an agent who is more than just an accountant or a bookkeeper. He has to be a pretty bright fellow on his own; he has to be ingenuous, to know what he is looking for, and he has to understand that it is not just taxes at all. Therefore he has to read the kind of documents that an ordinary revenue agent would never think of reading. He has to go to the correspondence, which is not relevant in the usual income tax investigation, or any kind of tax investigation. Then he has to ask questions and they have to be intelligent questions. Well, obviously, in any kind of an organization of that type the number

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of people who are good is limited, and if they are that good they are not going to be ordinary agents but they are going to be supervisors. So you don't get the type of people you need there for that job.

MR. SHISHKIN: What was your peak budget?

MR. KLAUS: I didn't have a budget; I don't remember what it did cost us. I had command of the Revenue Agents of the United States, or Customs Agents, or whatever they were, and there were no segregated funds. We would go in and say, "Here is a project, the Secretary wants it, can you give me three men?"

MR. DURHAM: It amounts to this, that you were in command of the budget of the Customs and Revenue Agents?

MR. KLAUS: That is right, I had the command of the Department and I had the command of the FBI who worked very closely locally in the individual areas, and here in Washington. I couldn't calculate what that cost, or what the State Department, F. C. Division, cost, or what Sam Smith in Justice cost. That is a hard thing to estimate. I can say this, that on the basis of my experience it would cost a lot of money to set up a separate organization to find out the facts.

There is another point, and that is that on this filing system, registration for tax purposes, which was Ernst's idea, of these organizations, that is a fallacious notion. If you don't owe a tax you don't have to file anything and nothing will happen to you. The type of organization that is engaged in dirty work doesn't need to file, in a practical sense, and you can't do anything to them, they just don't file.

MR. DURHAM: You mean the tax exemptions?

MR. KLAUS: Yes, where they are under the tax exempt provision, or even under the non-tax exempt provision, if you don't owe any money you don't file a return, and practically speaking nothing will happen to you because the Government hasn't lost anything by it and it would cost too much to go to the effort of making you file those returns. And while the Treasury has asked everybody to file returns from time to time, that is not an enforceable or practically enforceable thing; nobody goes to jail for not causing the Government any loss. You are not going to have a grand jury set up to investigate and indict people that don't owe the Government any money anyhow.

In the second place, if you didn't file a tax exempt return

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but filed an ordinary tax return of the kind that you and I file, in other words you didn't claim any exemptions, you wouldn't pay any more and you would disclose much less information - there is nothing on an ordinary tax return. You say, "My name is So and So, and I have dependents". Or, if you are a corporation, you just say, "The name is So and So, incorporated in so and so; income - Zero."

What happens in these cases? They don't have income, they have contributions which are considered as capital transfers; they are not in the business of getting contributions, their contributions are like the contributions of capital stock to a corporation. It is not income on which you pay taxes. So they don't have to disclose anything, and the smart ones don't. We just got no information from most of these people. The only way I got anything was to bulldoze them, to argue with them. A lot of them were scared, they didn't know what it meant, but even when they filed, as I say, the other form of return, the one that is for exempt corporations, with which Morris Ernst had a part in the beginning, we got very little information.

It always meant that you had to start an investigation. In other words, these forms gave you a few clues to an investigation that you had to conduct, you had to go out to the organization, see the people involved, read their books, their records, their correspondence, and ask questions. But the return itself told you practically nothing, it didn't tell you much about who gave them the money that they were operating on, or what they did with their money. You couldn't do that with a form, it is an impossible thing. You might get an idea of how much money was involved in the business if they told the truth. But on the other hand, you wouldn't be able to check to see whether it was the truth, practically speaking.

There is another point about this - I mentioned the secrecy point - the Treasury Department had no power to compel disclosure in these cases because of the fact that there was no grand jury power that was worth anything, practically; there was no subpoena power that was worth anything; we just had a threat.

Now the Treasury Agents don't like this type of work for another reason, and that is that once people get the idea that a Revenue Agent is trying to find out something other than taxes, they begin to hold back, they won't tell you, and the Treasury program of tax collection rests primarily upon cooperation between the taxpayer and the Government. That is why they promise them secrecy, that is why it is never disclosed, and so on. If they had to drag every taxpayer into court on every item of disclosure, it would be

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impossible. So they don't like this thing. No Revenue Agent wants to get involved in a business of looking for information that is not really what the tax form or the tax law calls for.

Now that is the background on that.

MR. SHISHKIN: I was wondering whether, with those limitations, you managed to turn up anything substantial?

MR. KLAUS: I turned up a lot of information, a terrific amount, I would say. The Native American investigation alone brought us a terrific amount of information. The German stuff - there was nothing like it. I am very proud of that; I don't think that any organization in this government or any other government, and I have seen the records over in Germany and I know what the British did, and others, and they never did as much as my small group did through the fact that they were able to go into a man's cellar in Brooklyn and bring out records of a singing society, and find out what correspondence he had with the headquarters in Germany directed toward cultivating the cultural attachment of people of German ancestry in the United States, to the Reich; or going into the home of this crackpot Shea in Baltimore and discovering by just hanging around his house just what these little noisy organizations consisted of, and what he was up to and where he was getting the money, and so on. That kind of stuff isn't done ordinarily. We did it as a tailor-made job, no budget, no real permanent organization, it was done for the war effort. But if you start talking, as you must, in terms of a permanent organization, you have got a different problem.

If I may, I would like to get on to my few notes here. We discovered a couple of things that may be of interest to you. First, that it doesn't cost much money to subvert the United States or to create attacks on civil liberties. George Sylvester Viereck discovered that you can make the United States Government pay the cost of its own subversion. That is a very common practice. I think it is the chief tactic that is used.

You get a Congressman and then you feed him the stuff and he puts it into the Congressional Record, which has in itself a tremendous distribution, and operates, as you know, at the taxpayers' expense; and then you get reprints of that and send them out under the franking privilege, and you can cover the United States with any kind of drivel you want for very little cost, or no cost at all, relatively speaking.

Also you can get a Congressman, if you want to put in the expenditure of electing a Congressman, you can do it that way. My

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investigation of one Society showed that they claimed to have elected a certain Congressman. They claimed credit for having elected him and he was always peddling their stuff and putting it in the Record.

They chose a small state in which there was a relatively small population, and by a minimum expenditure of money in that state they were able to swing the election at small cost. That is much more convenient than trying to win an election in New York or Pennsylvania or some other state which will involve money.

Having gotten their men they were all set. The same thing goes for anybody else that wants to start a really subversive movement.

That is one conclusion. In the second place we have all felt that the real power to get information has to be the compulsion of the Federal Government as a sovereign. If you want information you ought to be able to get it through the subpoena in the usual criminal court way; you go to the grand jury and get a subpoena; if the fellow doesn't answer and produce the documents he goes to jail for contempt. Any organization which you might set up which relies on cajolery or indirection or good faith, you won't get very far with; you will be wasting a lot of time. The people will give you what they want, and if they feel you can't do anything about it they won't give you anything. Getting information is the big problem; to know what is going on, that is your big problem.

Now it seemed to me also that so far as this Government is concerned the problem of watching out for organizations who work for dirty causes, or shall we say attack civil liberties, because they think that is the way they can get ahead and come out on top, that is a continuing job and to do that you have got to have a continuing, full-time organization; you can't rely on helter-skelter methods or emergencies or crises.

If you had those two factors, a continuing organization and a power to compel the production of information without any dispute, you would have the essentials of an information finding and an information gathering organization.

Now as a lawyer I would say that you would always need to have some substantive legislation to ground your claim for appropriations to support the information finding organizations. As I see it, Congress rarely ever gives money just to get information without any purpose; they want to know why, what end you are going to serve. If you have substantive legislation - I am not going to say to you what I think it should be because I haven't thought it through - but if you have substantive legislation on this problem of civil

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liberties, and a legal power to compel the production of information in order to accomplish your substantive purpose, you are set to do business.

My own idea is that that organization should be in the Department of Justice because we are dealing with a problem of the internal security of the United States and the guarantee of those rights which the statutes and the Constitution give us, and the Department of Justice is the agency that is supposed to take care of that. However, it is also important that there should be provision for coordination of the work of the Department of Justice with other agencies of the Government that are in a position to give you information, like the Treasury to the extent that it can, and especially private organizations that work in this field.

You know more about that at this stage than I do, but the private organizations were always very useful to us because they were people with a desire to get things done, they weren't professional employees of the Government, but they were working for a cause and that cause was one with which we were sympathetic, and which could produce information. Also from a budgetary standpoint it didn't cost us any money. It was very useful to have the Anti Defamation League go out and get information because they paid for it; they weren't subject to budgetary restrictions or rules about travel, or how many dollars a day you could spend, or what you could pay for information. We are subject to that. The AFL and various other labor organizations worked the same way. But if you can coordinate this volunteer work with a real permanent continuing function of the Government, I think you will have what you want.

I think I have covered most of the things I had in my mind. I did have this to say, that you never can tell what you can do with information until you have it. It is useful to gather information for a purpose, but if you are doing an information gathering job on a wide scope, stuff will come up and you will say, "What can I do with that?" But pretty soon you will find that you can do something with it; you can make it public because that may be a proper sanction; and sometimes you find you can actually put a man in jail for what he has done; or you can suggest additional legislation, or you can go to the President or to Congress or to the Attorney General or somebody else in authority, and say, "We are not talking abstractly, but here is a case, here is a new wrinkle, you ought to do something about this."

If you have an organization that does have that authority to gather information widely and generally, and make it available, you would be able to feel your way in this field. If you start out,

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on the other hand, with a limitation on what you are going to do, you may find that as the field develops they have learned tricks that you are not ready for.

I think that is all I have to say.

MR. SHISHKIN: There is one thing I was wondering about in connection with any program that is developed in peace time, and not the result of a direct national emergency. You said a while ago that you often had the advantages of cooperation by voluntary organizations, in pursuing the causes in which you said we are interested in in war time and in an emergency, because it was a very clearcut thing, I mean your German organizations; there was the enemy and you knew what category you were after. But in a peacetime activity, dealing with any organizational activity that may attack civil rights, or make inroads in that direction, you don't have that clear cut category and because of that you will have to have a much more comprehensive system of administration in order to extend the coverage. I was wondering whether that, in your opinion, would create an insuperable barrier. From what you have said I was wondering whether the kind of an improvised operation that you had could be applicable to anything else but a clear cut situation?

MR. KLAUS: That is my opinion, my point, that I don't think so. I agree with you completely that in war time we just had to make up something quick and use what we could, even though the machinery wasn't at all geared to that kind of a job, and the machinery couldn't stand that kind of a job over a long period. As a matter of fact it began to break down right in the war period. The Revenue Agents refused to go along after a while, they began to resist, "We have other work to do, my promotion depends on how much additional tax I can show a year; you are going to keep me back in my job." There were only one or two men that I found in the whole country who were willing to do this thing for love because this was a thing they believed in. But that was just accident.

MR. SHISHKIN: But if you attempt to apply it to a specific set-up of projects in peacetime, and outside of the framework of an emergency, I am bothered about what you said, the causes with which we identified ourselves. What is the other side of that picture? What is the extent of the abuses you see in the Government itself, of anyone including an attorney general? You suggested that we put it in the Department of Justice. I said "an attorney general", and we had precedent after the last war of one selecting a cause of his own, pretty much of his own, and shaping policy to really write the ticket of what the policy should be for the government.

MR. KLAUS: You are asking me whether you should have it in the

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Government at all?

MR. SHISHKIN: No; I am asking whether any legislative approach of this kind should pretty clearly state the purposes, or if it doesn't do that whether any kind of a general approach of this sort would not lead to the dangers of abuse that would be self defeating?

MR. KLAUS: You can set up any program that can be killed by unsympathetic or stupid administration, no matter how good it looks on paper. You always have to get good people; there is no way around that. If you take it to the Department of Justice, then the only way you could get them to do their job, you know what you do on the outside, you are a citizen, you just make a lot of noise. And if you don't give them the money to do the job they have always got that excuse. So they have to have appropriations to do the job. It isn't just a simple thing of writing the law. The only reason that I say that the law should be general enough to permit the gathering of all kinds of information is that if you don't, you won't get the facts. On the other hand, my suggestion about general coverage is not power to make people conduct themselves in a certain way, but my idea is to get information and that doesn't put anybody in jail. Now you may have a case where the attorney general, if that is what you are thinking of, is interested not in civil liberties but in the opposite, and begins to go after the civil liberties organizations and make them disclose what they have, which is from your point of view perversion of the program --

MR. SHISHKIN (Interposing): Not necessarily. This committee is exploring the possibility of an approach which might lead to a disclosure by everyone including the civil liberties groups, completely without characterizing them.

MR. KLAUS: I was about to say that it doesn't hurt anybody to give the facts. If you want to get this question of how practical it is to have a program that makes everybody disclose, I would say that I think that is a very difficult problem.

MR. DURHAM: In line with Mr. Shishkin's inquiry, I was going to ask you what difficulties you would see in the way of applying disclosure principles to the hundreds of thousands of --

MR. KLAUS (Interposing): How many people would you need to receive, collect and read the stuff, and follow up? You would have to have another organization like the Bureau of Internal Revenue.

MR. SHISHKIN: Isn't it true, though, that if you receive all those things automatically, that after your particular problem has

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arisen that your analysis of the returns or the communicating of them becomes a separate operation later?

MR. KLAUS: Yes, but you need a staff; it is purely a question of staff.

MR. CARR: You might have in mind that you must just receive it and place it all in a file and not do anything with it unless the need arises.

MR. SHISHKIN: I was thinking along the line of the discussion we had with Charlie Oliphant and some others about this, and we have been shown a great many difficulties in the way of this kind of an operation, but my feeling was that to some extent the comments we have gotten were a little bit defensive comments.

MR. KLAUS: My point is this, that the form that you give them to file is rarely sufficient to disclose what you want, rarely if ever sufficient to disclose what you want, so it is only a starter. It gives you a man's name and address and to whom you go for the books and records, and possibly what the scope of the job is - should we assign 20 agents or one.

Your real job is going out and seeing the people and reading their stuff on the spot, because your assumption also is that most of them that are worth investigating are not disclosing anything more than they have to, and what they are concealing is what you want to know. So assuming that it is a reporting job seems to me to overlook the real problem; it is not primarily a reporting job.

I would think that this ought to be tied up with the general internal security program. You have a policing organization and whatever we think of its operations it is set up by law on a nationwide basis to police on the internal security basis. That is the FBI, and the local district attorney in every district is the representative of the United States Government who is supposed to be watching that and giving his orders to the local police, that is the FBI, to go out and get this, bring me this and bring me that. That is one of his functions, his chief function. So you already have a working organization. You may not like the way it is set up, that is another problem - I mean you should focus your attention, perhaps, on that - but to set up a duplicate organization --

MR. SHISHKIN (Interposing): Well, there is a possibility of a relationship between an operating agency and the staff. I was wondering what your reaction would be to the creation of an independent agency in the Government which would be the Civil Rights Commission, with the proper safeguards and proper procedures for opportunity to be heard; whereas the enforcement, operating and

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administrative functions, would be distributed among the agencies, not only in the Department of Justice but the other agencies that might be concerned. What would you think of that?

MR. KLAUS: I would like to see it on paper. As I see it you are trying to find out ways in which we could constantly be informed and we have an awful lot of -- I will put it this way, if we had ways in which an intelligent group sitting in Washington could be constantly fed facts, not just reports, but facts, and then be able to send back and say, "We want more of that", and start on a selective basis so that you are not trying to cover the whole world at once, you would find that you would get more at less cost.

MR. SHISHKIN: Do you think that there could be a margin of extension of the tax forms in the form of questions by which you could get more information, without making it self-defeating?

MR. KLAUS: I think the tax form is a snare and a delusion. I think it is a mistake to go into that, that you will get nowhere with it and besides it diverts you and you get involved further into that, and then you will lose that much time. We went through that thing very very carefully. There just isn't a thing, you are not going to get anywhere with it, nowhere at all so far as I can see. The tax form is a form based on tax exemption. If you ask for tax exemption you file a form; if you don't, you don't have to file a form. Mr. Pelley doesn't have to ask for tax exemption. Besides he doesn't have any taxes to pay on his enterprise. Morris Ernst is just plain wrong on that, he has been wrong for years and I have been telling him that, but he keeps coming back with that. It wasted our time and the time of the Treasury and the time of the Revenue Agents and never produced anything, not anything, you couldn't learn anything from those tax forms that was worth anything to you.

MR. SHISHKIN: Yes, but you had limited tax forms.

MR. KLAUS: It makes no difference. If you had a tax form eight yards long you wouldn't learn any more because the people you are interested in don't have to file them. If you had them twenty yards long you wouldn't learn anything. Besides, from an administrative point of view you would bog down because it wouldn't be worth the effort to read them when you are not collecting taxes.

MR. SHISHKIN: Suppose the tax law were modified?

MR. KLAUS: Then you would put it all in the Treasury Department and that is another thing. You would have an administrative fight. They don't want to get involved in running a police system.

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They get kicked around on the Hill now because they spend "X" dollars and get so much back for it.

MR. SHISHKIN: My question is as to the possibility of modifying it. I didn't suggest the possibility of changing the tax law so as to make this a complete, comprehensive coverage requiring everyone over fourteen to file a complete statement of his identity and activities, but there is an area --

MR. KLAUS (Interposing): It is not a tax problem, it has nothing to do with taxes except this adventitious, fortuitous circumstance that tax exempt organizations had to file. That is all. That is all it has to do with it, and the theory of tax exemption has practically nothing to do with your problem of discovering what violations of civil liberties take place, and who is behind them.

MR. SHISHKIN: You have had a great deal of experience in this field, not limited alone to taxes but in connection with this literature, some of which you mentioned was important, which was disseminated here. I was wondering what you thought of the possibility of a requirement for specifying on each publication the number of copies printed, and the place where printed? Would that be helpful?

MR. KLAUS: It might be, but it seems to me vaguely that we got into that at one time during this period. We wanted the Germans to tell us how many copies they were printing. Of course there was this Registration Act that was written, and that bogged down because the evasions were so simple. Father Coughlin in Detroit just used to get one copy of a German theme and he would rewrite it, or his people would, in twenty different ways, and it would go out as a circular, or in his newspaper, or in this, that and the other thing, and we couldn't learn very much that way. It is something, but we couldn't learn very much that way because the evasions were so great.

MR. SHISHKIN: Well, in some countries there is a requirement for having each publication bear the number of copies printed.

MR. KLAUS: That is right, and the name of the responsible editor and publisher.

MR. SHISHKIN: And printer. In England, for example, the enforcement of some of these things is carried out through the printers themselves who cooperate with the Government.

MR. KLAUS: The Post Office Department has had a great deal of experience with that. We went through that subject with them

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at one time. Again the evasions are very strong. They have a problem of stockholders. You set up a requirement that they give the name of the stockholders, and they put down the XYZ Corporation. You have got to find out who they are, and then you have to find out who are the stockholders of the stockholders, and you get involved in the same way. If they want to evade, you are in trouble. It is not harmful to have the requirement but it is a very difficult thing to enforce if they want to evade. What you really want to do is provide a basis for prosecution so that if a man violates it you can put him away. That is the only function, from my long experience in the government, that things like that perform. They give you a reason for prosecuting, knowing perfectly well all the time that as a substantive policy it is producing very little return.

MR. SHISHKIN: Well, the approach by way of the printers is the one I was thinking of.

MR. KLAUS: If you control the printers in the United States you will control a lot of the literature anyway. Leave the Government out of it and why not have the printers' unions in the United States give us the information as to what is being printed?

MR. SHISHKIN: That is what they are doing in England.

MR. KLAUS: We could not find in 1940 who was printing the filthy, scurrilous publications that were being put out, we were pretty sure, by German money, in Pittsburgh, just in the City of Pittsburgh, which is a highly unionized city, we just couldn't find out. Not only we, but the Democratic National Committee was also trying to find out and they couldn't find out.

MR. SHISHKIN: One of the reasons why I was thinking particularly about this is that in an entirely different field, in connection with rationing and price control when the original problem was explored about the application of some of these controls to restaurants, what happened was that although the restaurants very religiously always kept their menus way back so as to be able to refer to them, for a number of years back, just as a custom in the trade, when price control went into effect they all disappeared, just went, so that nobody could find out what their base price was. So we went to the Hotel and Restaurant Workers and found that to be very fruitful. In some cases they had been simply pilfered and hidden, and they turned up, but in others where they had been completely destroyed, these people knew where the printing of the menus had been done. They are specialty printers that do it, usually at night so that the menu is ready for the next day; and they were able to turn up great collections of the stuff, which left no ques-

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tion as to the possibility of getting at the source of the printing and the prices. I think this indicates the possibility of devising a system by which you can always find out where the dissemination of the stuff does originate.

MR. DURHAM: Except that that is done to a great extent on mimeograph machines.

MR. KLAUS: By mimeograph or multilith and all kinds of stunts. I think that some of that dirty stuff did come out by multigraph, mimeograph or multilith.

MR. SHISHKIN: But you can't do that with a couple of thousand copies.

MR. KLAUS: When John Roy Carlson was involved in some of his work of sort of a provocative nature, I think he called it the Christian Defender or something like that, that was a mimeographed handout that you would find all over the subway stations in New York.

MR. SHISHKIN: What is the maximum that you think we could accomplish in this field of disclosure?

MR. KLAUS: Do you mean by these forms in the Treasury Department?

MR. SHISHKIN: Not only that, but in the general field of disclosure what are the best leads?

MR. KLAUS: When you say "disclosure" do you mean by filing returns of some sort on some form, or do you mean the necessity that people tell us what they are doing?

MR. SHISHKIN: A requirement for people to disclose.

MR. KLAUS: I am trying to impress this on you that I think the power should be one not of automatic returns except where the statutes now compel automatic returns, such as the exempt corporation, but I think the power ought to be one of compelling individuals that you have segregated by police work or by other information, newspapers where you have read their stuff and their filthy sheets, of compelling them to come before an appropriate government body and tell what they are doing and force them to open their correspondence. When you start segregating on a case that you have got, then you have got something. If you try to cover the universe you will find yourself bogging down.

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MR. SHISHKIN: Your view is that segregated treatment is the only answer?

MR. KLAUS: My point is that that is where you get the biggest return on your investment.

I would like to see an organization in the Government, preferably in the Department of Justice, where all this junk and drivel is kept all the time, where the people are reading it all the time and finding out what is going on, and then their decisions are made that this is an area which looks as though it is not crackpot but an organized job, "Let's see who is behind that". The substantive power has to be there to set the organization up and to make the fellow talk. You get to whoever you think is behind a particular job, and you should be able to make him go to a grand jury and talk, and the penalty would be jail for not talking.

You will find that there is a lot of sympathy for crackpots in this country, and if you start pushing them around as we did, people will say, "He isn't dangerous, he isn't hurting anybody." That may be true. But you will not get the same kind of sympathy for the people that distribute literature on a grand scale and are really involved in a business enterprise, or are doing it for the dirty motives behind it.

There was this fellow Jim True in Washington who used to work out of this building across the street, and he put out some of the filthiest stuff we had. There was a lot of sympathy for him in Washington because they said, "He is crazy, he is a fellow who has gone bugs." There was one of them that used to paste stickers in the public lavatories, the comfort stations, and he was a crackpot. Now what do you do if you waste your time on that type of fellow?

But the people who were putting money into the Scribner's Commentator, or Pelley's organization are the people who had a serious business and those are the people we ought to get.

MR. SHISHKIN: I have had experience during the past year in attending several different kinds of meetings, including our convention of the AFL, and a meeting of the Protestant churches, and in each one of these meetings there was always some crackpot with something to distribute at the door, or something of that kind. But that was a pretty negligible kind of thing. But in every one of those meetings that I have in mind there was a distribution running into the thousands of a completely bound and expensively printed book put out by the Oxford Movement. Now the Oxford

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Movement may all be very fine but it was a huge expenditure of funds if you add up just my own individual experiences in going around the country and seeing what they have done at all public gatherings.

MR. KLAUS: That is what we are talking about.

MR. SHISHKIN: Now apart from the judgment as to what are the merits or demerits of that, the thing that concerns me very vitally is to find out where the money comes from or what is behind it.

MR. CARR: I take it that you are not against automatic reporting, necessarily, by all groups, but you feel that to that would have to be added an intensive investigation of particular areas where it appears that there is something that may be serious?

MR. KLAUS: I don't think automatic reporting means anything since you can't define your classes of reporters, the people who have to report, in such a way that you wouldn't just get bogged down with overheads. I do think that you need a way of segregating and distinguishing the really significant outfits from the insignificant ones, and that you can best do that by analysis in a central office, provided you are getting the kind of stuff that is being put out. That doesn't call for reporting it but the information is gathered all over the country.

MR. DURHAM: Can't the Internal Security Division do that now?

MR. KLAUS: Sure they can if they have a charter.

MISS WILLIAMS: They wouldn't have to have legislation. What they need is the belief of some person that this is important to do, and then they need to provide for this. I agree with you thoroughly that you have got to get the junk and drivel coming in before you can see where the fires are, and that is what we have really never had.

MR. KLAUS: We did have it slightly during the war.

MISS WILLIAMS: That is right; I meant in peacetime.

MR. KLAUS: In peacetime we have never had it.

MISS WILLIAMS: Then you take the fires and really get a case out of them.

MR. KLAUS: That is right. To answer the other point, the Internal Security Organization as I see it has never had a clear

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charter which calls for the expenditure of so much time and so much effort and so much money and so many people to do that particular job. They had a Civil Rights organization when Schweinhaut was there.

MR. CARR: They never got into this area at all.

MR. DURHAM: Do they need more law to give them a charter or can they get it under the administrative powers of the Department of Justice?

MR. KLAUS: I wouldn't commit myself on that subject. They should have some law, maybe they have got it already, and if they have that is so much the better. It is always wiser to use an existing law than to get into a fight in Congress to get another one passed. If there is any kind of a hook that you can hang onto now you had better use it, provided it gives you a permanent setup. If it is one of those things like the tax thing that can break at any minute, then you haven't got very much.

MR. DURHAM: I take it that from a philosophical point of view you think this general approach is a good one if it can be made workable?

MR. KLAUS: Yes, surely.

MR. DURHAM: In the kind of society, in the kind of a world we live in now you think rather than let things drift we ought to try to take affirmative action?

MR. KLAUS: On the civil liberties question?

MR. DURHAM: Yes.

MR. KLAUS: Oh yes. I take it that that is your primary job. But as to how you are going to handle it, I have the strong feeling that the least you have of government licensing, government requirements for filing, the less resistance you are going to have and the more friends you are going to make. As soon as you start issuing forms you will get into a lot of trouble.

MR. SHISHKIN: Thank you an awful lot, Mr. Klaus, we are very grateful to you for having come here and given us the benefit of your information.

MR. KLAUS: You are entirely welcome.

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MR. SHISHKIN: The subcommittee will now adjourn to reconvene at 2:15 this afternoon.

(Whereupon, at 1:15 p. m., the subcommittee adjourned to 2:15 p. m. of the same day.)

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April 15, 1947 - AFTERNOON SESSION - 3 P.M.

TESTIMONY OF HARRY M. PLOTKIN,  
Assistant General Counsel, Federal Communications  
Commission.

MR. PLOTKIN: Before you begin, the capacity in which I appear -- I am a member of the staff of the Commission, and this falls within my responsibility. I speak, I suppose, as an individual rather than for the Commission.

MR. SHISHKIN: That is right.

MR. PLOTKIN: My name is Harry M. Plotkin. I am assistant general counsel for the Federal Communications Commission.

MR. SHISHKIN: This record is only for the Committee's own use.

MR. PLOTKIN: Yes, I know that.

I have been with the Commission five or six years. My responsibility with the Commission is generally, in addition to handling such matters as litigation and legislative problems, questions involving interpretations of the provisions of the Commission's Act with respect to use of radio by political candidates, or questions involving the interpretation of the rules and regulations requiring appropriate announcements of sponsored material, or fair use of radio in connection with a discussion of public controversial issues. Such matters usually clear through me at Staff level.

With respect to the problem of disclosure, I wonder if you could give me just a little bit more of a clue as to what you are looking for.

MR. SHISHKIN: This Committee is only a part of the Civil Rights Committee, and the area in which we are exploring is the activities of individuals and organizations that contribute to the spread and creation of bigotries and hate campaigns and other actions that cut across the area of civil rights, and what we as a committee are particularly concerned with is not so much the effect of what they do, but the sources from which they derive their strength, and their financial resources, the background, and how the Committee could reach into that area of the economic sources of operation. We are particularly concerned, therefore, with three things: One is the possibility of disclosure, not of any particular group, but of any group that operates in the general area of interchange of what Mr. Ernst has moderately called the market

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place of thought not only in this but also the question of the use of the taxing and spending powers of the Government in reaching into that, any utilization of those powers in order to bring that out to the surface.

MR. PLOTKIN: So far as radio is effective, I suppose the disclosure of these groups can fall under two headings: In the first place, some of these groups either own radio stations or are potential owners of radio stations. The situation on that is this: Before anyone is licensed to operate a radio station he must file an application with the Commission. The application is available for public inspection at the Commission. We regularly issue lists of the applications that are pending, but that list is not always very illuminating because we list only the name of the applicant, and if it is a corporation -- maybe the Saginaw Broadcasting Company. A good many of these individuals choose as the name of their company the city in which they are going to broadcast. So there is nothing to disclose. However, people are free to come into the hearing on the applications, and the applications do have identity with all the stockholders. If the individual is a corporation, it must list information containing a list of all the stockholders of the corporation. If it is a very large corporation, I think it is only the 50 top stockholders, or something like that, but in a normal case they are required to list all the stockholders and the general background in filing information.

MR. SHISHKIN: You also require information about these stockholders; do you not?

MR. PLOTKIN: Yes.

MR. SHISHKIN: What, specifically? Can you tell us about that?

MR. PLOTKIN: Well, generally, most of the things we look for is in the financial background, what outside financial interest does he have in other organizations? and information concerning the citizenship, and also any information concerning the conviction for crime. In general, that is just about all you can find in the application, you can find out whether he has been convicted of a crime involving moral turpitude, whether he has been involved in any antitrust violations, what financial interest he has in other business enterprises, whether or not of communication, and the information concerning citizenship.

If the application has to go to a hearing -- and in general an application does not have to go to a hearing unless it involves

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interference to an existing station, or unless it is in competition with another existing station, or unless we have reason to believe that the applicant is not qualified. If it goes to a hearing, then the applicant is expected to appear and testify, and all the principal stockholders and the members of the board of directors are expected to appear and testify there, subject to cross-examination.

The hearing, of course, is a public hearing, and the transcript either may be purchased or is available for inspection at the Commission's reference room. The applicants and stockholders will come and tell us in greater detail about their background, what their experience has been, and if there is anything in the background that any of their competitors think will bead adversely upon their ability to operate a station in the public interest you can usually count on them to bring it out in cross-examination.

Similarly, if we have any reason to expect that there are such facts in his background, we will try to bring it out in cross-examination.

Now, these facts come to our attention, and usually complaints are received that such and such a person who is applying for a radio station is not really qualified. The charges are usually in general terms, but if they appear to be made by responsible people we will undertake to conduct a field investigation, and at the hearing we will either introduce the evidence or will cross-examine the applicant concerning the charges that are made.

In that connection, if the applicant were a member of a hate group, or in any way associated with an organization that was peddling hate, we would consider that as relevant evidence and would permit that in the record.

MR. SHISHKIN: How would you classify hate groups?

MR. PLOTKIN: Well, I do not know. I was using the stereotyped phrase, and we have not had -- the only case, really, that we have had of that kind was Reverend Bob Schuler out on the West Coast several years ago in which case Bob Schuler was actually operating a radio station on the West Coast, and we revoked his license primarily because of the attack he was making on other religious groups, particularly the Catholic Church, and I suppose that would be a clear case, deliberately an incitation against Catholics.

MR. SHISHKIN: That was in terms of the contents of his program?

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MR. PLOTKIN: Yes, on the radio station, itself, and that case went -- authority to consider that evidence in revoking his license was upheld by the court in the case.

MR. DURHAM: Did that go to the Supreme Court?

MR. PLOTKIN: Certiorari was denied by the Supreme Court. So our authority is pretty well established. The name of that case is Trinity Methodist Church South v. Federal Communications Commission. It is in Fed (2d). The exact citation I forget. It was decided here by the Court of Appeals.

There are several cases now pending before the Commission in which charges have been made that the applicants involved are associated with groups or are, themselves, people who have been spreading anti-semitic charges, at least in one case. One situation I recall -- I had better not mention names, since the case has not been heard -- the charge has been made that this group has been very active in circulating the protocols of the elders of Zion, and certain materials of their publications were sent in which, on the face of it, contain some pretty rabid anti-semitic material. The information was brought to our attention by some local union in that area, and it is usually unions that are most active in calling these facts to our attention. Local unions who are familiar with the situation will bring the facts to our attention.

In that connection, we do have a hearing. Not only is the hearing open to the public, but local groups are permitted to come in and testify at the hearing, even though they do not have sufficient legal interest to be a party, and we do listen and permit the introduction of testimony by any local group or any local citizen if he has information that is relevant.

That about concludes, I think the information and the disclosure of information concerning these groups who attempt to secure a radio station.

I might add one further point: That after some of these people may get a license, without our being aware of the fact that they are, say, members of a hate group or in their activities they do use hate techniques, however, if they use a radio station for any such purpose we have the authority either to revoke their license or not to give them a renewal of license. A radio station license is granted for only three years, and they have to come up for renewals every three years, and if during their operations we have received complaints from responsible people concerning the operation of the station, we ask the station for a statement,

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and if there are sufficient instances of what appears to be violations against the interests of the public, we may hold a hearing on a station's renewal and will not renew a license if a case is made out that the station has not operated in the public interest.

MR. SHISHKIN: Now, actually, so far as the statute is concerned, you do not have any classification that would, in itself, serve as a basis for such action; do you? All you have is the broad category of the public interest, convenience and necessity; is that right?

MR. PLOTKIN: That is all.

MR. SHISHKIN: That is discretionary with the Commission?

MR. PLOTKIN: Yes, that is right. There are certain statutory prohibitions which do not apply here. You cannot be the representative of any Government and own a radio station. You cannot be an alien. Radio stations must be owned by citizens. You are forbidden to broadcast libelous or obscene material.

A number of these instances affect this type of situation. Our authority in this type of situation comes from the requirement in the statute that we grant licenses only to people who are qualified and only to people who operate in the public interest, and what those two terms mean, of course, we have tried to build up law on it over the past 20 or 25 years. There is nothing mandatory in the statute about it, and I must point out that it is a very difficult thing generally to prove.

I might give an illustration of an attempt to prove one. A recent illustration in New York involved the New York Daily News. The American Jewish Congress asked to intervene in that case in opposition to the application of the New York Daily News on the ground that the New York Daily News was not qualified. As proof of their lack of qualifications they attempted to show that the man under which the newspaper operated, the Daily News, was anti-Negro, anti-Semitic, and, therefore, presumably any radio station that the News would get would be operated in the same way.

Now, as I say, we took several days of hearing. I think it stretched on for weeks, and the type of evidence that they tried to produce on it requires very close content analysis, and there was very serious bickering back and forth as to the competence of it. As a matter of fact, the Daily News has filed a motion to strike it, which is now under consideration by the Commission.

But in any way not having to decide whether the Daily News

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is or is not such an organization, the difficulty of proving such a charge is generally great except where you get a clear-cut out and out case, like Gerald L. K. Smith, or something like that, but in cases where you get it close to the line where you are going to get differences of opinion, it is very difficult to render a decision as to whether or not the organization is a hate organization. Surely, that case was a clear-cut case on the facts, because they operated the radio station in such a manner that there was no dispute of facts. The only question was whether we had a right to take away his license, the license of the person operating the station.

The use of radio stations by these groups comes down, I think, under two headings: First, whether it is in connection with a political campaign; and, secondly, whether it is not in connection with a political campaign.

Under Section 315 of the Commission's Act, if a radio station permits its facilities to be used by any one candidate it must afford equal opportunities to all candidates. Now, that means that if any of these hate groups were associated, say, with a political candidate, his right to use a station is pretty much unqualified because Section 315 provides that a radio station shall have no authority to censor any broadcast made by a candidate under Section 315.

Now, in general, the problem is covered -- the reference in Section 315 is not the hate groups, as such, but where radio stations refuse to carry broadcasts by candidates of the minor party, such as the Communist party or the Socialist party, and as we construe the Act, it applies to all parties. Whether it is a recognized party makes no difference. The station has to carry it.

An interesting question on that came up during the last campaign when the charge was made to us that Bilbo was using the radio to foster anti-Negro propoganda down South. While it was never presented to us officially for a ruling, my own feeling is that if a man is a legally qualified candidate for the office of the Senate, he has the right to use the radio station, and the station must give the time to him. It is probably one of the prices we have to pay for freedom of speech in a democracy, but that is applicable specifically only to candidates during an election.

With respect to the situation that does not involve a political election, there is no special requirement in the Communications Act. The Commission has, however, over a period of

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years arrived at certain standards in its decision with respect to that. We have held that a radio station must be fair in the presentation of public controversial issues. It cannot present just one side of a controversial issue. It must present all sides of a controversial issue.

I do not think such issues as bigotry is a public controversial issue in that respect. I do not think that a radio station would be required to permit -- if issues of tolerance are to be discussed, to permit a person who is violently bigoted to present a case on bigotry. I think we would take the position in that case that a radio station has an obligation of presenting all responsible sides of a controversy, not certain issues. There is no real controversy even in a democracy, and --

MR. SHISHKIN: Excuse me. But what about the other way around? If a man wants to go on the air for 15 minutes to present a bigoted point of view for racial discrimination and intolerance, would that be construed as discriminatory?

MR. PLOTKIN: You mean, would the radio station be required to carry it?

MR. SHISHKIN: Yes.

MR. PLOTKIN: No. A radio station has a great deal of discretion.

MR. SHISHKIN: Suppose it were required to carry it. Would the other side be accorded the privilege of being heard?

*in many cases*  
MR. PLOTKIN: Yes. If a complaint comes in to us that there has been a discussion of a public controversial issue, and only one side has been presented, and the complaint is from a responsible person, we write the station concerning the substance of the complaint and ask the station for its comments. The station then comes back and gives us its comments, and points out whether it did carry it, and if it did not carry it, why it didn't, and then if there are any new matters raised in there we send that letter to the person who originated the complaint, and we keep sending each fellow's letter back to the other person until all questions of fact are resolved.

When all questions are resolved, if the radio station thinks it wants to give time, it gives time; and if it does not the matter is closed.

MR. SHISHKIN: I am not very sure on that point that I raised,

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and the reason I wanted to have it cleared up is because we are exploring one avenue of approach in which we would not classify anything as falling into any particular category, but would cover the whole ground.

But some suggestion has been brought to us about the advisability of pursuing a course which would give special consideration to particular issues and particular kinds of thought. So you say that if tolerance is preached you would not classify it as controversial and, therefore, if anyone wanted to preach intolerance as against that you would say he would not be entitled to the time. But if intolerance was preached, would you then classify it as controversial?

MR. PLOTKIN: Yes, I would probably classify it as controversial, and the other side should be given an opportunity to reply.

Now, as I say, we have no sanction to force the station to give the time. We say permitting one side of a public controversial issue to be discussed and not the other is not operation in the public interest and, therefore, if there were cases like that in the station's operation, when it came for renewal we would hold a hearing on it, and if there was sufficiently numerous instances of that we would revoke his license.

Now, the intolerance case presents a slightly different proposition. So far I have been talking about controversial issues, which do not have any hate connotations, like the O.P.A., strikes, wages, any number of issues that are involved in either economics or politics, where a station carries one side and does not carry the other side. Now, generally, I am not at all sure that if a station carried, say, pleas by bigots for out and out intolerance that they would necessarily be held to be operating in the public interest, even though they permitted the fellow arguing for tolerance to argue. In other words, the allowing of time for the preaching of intolerance would be sufficient reason for revoking a license, even though the station permitted the person on the other side of the issue to present his views.

We feel that the preaching of intolerance is improper use per se, regardless whether he permits the other side to come on or not. That is an improper use, per se.

MISS WILLIAMS: Except when you are running for political office?

MR. PLOTKIN: When you are running for political office you

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run into a specific statutory provision which requires the station to carry a broadcast of a candidate, provided it carries the broadcast of his opponents.

MISS WILLIAMS: What happens after Mr. Bilbo is elected?

MR. PLOTKIN: After he is elected he is not seated, I presume.

MISS WILLIAMS: Well, take Talmadge, or anybody. Once elected, he is no longer a political candidate, so he would no longer be excused under the statute?

MR. PLOTKIN: That is right. That is a specific statutory provision. Therefore, it no longer protects the radio station. If then the radio station permits them to use its facilities for preaching hate and bigotry, then he is not cloaked with the protection of the Commission's Act and would have to meet the test, and probably some of the material that has been broadcast over some radio stations would come close to the line.

We have had not any called to our attention like the Bilbo case during the election. The radio stations were pretty careful on it. They were fearful of losing their license, or even more, they are reluctant to go through a hearing. The loss of a license is not the thing they fear so much as a hearing. In our entire history we have only taken away two or three licenses for that type of operation. So that statistically they are not probably so much afraid of losing their license as going through a hearing.

MR. SHISHKIN: Is broadcasting designed to spread hatred classed as controversial?

MR. PLOTKIN: Generally, it would be. We do not have any definition of a controversial issue. But usually there is no doubt when an issue is controversial. You can usually tell in a hurry if it is controversial, if a responsible group, on one side, say, "We disagree, and we want an opportunity to be heard," that is all.

MR. SHISHKIN: I just wanted, on that point, to indicate that we have been looking at that phase of it quite a bit, and we find, to some extent, on that issue statements may be made over the radio that would not fall into the same evaluation on any other means of communication. Recently last month a newscaster of the National Broadcasting Company on his usual morning round-up announced the news story with regard to the hearings on the housing bill, and it was a news item. He was reading the script,

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and he said that it was the same old bill under a different number, backed by the same groups as before. "It is a bill which its opponents term 'Socialistic', a grave threat to private enterprise", and so on. What he said in itself is completely innocuous, but if you had heard the tone of derision about "this same old bill", and the tone of menace about this being socialistic, and a threat to free enterprise, -- actually I asked for a transcript, and they sent it to me immediately. When you read that as a quotation it is completely innocuous. There is none of that value there. He was simply stating what the opponents said, and there was nothing wrong with that, but I was wondering whether in that phase of delivery any attention has been paid to that problem.

MR. PLOTKIN: What is fear and what is not becomes quite difficult at times.

MR. SHISHKIN: The point I was making is: If it is incitement to hate or riot, would the actual form in which it was delivered on the radio, rather than the contents and the words, being used, be a factor in a F.C.C. hearing?

MR. PLOTKIN: Yes. That becomes a matter of proof. A transcript would not show it up.

MR. SHISHKIN: A recording would.

MR. PLOTKIN: Yes, a recording would. A good many network programs are recorded, but generally local programs are not. Before the war we gave some thought, for this reason among others, of requiring radio stations to make recordings of all programs, but this was just as the defense program was getting under way, and so forth, and the War Production Board came in and pointed out the tremendous amount of equipment that would be necessary, and asked us to hold off until at least after the war was over.

MR. DURHAM: Have you given any more thought to that lately?

MR. PLOTKIN: No. I am afraid we have our hands full with enough other things to tackle than that one. It is not a popular requirement.

MR. DURHAM: This wire would not be much of a job?

MR. PLOTKIN: It is not the wire so much, the equipment itself. It is rather expensive, and a lot of local stations -- it would soon mount up with a station on the air 18 hours a day. It is something that we have got to come to sooner or later from

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the point of view of protection, if there is going to be a lawsuit for libel, did the man say it or didn't he say it? There is just no way of doing it unless you have it recorded. A script in many cases is not adequate. In some cases there is no script kept at all, and in some cases a charge is made of departure from the script and people that operate anything as important as a radio station ought to have permanent records.

Newspapers do, and radios have as great influence on the public as newspapers, if not greater, and there ought to be a public record on which accountability can be based.

In that connection, the public are entitled to see scripts.

MR. SHISHKIN: The case cited was that of a complaint.

MR. PLOTKIN: Yes. The demands would become so great that the station oftentimes would have nothing to do but supply script. We ask for script in a lot of cases, and we have no difficulty in getting it. If a Congressman asks for it, we will tell them that Congressman so and so asked for a script, and we usually get it.

But we just could not ask for scripts in all cases. It would be an impossible thing.

There is one other problem of disclosure that comes up, and it is covered by our rule under Section 317 of the Communications Act. A true identity of the person supplying the material must be disclosed. Somewhat the same provision is applicable to newspapers, except I think we are a little bit more specific as to the type of information that must be disclosed.

Now, in most of the cases of sponsored programs, there is no problem. The station is only too willing to identify the sponsors. As a matter of fact, he does it to the point where it becomes nauseating in many cases. For instance, in a Pepsi-Cola program they tell you who the sponsor is over and over and over again. But the problem comes down to the situation of where they are trying to peddle propoganda or education from the fine point of view, and they do not want you to know who is behind it.

Specifically, the case comes to mind -- and I think the LaFollette Committee turned this one up -- the National Association of Manufacturers some ten years ago wanted to get its message of free enterprise across to the American people, and what they did was to make recordings of speeches or dramatizations on particular issues, and then offered them free of charge to the radio

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stations for carrying them. The radio stations carried them without identifying the sources of it. Well, in our opinion, that is as much of a sponsored program as it is when Lucky Strike brings you Jack Benny. It is supplying for very real considerations.

So we now have this provision in our rule, this Section 3.289. This is a rule with respect to standard broadcasts, and we have similar rules with respect to FM broadcasting and television. It is a rather lengthy rule, but I will read only the relevant portion of this:

"3.289. Sponsored programs, announcement of. -

(a) In the case of each program for the broadcasting of which money, services, or other valuable consideration is either directly or indirectly paid or promised to, or charged or received by, any radio broadcast station, the station broadcasting such program shall make, or cause to be made, an appropriate announcement that the program is sponsored, paid for, or furnished, either in whole or in part.

"(b) In the case of any political program or any program involving the discussion of public controversial issues for which any records, transcriptions, talent, scripts, or other material or services of any kind are furnished, either directly or indirectly, to a station as an inducement to the broadcasting of such program, an announcement shall be made both at the beginning and conclusion of such records, transcriptions, talent, scripts, or other material or services have been furnished to such station in connection with the broadcasting of such program: Provided, however, That only one such announcement need be made in the case of any such program of 5 minutes' duration or less, which announcement may be made either at the beginning or conclusion of the program.

"(c) The announcement required by this section shall fully and fairly disclose the true identity of the person or persons by whom or in whose behalf such payment is made or promised, or from whom or in whose behalf such services or other valuable consideration is received, or by whom the material or services referred to in subsection (b) hereof are furnished. Where an agent or other person contracts or otherwise makes arrangements with a station on behalf of another, and

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such fact is known to the station, the announcement shall disclose the identity of the person or persons in whose behalf such agent is acting instead of the name of such agent.

"(d) In the case of any program, other than a program advertising commercial products or services, which is sponsored, paid for or furnished, either in whole or in part, for which material or services referred to in subsection (b) hereof are furnished, by a corporation, committee, association or other unincorporated group, the announcement required by this section, shall disclose the name of such corporation, committee, association or other unincorporated group. In each such case the station shall require that a list of the chief executive officers or members of the executive committee or of the board of directors of the corporation, committee, association or other unincorporated group shall be made available for public inspection at one of the radio stations carrying the program.

"(e) In the case of programs advertising commercial products or services, an announcement stating the sponsor's corporate or trade name or the name of the sponsor's product, shall be deemed sufficient for the purposes of this section and only one such announcement need be made at any time during the course of the program."

So that the situation is this: That if a group is set up under the name of a committee to peddle particular ideas, when those ideas are broadcast, when its material is broadcast, the station must make an announcement giving the name of the Association or committee that sponsors it, or that is furnishing the material.

Now, the name may be purely innocuous. As, for instance, in California, they will have a Committee To Vote "Yes" on such and such a referendum, which means nothing. So in this statute it provides that the station shall keep a list of the principal officers of the corporation or committee, and that list shall be kept at the station and is open to anyone. They will have to give the name of the promoter. They will have to say, "This program is sponsored by Mr. Gerald L. K. Smith."

MR. SHISHKIN: What about Mr. Smith going through his nephew, or another person?

MR. PLOTKIN: Well, we have another section which will cover

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it. It says:

"Where an agent or other person contracts or otherwise makes arrangements with a station on behalf of another, and such fact is known to the station, the announcement shall disclose the identity of the person or persons in whose behalf such agent is acting instead of the name of such agent."

We attempt to cover it, but obviously there are ways of getting around it. There are ways of avoiding it, of course. Either the station can be innocent or the station can claim to be innocent, but just like everything else, writing a rule is one thing but administering it or enforcing it may be another thing.

MR. DURHAM: Can you tell us anything about the administration of that particular thing?

MR. PLOTKIN: There have been no specific problems since its enactment.

MR. DURHAM: Do you have many cases involved?

MR. PLOTKIN: No.

MR. SHISHKIN: Well, there are some programs. Some of them have been running for a long time, of public discussion, panel discussion, or debate. I have particularly in mind a program that has just wound up, and I do not know anything about it, and certainly I am not pointing any finger at it, but the program that I have in mind has been sponsored by the American Economic Foundation, and was known as the "Wake Up America" program.

The director, the program director of this, was also a man who was also an officer of the Tool Owners Union. That Tool Owners Union organization applied for an incorporation in New York, and was, in the decision of the New York Commission, refused the corporate license and very severely rebuked. If you take the list of sponsors, which is a list of people who never meet, a list of advisers, which is also a list of advisers who never meet, it makes it a very imposing organization. Actually, if you study the record of its broadcasting activities you will find that there is a very subtle thread that runs through its program that is extremely tendentious, and is selling ideas in the guise of a free and open debate.

How is something of that sort handled?

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MR. PLOTKIN: It is rather difficult to handle. Let me give you a very specific problem. It was up several years ago when the Ford Symphony Hour used to be carried, and W. J. Cameron came in and spread the gospel, and he didn't even attempt to be sure it was straight gospel, and the program was carried for a great many years. It was carried on a network that had an overall balance, and that is about the only thing we can do.

We cannot do anything but respect individual programs. The only thing we can do is to make sure that the overall operation of a particular station is, roughly, fair. If they have the Camerons, they try to give the people on the other side the opportunity to meet it.

MR. DURHAM: In that case, Mr. Chairman, I suppose the disclosure problem was not all square. You had the name of the sponsor, and you could certainly guess the name of the man that was putting up the money for it.

MR. PLOTKIN: There was no doubt about it. They said the Ford Motor Company was putting up the money. Those have not been so much the problem of disclosure but of fair practices.

MR. SHISHKIN: In the case of the Tool Owners Union, it was shown that a man named Rucker and his wife and this other man, who was a program director of this radio program, were the sole officers, and that they wrote the policy. The organization, however, was presented through advertisements and other means as being a widely representative organization of other people.

Would that be a factor?

MR. PLOTKIN: Yes. You see, if the station knew about it -- if the station knew about it it was deliberately perpetrating a falsehood. That would be a factor in its renewal of its license, but, in the first place, proving it is a falsehood, and, in the second place, proving the station knew it was a falsehood, is a very difficult administrative procedure.

MR. SHISHKIN: But a program of this sort could not be reached by listeners?

MR. PLOTKIN: Well, it could. If they said, "This is being brought to you by such and such a group", the listeners would have a right to inquire of the station, "Well, who are their principal executive officers?" and if they then said they did not have it, they then would be violating the rule. Then either they would either have to drop the program or require such a list to

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be maintained.

MR. SHISHKIN: Do you go into the consideration of the financial support of a program of that sort?

MR. PLOTKIN: You mean as to whether or not the organization that puts up the money is only a front organization?

MR. SHISHKIN: Yes.

MR. PLOTKIN: Yes. That is a factor if the station knows about it. The station may be innocent, or the station, if it is not innocent, and is willing to play the part, certainly will claim to be innocent, and it is difficult to prove it.

MR. SHISHKIN: Can you then initiate action on your own for investigation?

MR. PLOTKIN: Yes, we could. We have such a case, as I might point out, in New Mexico. It did not involve any of these problems. It involved a political problem. Station KOB in Albuquerque is owned by a fellow by the name of Pepperday, who was a political opponent of the then Governor Dempsey, and they were sparring back and forth. Pepperday was also the publisher of a newspaper down there. There was a commentator put on either every day or every week -- I think it was every week -- on KOB, just blasting the living daylights out of Dempsey regularly. Dempsey complained to us. As a matter of fact, there was a hearing on that complaint, and included in the complaint of Dempsey was, first, that it was unfair use of radio, and, in the second place, that there was no announcement being made as to who was sponsoring this commentator, and the commentator was actually appearing on someone else's behalf.

So we sent someone down there to investigate. True, the station had not been making the sponsorship announcement, but they said they did not know that anyone else was paying for it, and they did not know they had an obligation to make an investigation.

We wrote them back and said we thought that they did have an obligation to make an investigation to find out who was sponsoring the broadcast. So it is easy to lay down the rule that a station has the obligation to make a reasonable investigation. We only want to say "reasonable investigation", because if you make the station go to great lengths of investigation it can be a wonderful excuse then for the station to carry the broadcast of somebody they want to, and not to carry the broadcast of somebody they don't want to carry, on the excuse, "Well, we don't know whether

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you are really paying for this, and we can't find out whether someone else is paying for it, so we have to pursue a middle course on that."

We want to find out who was sponsoring it. On the other hand, we don't want to rule in such a way as to give them an excuse for not carrying a program that wanted time.

MR. SHISHKIN: What about the allotment of time for sustaining programs? The time that is allotted to one particular sphere of interest alone consistently? Would that serve as a basis for a --

MR. PLOTKIN: Yes. We hold that if it is a public controversial issue that is being discussed, all sides must be given a reasonable opportunity to present their point of view, and if they let one side do it free, they have to let the other side do it free.

As a matter of fact, the situation very often exists where one side pays for it, and they ought to give the other side time free because the other side has substantially fewer resources than the other side.

MR. SHISHKIN: In the case of a program accorded the American Federation of Labor, that is the sustaining program free. But what about this one network and the one accorded to the N.A.M. on the same day the first one was presented, both of them were presented within a few hours?

In the case of the labor program, the networks made a very detailed disclaimer, saying that the views represented are those of the labor organization and we are not responsible for them. The disclaimer was so great as to indicate that the labor views were not to be taken too seriously.

As to the N.A.M. program, only the fact that it was sponsored by the N.A.M. was mentioned. Is that kind of treatment subject to any investigation?

MR. PLOTKIN: Well, there are techniques of giving a benefit to his opponents without wilfully saying it. All people use it, if they can get away with it. We try to catch as many persons as we can, but we can't catch them all by any means.

MR. SHISHKIN: What about this situation: There was a program in which I participated in which free time was granted us on the question of the expression of rent control, which presumably may

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be classed as a controversial issue.

MR. PLOTKIN: Yes, that is controversial.

MR. SHISHKIN: They accorded the time to us. There was nobody accorded the time to answer it, and I was a little puzzled about that. They told us they were giving us network time, and it was at the height of the interest in rent control this spring when the question was brought up, and was headline stuff in the press.

So far as I was able to discover, however, the program was carried only on one station, and it was an obscure station. It was not carried in Washington, New York, Philadelphia, or Chicago, or any other place. Do we have any grounds for having been represented that we were talking on a network program, whereas --

MR. PLOTKIN: We have no control over networks. We do not license networks. We license the individual station, and in a case like that the only complaint you have, if the opponents of rent control, say, had spoken over the network, and all of the affiliates of the network carried it, and when you spoke the affiliation did not carry it, you would have a charge that they were not being fair.

MR. DURHAM: Why don't you have control over networks?

MR. PLOTKIN: The statute does not give us any.

MR. DURHAM: What is the reason for that?

MR. PLOTKIN: Simply the networks did not want it. I mean, it is part of the legislative history.

Well, when the 1927 Act was first passed -- and that would be the progenitor of the present Act -- the networks were just coming into being. When the Act came to be reenacted in 1934 networks were quite important, but I am sure they were not anxious for Government regulation, and the statute was practically reenacted, and no authority was given over networks. There has been some controversy since that time. As a matter of fact, the president of the Columbia Broadcasting System at one time recommended that networks be licensed, but at a later date he withdrew his recommendations. At the present time there is no legislation pending on it, I am sure. Congress would not give us the authority, and I am sure that we would not think of asking Congress for the authority.

MR. DURHAM: Is there a field of public interest there that demands attention?

MR. PLOTKIN: Well, my own feeling on that, since the Commission

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itself has taken no official position -- my own feeling is that in many respects it is much more important to license networks than it is individual stations because your programming is determined by networks, not by individual stations. Either that individual station pulls in or pulls out that network plug. We do have some authority on that, more than appears on the face of it, for this reason: All of the networks, with the exception of Mutual, also own radio stations. NBC owns WNBC in New York, WRC here, WTAM in Cleveland, KOA in Denver, stations in San Francisco. CBS owns three or four stations.

MR. SHISHKIN: Mutual does not?

MR. PLOTKIN: Mutual does not, but the stockholders who own Mutual own stations, so for all intents and purposes all the networks own stations. They have to come in and secure licenses. Usually anything that happens on their network usually happens on their own stations, so that we do have some influence in the field, although we don't have a direct one. I think the situation would be better all around if we were to have control over networks.

MR. SHISHKIN: What constitutes an affiliation of a network?

MR. PLOTKIN: Usually it is a contract. The station agrees to take programs of the networks, and the networks agree to feed the programs over that station. The networks, understandably from a business point of view, like to serve only those markets where good markets can be had. As a result, the big cities get an abundance of service and the little cities get hardly any. There are a lot of non-controversial points, just technical points, where licensing of networks would be a very helpful thing.

I don't see us getting any such authority from the Eightieth Congress, though.

MR. DURHAM: I have this little question. You may have answered it earlier. How do you measure this problem of disclosure in this field? Can you give us such a measure? Is it much or little, or is it an important problem or an unimportant problem?

MR. PLOTKIN: Failure to disclose?

MR. DURHAM: Yes.

MR. PLOTKIN: You mean how important would we consider failure to disclose? The responsibility of disclosure on the part of the station, now, or on the part of the interest using the station?

MR. DURHAM: On the part of the interest using the station.

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MR. PLOTKIN: Well, our only control is through the station. Therefore, our only sanction is with respect to the station. Therefore, everything depends on the station. Either the station discloses, or does not disclose, and if there is non-disclosure it can lose its license. The Supreme Court has held that where they withhold financial information we are authorized to take away their license. Any other non-disclosure that is relevant could be subject to the same penalty. We operate only on the license.

MR. DURHAM: What I was really getting at is this, I guess: Do you have to spend much time and money on these so-called disclosure cases? Is it a big administrative problem for you, or do you bother with it very much?

MR. PLOTKIN: Well, if it is the type of disclosure that I discussed first, disclosure involved in an application, that is part of our every-day business. We look at applications, and prima facie we assume they are telling us the truth. We make no detailed investigation into the identity of persons who own radio stations. On the face of it, we do the same as the Bureau of Internal Revenue. We assume that the truth is being told to us. If we have a responsible complaint, or we are sure the facts that are being told to us are not the truth, we make a field investigation, but I would assume we don't make a field investigation in one-tenth of one percent of the cases. If there is a complaint, 95 or 99 percent of the cases are disposed of by writing letters back and forth. We write a lot of letters on any number of subjects, and we dispose of it in that way. If the matter is serious enough, it will involve a hearing, but I don't think there are more than one or two such cases a year.

MR. SHISHKIN: What would you think about a possible requirement that any person who repeatedly has access to radio for expression of ideas or dissemination of ideas, whether he be a commentator or debater, be required to furnish information with regard to his sources of income?

MR. PLOTKIN: Well, we have got several bills introduced in Congress which look the other way. I think it cuts the wrong way rather than the right way. The bills that have been introduced propose to require commentators to list their nationality, where they were born, where their mother and father were born, their affiliation with organizations.

MR. SHISHKIN: Does that call for information concerning sources of income?

MR. PLOTKIN: I don't know, but sooner or later it will get away from the financial end and into the background, and what his

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racial background is, what bad organizations he has belonged to. Certainly the temper of the times today would lead to that result, rather than the other result. I think it is probably dangerous rather than helpful, simply because no matter how it starts out, once the precedent is established, they are going to force it over onto the witch-hunting side; trying to disclose a man's economic interests. I would be scared of it, myself.

MR. SHISHKIN: Is there anything else?

Frances?

MISS WILLIAMS: No.

MR. SHISHKIN: I think you have a statute in the record of administration and a set of rules that are far clearer because of a more clearly defined area of operations upon means of communications than we would have with the multiplicity of operations that may be carried out by word of mouth, newspaper publications, and things of that sort.

MR. PLOTKIN: Well, the First Amendment protects against censorship, and section 326 of the Communications Act specifically provides that the Commission shall have no authority to censor broadcasting, and every time the Commission attempts to even squint at a program the charge of "censorship" is made. The press and the radio can always hide behind the First Amendment, and any legitimate inquiry into their activities starts them to yelling "censorship." As a result, you have got this problem. I think we conscientiously try to stay away from any problem of censorship. The line can get to be pretty thin. We try to learn over backwards so as to avoid any possibility of censorship, but there is the additional problem of not only avoiding censorship, but if the other side yells "censorship," it creates a bad situation, as we are subject to charges from the Hill.

So not only is there a natural tendency on our part, and a tendency to tread easily in this field, but there is an easily understood timidity on our part in these situations.

MR. SHISHKIN: Have you had any cases involving complaints of subversive statements or programs coming from the Left Wing source?

MR. PLOTKIN: You mean Left Wing complaining against Right Wing statements, or Right Wing complaining against Left Wing statements?

MR. SHISHKIN: I have in mind about Right Wing.

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MR. PLOTKIN: Yes. For instance, to go way back when Cecil Brown was removed from the air -- the charge was that he was kicked off the air -- we got a good many complaints about the fact that liberal commentators were being squelched. When KFI a year ago removed several commentators, the charge was made that KFI was removing its liberal commentators and replacing them with conservative commentators. The charge was made that the networks were just trying to remove their liberal commentators and keep only their conservative commentators. As a matter of fact, the charge is now made that not only have they successfully removed all liberal commentators, but they are now going after middle-of-the-road commentators.

On the other hand, when Upton Close was removed, the charge was made that he was being throttled.

MR. SHISHKIN: Is he now off the radio?

MR. PLOTKIN: I don't know. I never listen to the radio much any more. But I know he was on again.

Merwin K. Hart was sponsoring him. The National Economic Council was sponsoring him. Whether he is or off now, I don't know. All the time we get complaints about Fulton Lewis, Jr.

MISS WILLIAMS: Off the record.

(Discussion off the record.)

MR. SHISHKIN: Well, thank you very much. We certainly are grateful to you for coming over and giving us this background. That will be very helpful to the Committee.

STATEMENT OF PAUL RICHMAN,  
National Representative for the Anti-Defamation  
League of B'nai B'rith

MR. SHISHKIN: I wonder if you could give for the record a little bit of your background and your position.

MR. RICHMAN: I am the national representative here in Washington for the Anti-Defamation League of B'nai B'rith. B'nai B'rith is the largest Jewish service organization in the country, with a membership of men and women of about 300,000, and it started about 104 years ago. They have chapters in almost every city and town in the country. It began primarily as a philanthropic, fraternal organization.

The character of the organization has changed. We deal primarily with education, and our main branches are the Hillel

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Foundation, which services Jewish students on university campuses, and then we have the B'nai B'rith youth organizations for those who are in high school and prior to the entry of college. We try, with them, to integrate the Jews into the American scene, give them the highest form of democratic impulse and the best traditions of Judaism.

The Anti-Defamation League is probably the strongest branch of the B'nai B'rith, which was started by Sigmund Livingston about 35 years ago, and it developed its full force with the advent of Hitlerism. Methods were developed to combat the force of Hitler propaganda in this country.

A very interesting fact was that at the beginning of the depression, up to the year about 1936, there was comparatively little anti-Semitism in the United States, as compared to what happened after 1936 when the Nazis began financing various projects in America, and that coincided with the improvement of the economic conditions of America. In the worst throes of the depression there was not as much anti-Semitism as there was with the improvement of economic conditions.

But, of course, as I said before, the money was poured into this country after economic conditions began to improve. We would not say that if we had a depression again that anti-Semitism might not reach another height, but it is an interesting observation, a fact.

We have branches of our organization aid workers in nearly all the large cities of the United States. I happen to represent the office here in Washington. I am more or less the national representative here in Washington. I appear in legislation with the executive offices of the Government, and with the newspaper men, and so on.

MR. SHISHKIN: I suppose Mr. Durham has had a chance to tell you about the special interest of the subcommittee.

MR. RICHMAN: Yes. We had a long talk, and I think our conversation should have been recorded then, because what I was planning to say today is a repetition of what I told Mr. Durham. So he is pretty familiar with my suggestions and recommendations.

MISS WILLIAMS: We have two new students today.

MR. SHISHKIN: And also a record which will be read by all the members of the subcommittee.

MR. RICHMAN: Yes. Well, I did not know just how this was going to operate today, so I did not prepare anything.

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But I think it might start by saying that since this is a legislative subcommittee -- am I correct -- subcommittee interested primarily in legislation?

MR. SHISHKIN: No. Our subcommittee is primarily interested in this: We have got the work of the full committee divided in such a way as to deal here in our own committee with the sources of hate activities, their financial and economic support, and the ways and means of reaching at the sources through disclosure or the use of the Government powers.

MR. RICHMAN: Yes. Well, I discussed this whole matter with Mr. Durham at my office, and I also gave him some information which I shall not repeat here, but I would like to say that I have been at the heart of this whole business for a long time, since 1938, working in almost every phase of the problem, and I worked with various people in the Department of Justice, with the Congressmen, with special lawyers, and I have matured quite a bit in this field.

I was very much in favor of laws of prohibition against the things when I first started out, and today I am more or less a disciple of Morris Ernst in this field. My fight here was a day-to-day fight. We did not know exactly how to grapple with Nazi propaganda, and we had to learn exactly how they operated, the source of their funds, the personalities through whom they worked, the organizations which they set up, and so on, and then after we learned that we had to find a means of combating the situation.

For instance, in 1938 there was a passed law involving the registration of foreign agents. At that time the foreign agents supposedly had to register with the State Department. The way the law actually operated, it had no teeth in it, there is no real enforcement, there is no set-up in the State Department to go after the people who did not register. It was a very loose operation.

In determining the law, in discussing the matter with several people in the State Department and the Justice Department, I learned that a group of lawyers working on New Deal legislation in this community, headed by Felix Cohn -- I had known Felix, but I did not know he was running this group. I got together with them, and almost insisted that they work on legislation involving this serious situation. The result was I did get them to investigate the operation of this propaganda agent act of 1938, and we did work on a revision. I spent many hours with that group, evenings, and finally worked out this new law which did not go into effect until after the war was on, so that it really did not meet the serious problems we had to face then.

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MR. SHISHKIN: It came too late?

MR. RICHMAN: That is right, it came too late.

MR. SHISHKIN: Was your feeling that the Vorhees Act was pretty ineffectual?

MR. RICHMAN: Yes. Any law which makes a man a criminal and forces him to register as a criminal is bad by its very nature.

You see, laws should be developed around social and economic and political issues. Nothing exists in a vacuum. Anti-Semitism does not exist in a vacuum. It is a disease, it is a diseased mind. Anti-racialism is a disease, and it does not gain any real force until it is connected up with a social, economic, or political issue, and your laws must embrace the entire concept of the problem before it can be meaningful or have any effect.

You take, for instance, the Ku Klux Klan. The Ku Klux Klan in itself would be a harmless group in themselves. It embodies the ignorant, illiteracy, and that sort of thing, prejudice without any reason, and so on. It would not develop unless there was some bigger force behind it. We have, for instance, in an investigation of certain Klan set-ups found that certain textile owners were interested in fighting the C.I.O. and A. F. of L. organizations down there, and they whipped up opposition by financing certain of the Klan chapters in certain areas.

Now, the mill owners had certain ulterior motives. They may or may not have been prejudiced men. Their main purpose was not in developing the Klan but in defeating the unions in the South, and that was a technique that they developed to overthrow the unions, and their organizers, and it whipped up all kinds of excitement in connection with the Klan. It gave them impetus.

Now, the Klan, while it has dwindled in its membership because of certain operations there, and has become more or less momentarily ineffective, I believe that with Talmadge coming out to capture the governorship, that he will again use the Klan politically to gain his governorship. In other words, use the Negroes, Jews, or Catholics, or whatever will arouse the ignorant masses.

So I look forward to an increase in growth of the Klan except for one thing: I think that Drew Pearson and his exposures have caused the people to fear the Klan, so that many of the people who joined the Klan after the first World War are very fearful of joining again, or having their name connected with the Klan because of the threat of exposure, and exposure is the greatest weapon we have in American life, and I think it

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is the greatest force in maintaining our democracy.

That is why in recommending this type of legislation that I do, which would be in line with Morris Ernst, I would recommend that people who wish to indulge in hatred of any individual or any group be permitted to enjoy themselves but at the same time register, say, with an office here in Washington, register the officers of their organization and, what is more important, register the source of their funds.

Now, the way the thing would work out would be this: That a big politician who was out seeking funds would have to register those funds for specific purposes of hate mongering, and responsible people, reputable people in the community, would fear giving them any funds because the whole thing might come out in the open. Reputable people in the public eye are more fearful of their reputations than anything else.

MR. SHISHKIN: How would you establish a category of organizations that would have to register?

MR. RICHMAN: I think that would not be difficult. Those organizations that are set up to bring individuals or organizations into public disrepute -- that type of organization or individual would have to register. I don't think there would be much difficulty in categorizing these organizations in that manner. Their purpose is to, by defamation, by slander, by falsehoods, bring any group or individual into disrepute.

In reply, I think I know what you are referring to. Let me put it this way: Many of us in Washington have to register as lobbyists. Now, as far as I am concerned, I do no lobbying, or if it might be construed as lobbying I don't know about it. I am not lobbying in the sense of a great many people who are paid to do nothing but lobby. That is not my field, but nevertheless I registered, and it might catch some people in organizations who might protest that they are not involved in this sort of thing. They could say so. There would be a question of doubt, and, of course, if any case came up, say, where any case was developed by the Department of Justice it would have to be a pretty strong case. The fact that they did not register, or the fact that they were doing certain things that they did not report, would be sufficient to indict that group.

MR. SHISHKIN: Well, the question that I had in mind was that there would be activities of a Fascist group, dealing not so much with the status of the minority or the hatred, itself, but other aspects of anti-democratic invasion of civil liberties, preaching the doctrine of humanitarianism, and that kind of thing.

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Would that be included in this category?

MR. RICHMAN: I believe that you have an opportunity now to hang that type of thing onto the other, because the type of thing -- the type of thing that you refer to is much more popular today, and I think your bill could be formulated to make that the main feature of the bill and hang all these other things from the point of view of both right and left groups, which might be required to register, onto it.

MR. SHISHKIN: Your approach is quite different from the basic Ernst proposal. The Ernst proposal is that exposure and disclosure as methods should operate without regard as to what is preached or what ideas are promoted; that any ideas that are being promoted, or any attempts to influence ideas in the market place of thoughts should be subject to public check, and, therefore, there should be registration or disclosure of the sources of funds that are behind such promotional ideas, no matter what they are.

MR. RICHMAN: There is a question in my mind. I know that that is Morris Ernst's approach, that all organizations, even organizations like our own, would be required to register. It might be all right, except that when all these organizations register it might, to some extent, nullify the effect of this whole proposition. I don't know. I am breaking away there from Morris Ernst's proposal to this extent: I was just wondering whether or not it would be more effective if only those organizations that operate to bring other groups into disrepute, into public disrepute, would be required to register. It could be class against class, capital against labor, labor against capital, race against race, or creed against creed. I mean those groups that enter into public controversy rather than those groups that approach it from the point of view of, say, religion, or, say, on the basis of a positive approach to democracy without tearing down anybody else, like, say, inter-race groups, inter-creed groups; groups like that I don't think they should be required to register.

MR. SHISHKIN: Not political parties?

MR. RICHMAN: Well, Morris Ernst would probably exclude religious groups, but, to be consistent with his proposal, all religious groups should disclose all their sources of funds, too, because within religious groups are a great many hate groups.

MISS WILLIAMS: That is very true.

MR. RICHMAN: Well, a very great many hate groups are to be found within some religious groups, and some of the worst elements today -- take, for instance, Gerald L. K. Smith, a very fine Baptist,

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who is in disrepute among his own co-religionists.

Take a fellow like Blessing; take a fellow like Harvey Springer; take a fellow in Minneapolis like Herrstrom, ministers who preach the gospel intertwined with hatred and politics, anti-New Deal, anti-liberal, anything I mean at all. Then you ought to require, according to Morris Ernst, all religious groups to register.

In my approach, I would require only those religious groups who are out to tear down other religious groups, or get into politics.

MR. SHISHKIN: Or any other groups, in other words?

MR. RICHMAN: Or any other groups, yes.

MR. SHISHKIN: Well, the thing that bothers me about this is what happens on the question that I raised a moment ago? The reason that I was referring to political parties is not because registration would be objectionable, or would be a problem to deal with, but one of tearing down or casting an aspersion on the other group, or upon another party in a political campaign, as a test, would create a public criterion in law as a basis for registration, which might eventually be used for other purposes.

One of the main functions of the Republican Party is to tear down the Democratic Party, and, therefore, it is in a separate category, and I was wondering whether you would not take those separately as far as political campaigns are concerned.

MR. RICHMAN: Well, they do more or less expose sources of their funds right now. They do that. You might carry on -- in fact, the basis of a certain law that I have been interested in resulted from my work with the Gillette Senate campaign of expenditures committee where we saw where certain subversive elements integrated themselves into the parties, and we saw that about 50 percent originated from national political headquarters were of a hate nature.

So we suggested the law that all anonymous literature is subject to a violation of laws.

MR. SHISHKIN: Well, that has been enacted.

MR. RICHMAN: Yes, it has been enacted, so I think the political angle might be stretched out into other -- I mean, it might be stretched to anybody who indulges in public controversy. I don't think I would force organizations dealing with positive elements like religious groups to register. I think it would weaken the whole thing when everybody has to do it, and there would be so

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much registration, so many checks and figures, that I don't think it would be a good thing. I might disagree there with Morris Ernst. I would break it up first. If that did not work, I would require everybody to register. But I would try this other, first.

MR. SHISHKIN: You would first try what category?

MR. RICHMAN: Controversial groups outside of politics.

MR. SHISHKIN: But the test will be what? Defamation?

MR. RICHMAN: Defamation, and then I would say controversy, entering into controversial fields, controversy means fighting against any other group. I think it would have to be against groups.

MR. DURHAM: You would include in that farm organizations and labor organizations that have controversial roles on either side of a public question?

MR. RICHMAN: That is right. They do more or less register, anyway. Their funds are subject to public inspection, most groups are. I think even labor today is pretty much in that category there, too, the source of their funds.

*Question in hand*  
MR. SHISHKIN: Well, one difficulty that I see here -- I am wondering what your reaction would be -- would be the difficulty that would be inherent in the wordage of the act. If we use the criterion of an organization or group in bringing another organization or group into disrepute, it is a negative criterion, and you say those who throw others into disrepute come and register?

MR. RICHMAN: Suppose we would put it on the basis of controversial issues, or organizations that enter into questions of public controversy? You take the radio today through the N.A.B. code establishes the right of any individual or group maligned over the area to get the right of reply on equal time and equal basis. I think that is a very excellent principle, which might be also expanded into this thing. In other words, when a man enters into controversy over the area with any group, that group has the right to reply.

MR. SHISHKIN: Actually, it is a good principle to be stated, but in its application it is most vaguely applied. The Federal Communications Commission, as we have just heard, does not really have any firm ground on which to act as a Government agency.

MR. RICHMAN: Well, I know from my experience with radio

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controversial matters, that we made it work where we wanted it to. You take Bishop Shiel, when he was maligned. You take the case of P.M. that was maligned by Fulton Lewis. I don't know whether they were maligned or not, but I know that they got the right to answer Fulton Lewis on his own time. I think from the cases that I know about where the opposition was determined to get time, they got time.

Now, it may be that the people do not know about their rights. There is a question there.

MR. SHISHKIN: What is controversial? Wouldn't that be difficult to define?

MR. RICHMAN: That is right.

MR. SHISHKIN: Let me put it this way: I asked this question of one of our consultants before, and I think this is the kind of a question that the Commission will be asked when they come out with something:

If someone on the radio program, or elsewhere, is preaching tolerance, that would not be controversial, I presume, in your opinion, would it?

MR. RICHMAN: No. That is a case of people getting along through the principles of brotherhood.

MR. SHISHKIN: If a preacher goes on the air and preaches tolerance, and the principles of brotherly love, nobody can come around and insist on the right to rebut that by saying, "This is a controversial statement, and I would like to say something about the doctrine of Aryan superiority; therefore, intolerance," he would be denied that. Then comes this other fellow who preaches intolerance. According to the Federal Communications Commission spokesman, not to reveal any secrets in the record, he would say that if somebody comes in and preaches intolerance, that would be controversial, and anybody who preaches that would be immediately subject to the requirement of affording an equal time for somebody to rebut that.

What is your feeling about that?

MR. RICHMAN: I don't think that there would be too much controversy about the word "controversial." The positive things of life are pretty well and pretty clear and obvious, even to children. We know pretty well by experience the things that are controversially generally in the American democratic picture.

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MR. SHISHKIN: But you would say that preaching intolerance was controversial?

MR. RICHMAN: Yes, I would say so. Now, when we speak of intolerance, we don't say that the man does not have a right to express his intolerant viewpoint. All we say is that if a man wants to be intolerant, and preach controversy on a certain subject, he should register and give the source of his funds.

MR. SHISHKIN: In the administration of this whole thing, including registration, use of the powers of the Federal Government, whether they be taxing powers or spending powers, whatever the case would be, would you think that the proper administration of this approach in the field of civil rights would be best located in an independent agency of the Federal Government, such as the civil rights commission, or whether it is to be placed in an existing department, or what would be the best procedure?

MR. RICHMAN: When the bill was prepared by Senator Gillette at that time it was called S-990.

MR. SHISHKIN: Of the Seventy-ninth Congress? Seventy-eighth?

MR. RICHMAN: I don't recall that. I would have to look that up. It was decided then that it be put in the Interior Department because the Interior Department already deals with various races, such as Indians and Mexicans and groups of that kind, and that possibly that department, more than any other department, might be better qualified because of experience with certain groups. I don't know whether that is applicable because it is not so much races or groups that we are dealing with here, but, rather, with controversial questions, with ideas, so that while it might go in the Interior Department, I don't think the reason given at the time was proper.

With regard to administration, I have no strong opinion on that. I don't know whether that would be an opinion or not.

MR. DURHAM: Aren't you dealing with groups, really? Because you don't care what they say, apparently, but you want to know that if they do say it -- you want them to disclose the source of their funds?

MR. RICHMAN: Well, yes. Well, since we are broadening it into groups engaging in controversial subjects, I am just wondering whether we might put it on a much higher plane than individuals or groups and broaden the whole thing so that it involves ideas rather than groups, and then the groups violating the principle would be forced to register.

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MISS WILLIAMS: Isn't the central problem the safety of the country in terms of its democratic way of life that really makes the concern for this subject, and the agents here in the Government who are supposed to have that in charge is the Justice Department. No matter what you think it is, or how well it does, I mean the logical --

MR. RICHMAN: Well, this country normally in peace time -- this country is unique in all countries of the world, since we have so many of every race and every group and every creed. The strength of this country is based on the variety of the groups that we have here. But at the same time it is also paradoxically the weakness of this country in an emergency state or in time of war. Unless we can unify and strengthen the unity of all the groups in time of emergency or in time of war, it does involve security, and for that reason I would approach in time of emergency or in time of war the problem in a different category. I would then throw in a prohibition law at such a time.

We got up a formula some time ago for meeting just such a situation in times of emergency and war, prohibiting the use of propaganda emanating from outside of this country which would tend to divide group against group, and race against race. That, I think, should be prohibited, and that is the only place where I would still insist on prohibition.

MR. SHISHKIN: In time of war?

MR. RICHMAN: In time of emergency. When the President declares a state of emergency we ought to prohibit any type of propaganda that emanates outside of this country to stir up, to divide the American people. When the emergency ceases I think we ought to do away with this prohibition law. Because today psychological warfare is as important, perhaps more important than physical warfare. Hitler captured country after country without firing a shot through psychological warfare, and by dividing the countries and conquering them through propaganda, and our laws are obsolete. Our security laws are obsolete because the law as yet has not come around to taking psychological warfare into consideration, and I am afraid that unless we have such a law to meet psychological warfare that we will be overrun before we have a chance even to fire a shot.

MR. SHISHKIN: Isn't the time of emergency rather late? I mean, we did not proclaim national emergency to exist until 1940, and we have evidence of tons of literature imported from Germany since 1936.

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MR. RICHMAN: Well, the importation of literature was stopped by the Post Office Department -- I have forgotten exactly what year-- I think it was 1941.

MR. SHISHKIN: But not with the embassy.

MR. RICHMAN: But not with the embassy. It was more through the radio and people who listened to certain signals and codes on the air, and then repeated the slogans and phrases as they came over the air.

Now, if you could indicate that there are certain people in this country paralleling the same kind of propaganda which was emanating from, we will say, foreign broadcasting stations or repeating literally the same language, or the same general pattern of ideas as was sent out by foreign countries, I think those people should be subject to indictment. In an emergency only, and in time of war. The emergency period is more important than the time of war, because the people are alerted in time of war, whereas they are not so much in an emergency period, and I think that is a very important point.

Our laws today are obsolete from a security point of view, and such laws I would put, certainly, in the hands of the Department of Justice, but with regard to these social, political and economic phenomena, or controversies, I don't know whether I would put it in the hands of the Department of Justice. I am not sure about that. I don't know who might administer this thing best. It might be done best by an independent agency.

But my thinking is not too mature on that point.

MISS WILLIAMS: I would like to say something off the record.

(Discussion off the record.)

MR. SHISHKIN: To get back on the record, I was wondering whether you don't see a problem in using that approach of getting into situations in which the organizations on the face of their activity are dealing with issues like moral rearmament, a large organized effort, or one step further than that, in one direction or another, in that sphere, wouldn't you find it difficult to categorize them?

MR. RICHMAN: No, not in the field of moral rearmament, as except sometimes their field of leadership gets over into the field of politics where Mr. Butler once praised Hitler as a great personality of this age. Of course, when he got off into such questions he would have to register, but moral rearmament is another

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positive approach to the religious field. It is another reinforcement of the brotherhood of man idea. I don't think it would be controversial. I think it is very simple to know when a man gets into a controversial field.

MR. SHISHKIN: Then you would recommend registration --

MR. RICHMAN: For instance, if I, as a Jew, who believed in Judaism, and its principles, would carry on within the realm of my belief and faith, and I decided one day to criticize, say, the Christian or Protestant or Catholic groups, the minute I did that I would have to register. I could still go on if I would register, but it would not prevent me from saying, "Go ahead, register, and say all you like, and a lot of people would carry on. It would not eliminate everything, but what I am saying is this: That for any movement to gain great force, momentum, it would require a lot of funds from big people, people with lots of money, responsible people. They would be hesitant in most instances if their funds were made a matter of public inspection.

MR. DURHAM: Do you see the thing shaping up as a kind of permit, the procuring of a permit for the purposes of expressing criticism of another group?

MR. RICHMAN: Well, it is the same point we made with regard to registration of lobbyists. People complained that their constitutional rights were violated. Each individual certainly has a right to seek out his Congressman and express his views on different legislation, and argue on anything where he thinks the American principles are violated, and so on, and I think personally that the lobby registration act does not certainly carry out what it was intended to. I don't agree with that particular registration law, because the biggest lobbyists in America don't lobby. They operate in other ways to get what they want. They don't have to lobby. They elect their Senator, or their Congressman, or there are other ways of their operations to get what they want.

The little fellow registers.

Well, there is no great stigma attached to registration, so people register and don't make much fuss about it, and people who feel that they are too limited in their rights as American citizens in registering --

MR. DURHAM: But in that case you went down to register, even though you don't lobby because sometimes you might want to lobby and not run afoul of the law?

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MR. RICHMAN: Well, I did it because our organization has been misrepresented by our enemies. We probably have received more indictments from the groups in this country who call us every name under the sun.

We do have some enemies in people who really don't know the name of our organization. Most of the work is done in the nature of good will operations, various groups, and we are not anywhere near as bad as they have us pictured. So some Congressman might see me around the Hill, and might misconstrue my missions, and try to make trouble, and so in order to avoid trouble I just went ahead and registered so that when they do see me on the Hill they will know that I have registered and will not misconstrue my efforts there.

MR. SHISHKIN: Would your registration include individuals who might make controversial statements publicly in a magazine article, over the air, in a newspaper, in a pamphlet?

MR. RICHMAN: That is a very pertinent question. I am thinking out loud, now.

I would say this: That where this individual in writing attacks an organization or a group in an attempt or with the intent of bringing that group into disrepute, I would say that person ought to register if he writes any articles, yes. It does not mean he cannot do it. Just a registry.

MR. SHISHKIN: Would registration require his statement of all his sources of income?

MR. RICHMAN: When he enters that field, yes.

MR. SHISHKIN: Subject to investigation of his veracity of the statement?

MR. RICHMAN: Well, every registration is subject to that, yes. It does not stop the fellow from doing it. He can go ahead. Before he enters into such a field, he has to be able to back his convictions with --

MR. SHISHKIN: Would that registration include in his statement income, or would that in connection with his registration be a matter of public record?

MR. RICHMAN: Yes, it would have to, in order for the law to be effective.

MR. SHISHKIN: I was not trying to be dull or obscure when I asked that question earlier about whether tolerance is controver-

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sial and about whether intolerance is, because the difficulty I see in this is that once you apply that to legislation, while such a proposal may be given consideration, it can, and undoubtedly would be claimed with some weight that in any controversial issue there are two sides, and if anyone in an economic issue made any attempt at defamation or passing aspersions at a group or a number of groups, he would be engaging in a controversy, whether it would be political or economic or social, by giving only one side, and that this should be applied equally to both sides.

MR. RICHMAN: I thought about that, the difficulty you would run up against. I believe it would also be preferable if the reply could be given equal force, that is, the same magazine would cover side by side, or in the next issue in the same space -- or, rather, it would have to be at the same time to be effective because some people would not read the reply, would not have a chance to read the reply. I think that might be more preferable, except that certain organizations -- we will characterize them as hate organizations -- have their own periodicals, and I don't think that the opposition could possibly be given fair treatment by such an organization. That is, by constantly harping on that question, that even though there would be an opposition reply each time, they could just dote on that particular subject time and time again, and they would carry the weight of their side and influence people that way.

MR. SHISHKIN: I am not as optimistic as you are with regard to the ease with which the definition on what is controversial could be made. In the case, just to give one illustration, of an economic discussion, the question, say, of the closed shop would be generally accepted by reasonable men to be controversial, certainly, because it has been the cause for debates for a sufficient number of years, and anyone, any labor spokesman, who would be casting aspersions at the activities of an employer's organization, or an employer openly advocating open shop, would certainly be in the same category as an employer who cast aspersions on labor unions because they resort to a closed shop. Once you get into that situation, it would lead you pretty far astray from the real area in which we are here dealing.

MR. RICHMAN: Of course it would. I sometimes think we might even narrow this whole problem down to groups, limited to controversial questions who name other groups as their antagonists. In other words, if you are arguing just on the merits of the closed shop and some author or group argues on the merits pro and con, they should not register, but the minute they attack another group as their opposition you might have that approach. In other words, when they name their opposition and attack the opposition by name, then they might be forced to register.

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What do you think about that?

MR. SHISHKIN: I mean, I am in doubt. Take the protective tariff, for example, versus free trade -- not advocating any legislation or anything of that sort -- but an attack upon the Protective Tariff Association who are protectionists on the argument of free trade, will certainly be a controversy.

MR. RICHMAN: Yes. Well, suppose they would name their opposition and say that these are the people who are behind this movement. The minute they mentioned the name of a group -- they could argue on the merits of the thing without naming anybody, but once they named their opposition in a controversial issue, then they would be required to register, because they have cast as aspersion upon an organization. I think it might be done in that way. People just arguing issues would not have to register, but the minute they attacked -- well, I see the fault in that, too, because, for instance, the attack on international bankers. Many Congressmen attack international bankers. While most international bankers are not Jews, and there are only one or two international Jewish banking firms, who are about seventeenth or eighteenth on the list of the international bankers, yet when that term is used constantly everybody knows that they are referring to Jews. International bankers, they were Jews, you see. So, however you try to approach this problem, you meet with these difficulties.

MR. DURHAM: How would you feel that your interests might be served if you had a central office or bureau in the Government here, where the Government was empowered to get all kinds of information about various groups and organizations for reference and file, and that is all? Would you feel that that would be a step in the right direction?

MR. RICHMAN: Why, a commission to investigate organizations would be another approach. We have today the Federal Trade Commission, the Pure Food Commission to investigate organizations which put out bad food or practices of bad trade conditions, and we are trying to get a fair employment practices commission. I advocated at one time a fair election practices commission, which might be a non-partisan commission to see that American politics was cleaned up in ways. I think we might have some sort of American Fair Play Commission to include all of these approaches, but the trouble is that where you get into the field of speech and press you already touch a subject that is very precious to the American tradition. They don't want free speech and free press violated.

American people are horrified by censorship, and I believe this free press and free speech tradition is the greatest foundation, the strongest foundation of our democracy.

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MR. DURHAM: Oh, quite so.

MR. RICHMAN: And we don't want to hurt that.

MR. DURHAM: Surely not.

MR. RICHMAN: We just want to get after the poisons, the excesses, the violent social and economic upheavals that might break down the pillars of our democracy by the termites who gnaw and the many supports by the various groups that make up our democracy, and these termites of hate who are gnawing at it constantly who might destroy the things that make democracy so strong and so great. I don't think you could approach the area of truth and propaganda in the same way as you approach food, drugs, and trade practices.

MR. DURHAM: I did not mean to imply by my statement that the sold purpose of this organization would be to investigate organizations, but it would be something in the nature of the bureau suggested by Mr. Klaus earlier before you were here. It would appear in the record. But go ahead with your remarks.

(Discussion off the record.)

MR. SHISHKIN: To get back to the record, the main issue which guided my question was the main thing I was concerned with, and that is that when recommendations are brought to us they will not be given consideration only by the subcommittee but also by the full committee. And also my concern is with the shaping of recommendations that will be as practical and as realistic as possible from the point of view of accomplishing our purpose, and also our actions in a society which is used to freedom of thought.

MR. RICHMAN: I believe that the recommendation should be very practical and of the kind that would be acceptable.

MR. SHISHKIN: Now, the thing, frankly, here, that has bothered me about procedure which would call for registration of all those that engage in controversy and also their statement of income and sources of income should be open to public inspection is this: That I think the first reaction would be that:

a. The principle is sound that freedom of speech carries with it a corresponding responsibility to society;

b. That as a reaction of an average American, he would holler to high heaven about his right to either appraise or blast hell out of anything he chooses without having to disclose his personal income, which is now safeguarded by security, and is available only to the Government, and it is that security that I

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have been bothered about, as to the practicality of a proposal of this sort.

You know the kind of reaction I have in mind.

MR. RICHMAN: I see that, and I think it is a very pertinent point. But I would try to narrow it down to people who go out on a crusade of hatreds against a group and not involve themselves purely in controversial issues per se. I think, for instance, if labor could argue its point against capital without involving, say, organizations like, say, the National Association of Manufacturers, or the Chamber of Commerce, and so on, naming them, I don't think they ought to be required to register. They are arguing only on the merits of the case, itself. The minute they start out by attacking any specific group --

MR. SHISHKIN: Or individual?

MR. RICHMAN: No. Because an individual has redress through libel suits.

MR. SHISHKIN: Yes, but what you are suggesting is a little different from libel. It certainly falls short of it. You can make a pretty vehement attack on either Ernest T. Weir, or the Weirton Steel Corporation, as a labor spokesman, without committing libel, because all you will get is probably a blast out of Mr. Weir in return, and probably sevenfold.

MR. RICHMAN: Well, you see, an individual can respond effectively either through the courts, or there are other way. A group or a member, for instance, if you attack the Negroes, well, it is such a large group of people, or you attack the Jews, or you attack anybody, that the individual member of that group who does suffer by disrepute has no real course of redress, and I think to compensate the members of a group the opposition ought to be forced to register.

MR. SHISHKIN: Just to finish what I was saying --

MR. RICHMAN: Of course, there are always ways of getting around it. I mean the clever strategist, say, byt anything William Green says and Phil Murray -- everybody knows that they represent the C. I. O. and the A. F. of L., and in that way you have named the group without becoming involved.

MR. SHISHKIN: But, by the same token, just to finish my thought, that if a spokesman of the same kind would bring the Jew into disrepute or the Catholic into disrepute, or the Catholics as a group, or the Jews as a group, those statements need not

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necessarily be libel in the same category as personal libel?

MR. RICHMAN: They are not presently in the same category as personal libel, no.

MR. SHISHKIN: So you would recommend laws that would --

MR. RICHMAN: No, I would not recommend group libel laws. All I am saying is that you require these people to register and give the source of their income when they start going after Jews or Catholics or groups.

MR. SHISHKIN: I don't want you to think I am talking about the difficulties.

MR. RICHMAN: Your approach is very practical. They are problems that will have to be contended with, but there is no law is perfect, and what we try to do is to meet this major proposition, and the intent of the law could be very easily circumscribed so that enforcing it the Department of Justice would know generally what the law is aimed at and, while there would be these imperfections, I don't think the Department of Justice, under any attorney general, would prosecute individuals or groups who were not violating the main letters of the law in regard to hatred against groups. I think the law could be written so as to circumscribe the intent you are interested in.

MR. SHISHKIN: I think you can see that the problem of the Committee is not an easy one.

MR. RICHMAN: No.

MR. SHISHKIN: We need all the help we can get, and if our current staff will need your help again, I hope we will have the opportunity to call on you.

MR. RICHMAN: Of course, we are just discussing this disclosure approach. Of course, the educational approach, the other legislative fields of fair employment practices, and so on, cannot be discussed. We, in our office, have material on all phases of the problems, and it has been so long now that we have been in this service. If you need anything, just command us.

MR. SHISHKIN: We have the unfortunate experience today of having a couple of members of our subcommittee detained, and, as you know, Mr. Ernst is very sick. He is still in the hospital.

MR. RICHMAN: Yes, so I heard.

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MR. SHISHKIN: But the record will be read by all of them and will be the basis of our formulation of recommendations, and before we get to the end of that we will certainly get in touch with you again.

MR. RICHMAN: I gave Mr. Durham copies of suggested legislation on the problem I discussed, none of which are in perfect form, but if your committee thought there was any idea that they were of value, we could get a group together to try to perfect the legislation in the way that you --

MR. SHISHKIN: Is that a very long document?

MR. RICHMAN: No.

MR. SHISHKIN: I wonder if we could have that duplicated and attached to the record of this hearing?

MR. DURHAM: I can get it right now.

MR. SHISHKIN: Well, we will not have an opportunity to do it this afternoon, but if we can have them duplicated, and have them attached to our record, I think the Committee will appreciate it.

MR. RICHMAN: After discussing this legislation with a good many Jewish groups, there seems to be no unanimity of opinion on legislation. I don't think I have speaking for my own group, but on this approach this is more my personal opinion as a result of my own experience here with national legislation problems.

The thing that I submitted to you, however, I don't think that our own group would be adverse to. I think that they would probably agree on that.

MR. DURHAM: Which one was it, now, that you had in mind? I just want to be sure.

MR. RICHMAN: This is the prohibition bill. It should be emergency in war period. This is the disclosure bill, which ought to be perfected, brought up to date, and included some of the points that you so well made today.

MR. SHISHKIN: Do you mind if I mark it "disclosure bill"?

MR. RICHMAN: Go ahead. Well, I have here the original bill on the literature in connection with federal elections, which is now a law, so we don't have to discuss that.

MR. SHISHKIN: Do you think you can have it duplicated and

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have it attached to the record?

MR. DURHAM: Do you think we ought to duplicate them or just put them in the record?

MR. SHISHKIN: Well, that is your staff problem. Whichever you want to do.

MR. RICHMAN: I haven't thought of any better approach to this than the Morris Ernst approach. I mean generally speaking. He might suggest some modifications. I am not sure that I am right and Morris Ernst is wrong, and the points that you make ought to be incorporated, too. That can be done. The bill as it is there does not include any of the discussions that we have had today. That bill was gotten up in 1940, and I think we have learned a lot since that time on the disclosure approach.

MR. SHISHKIN: Well, thank you a lot. We are very grateful to you.

MR. RICHMAN: I am very happy to have served you.

MR. SHISHKIN: Before we close the record, I wonder if you could say whether you have any further plans for consultants to come before this Committee that we could decide on tomorrow or Thursday?

MR. DURHAM: I don't have anyone scheduled now.

MR. SHISHKIN: Do you have anyone in mind?

MR. DURHAM: But at some point I think you might want to consider whether you want to hear Arthur Garfield Hayes, for example, of the Civil Liberties Union, or perhaps Stetson Kennedy, who is a southern author, and has been writing considerably about the revival of the Ku Klux Klan, and possibly others that you might think of, yourself.

MR. SHISHKIN: We had one witness that we missed today.

MR. DURHAM: Louis Nemzer. I must confess error there because I did not tell him the precise time, and there was confusion there.

MR. SHISHKIN: I was wondering whether in connection with those two suggestions you made, and Nemzer, whether you could write to Mr. Hayes and also get in touch with the other people and see if we could possibly schedule them by devoting a half day at the next Committee meeting, which will be Wednesday and Thursday two weeks from now. That will be on April 30 and May 1.

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I think that will complete the record of this meeting.

(Thereupon, at 5:45 o'clock p. m., the meeting adjourned.)

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SUBCOMMITTEE OF THE  
PRESIDENT'S COMMITTEE  
ON CIVIL RIGHTS

Washington, D. C.

April 30, 1947.

*Menzer*

Subcommittee No. 3 of the President's Committee on Civil Rights met, pursuant to notice, at 10:00 a. m., at 1712 G Street, N. W., Mr. Boris Shishkin, presiding.

PRESENT: Mr. Boris Shishkin (presiding) and Mrs. M. E. Tilly.

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P R O C E E D I N G S

STATEMENT OF LOUIS ~~MENZER~~

Political Analyst for the Foreign Agents  
Registration Section, Department of Justice

MR. SHISHKIN: Would you identify yourself for the record and tell us about your background.

MR. MENZER: I have been in the Department of Justice since 1940 -- I'm sorry, since 1941, and I have been with a section which has been concerned with organizational activity in the United States. It started out as the Special Policies Unit which was interested in anti-democratic groups on both sides and many kinds of moderate organizations, and which was active during the war. Later I became political analyst for the Foreign Agents Registration Section in the Department of Justice, and I have been in that position until this week. As a matter of fact, I am completing my work with the Foreign Agents Section this week and I start at the Department of State next week.

During this last year in addition to that, and I have been working myself, I worked with Harold Lasswell on a study of Soviet propaganda organizations throughout the world -- this is a doctoral dissertation of the University of Chicago, which is now in its last stages. I have been concerned myself with civil liberties for a good long time, and I think I know the literature pretty well. As I say, I have been on the administrative side, technically, recently, in the effort to administer a law which probably is the most significant effort at disclosure in the political field. That is the Foreign Agents Registration Act. I

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happen to know a few things about proposals for a disclosure that have been made. On the basis of my own experience both with Soviet propaganda and with the administration of the Foreign Agents Registration Act, I am frankly perturbed over most of the proposals in that field, because I feel that the cure can be worse than the original disease. I think that the basic problem can be put in terms of the paradox of responsibility and authority. I am speaking now basically about a type of disclosure law which would attempt to restrain anti-democratic propaganda through registration with the Government and through some sort of disclosure to the public.

I have been a very warm supporter of these ideas for several years and I am opposed to them now because I have seen a Government bureau attempt to operate in this kind of field, and I feel that its mistakes are not merely the mistakes of personnel, but the mistakes of the whole basic idea itself. Administering this kind of law you have these dual problems of authority and responsibility. You must start with the axiom that no anti-democratic group is going to stand for the administration of this law and the application of this law to its own activities. It is not going to stand for it very long without doing something about it. This kind of law cannot be effective if it operates only with respect to the democratic groups who agree about the philosophy and who will agree to carry out its -- who will execute the significant aims of the law without any effort on the part of the Government.

MR. SHISHKIN: When you say this kind of an act, you mean Foreign Agents Registration?

MR. MENZER: I mean the Foreign Agents Act in particular. In general, an act which attempts to get disclosure with respect to propaganda of anti-democratic groups. I used anti-democratic in a very wide sense, with the propaganda issued by organizations who attempt for any reason whatsoever to hide their real purpose or who attempt to hide information about their own background or their aims, or who are affecting in some fashion racial relations, or relations between any sector of the population in that fashion. If you are going to try to restrain the propaganda efforts of this kind of organization, you are going to immediately be faced with a problem of administering and executing the law with respect to these people and over their opposition. That means that your governmental organization must have itself, or it must be connected with, government agencies that are able to investigate, to analyze, to publicize, and to punish these anti-democratic groups. If you don't have these, your whole idea is nonsense.

MR. SHISHKIN: Wouldn't that apply only to a disclosure

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statute which specifically applied to certain types of groups, such as you name, but if you had a disclosure statute which applied generally to all organizations, it wouldn't be vulnerable to that?

MR. MENZER: Let us put it this way -- if you have any kind of a statute which is going to get to the public information which the public would not otherwise get -- in other words, if you are going to pass a statute which is going to force anti-democratic groups to decrease their efficiency, and you are going to do this in spite of their own opposition, you have got to have a governmental agency that will have the power to execute it over the power of the opposition of anti-democratic groups. In other words, if you have a law which merely proclaims that it is a fine thing to give the public your own background and to label your own kind of organization, and that law is accepted by democratic groups, you have not done any more than what would be done anyway without the law. If the law is to be effective, it must get precisely those groups who would not support this kind of idea, and just as soon as they discover that their own effectiveness is going to be decreased by the execution of this law, they will immediately take steps to subvert the purpose of the Act or to evade it in one fashion or another.

MR. SHISHKIN: What I had in mind was this, that if you had a statute that simply required disclosure of sources of income, for example, on the part of all organizations that influence public opinion, democratic -- all kinds without any criteria set up -- that would to some extent get around that basic objection, wouldn't it? I mean leaving the public to judge for itself.

MR. MENZER: No, because the problem is this: If you are a leader of an anti-democratic group and there is any kind of law that is going to decrease your efficiency, if there is a law which forces you to give the source of your income, and that disclosure is the kind of information which is going to reduce your efficiency, you are simply not going to obey. You are going to find some way of getting around it.

MR. SHISHKIN: I just wanted to get that point clear. I didn't mean to argue it.

MR. MENZER: I am not attempting to argue with you.

MR. SHISHKIN: I was just trying to bring out what you meant, as to whether any general statute of the kind I had in mind would be vulnerable on the same ground.

MR. MENZER: I was thinking along those same lines myself and my feeling was that if you did have a very general statute you

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could get around these problems. It seems to me obvious that the law, for example, which requires newspapers to publish the names of their owners, in the true sense of the word, that has no real benefit whatsoever. If you would read the DAILY WORKER, you will find it is published by an obscure organization called The Freedom of the Press organization. No mention of the Communist Party Line if you look on the statement of ownership. You have to read between the lines, and to look at some of the minor positions to find that this is actually the organ of the Communist Party; and this is the most obvious of all situations. Take an organization which is less obvious, an organization let us say which is relatively new, and immediately it is able to hide its own purposes and aims and give really no information whatsoever that would indicate it is a front organization, by placing on the statement of ownership the names of unknown people. So I think that on the basis of what experience I have had in the Government, and what I have been able to see in similar cases elsewhere, you have immediately the problem, if you have a decent law, of administering that law by a Bureau which has, as I say, the power of investigation, of analysis, of publicity, and of punishment. If they don't have that, your organization is relatively ineffective and you might just as well not have the law in the first place. If you have a law on the statute books which is easy to evade, as this one will be until you have this kind of an organization, it seems to me it would be worse than to have none on the statute books and give the public the presumption that information they want could be gotten from the Government without themselves looking for it.

Now, if you have such a Bureau organization which has this kind of authority, it seems to me you have, as I have indicated, a bureau which is basically anti-democratic in itself. You have given that organization tremendous power. First of all, you have got to give it a great deal of money. Any effort to investigate almost any single organization is going to take a lot of money. I am speaking in terms of tens or hundreds of thousands of dollars. If you have a fairly large organization, I think the amount of money that it takes to keep up with such organizations as the Communist Party and, in the last decade, organizations like the German-American Bund and Mr. Smith's group would run into tens of thousands and ultimately not into tens but by thousands; but any organization can set up a front group with a new name and in five minutes flat without any difficulty whatsoever, and the investigating organization simply finds its work multiplied, so you must have a tremendous organization and must have an analytical group which is able to analyze this mass of material and make some sense out of it if it is going to administer the law, and that again takes a very large organization.

In the old Special War Policies Unit which did do something

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like that and which analyzed organizational data, we had over fifty analysts working -- analysts of, I think, higher caliber than you would ordinarily get during peacetime, and they were only able to scratch the surface.

Finally, it seems to me axiomatic that if you have a law to be administered, the administering agency must be connected with some kind of group that sanctions it. It must be able to say to organization "B" that the information which you are giving to the public is wrong, and you must either change that information or you will be punished for it, and it must be able to back up its words; and that takes power that is, I think, wholly out of keeping with democratic government because it means that you have a bureau made up of people who are relatively mediocre who are going to be able to have a definite influence upon the political fortunes of many organizations.

Now, in the Foreign Agents Registration Section, of which I am a part -- and of course I am speaking personally now -- we had a relatively limited law, we had relatively weak powers, and yet I can say, I think this is pretty close to the truth, we could have influenced considerably the political fortunes of many large organizations with very little difficulty. For example, without any difficulty I think of five major organizations with a membership of over a million, who have international connections, and those international connections are complex enough so that a bureau such as mine could force any one of those major organizations to proclaim itself a foreign agent or be prosecuted. That is true of your organization, Mr. Shishkin. We could have done it very easily. The only way it is not done is by simply using common sense rather than the strict terms of law, and yet, we had a weak law. That could be done with respect to a tremendous organization like the Catholic Church. Because of the political activity of some of the members of the Catholic Church and its hierarchical organizational structure, a good deal could be done by a misguided bureaucrat, administering that law, who merely followed out the terms of the law itself; and because of that paradox, whereas on the one hand you have got to give it authority if you are going to make your law work, on the other hand any kind of real authority is going to place the bureaucrat in a position of tremendous responsibility.

My feeling is that the proposal is a very dangerous one and one which should be very thoroughly examined.

MR. SHISHKIN: With respect to the Act, you said it was "limited," wasn't it not only limited -- isn't it not only limited but also faulty?

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MR. MENZER: Well, let me say this: I think it is very faulty in technical terms, but I think the major deficiencies are in the concept of disclosures and authority for disclosures rather than in the technical deficiency of the law itself. I frankly don't see how you could write a law like this, with the greatest amount of care and technical sense, which would not still give the administrator tremendous powers. In other words, the definitions which you must draw to fit the anti-democratic groups you are concerned with, must be wide enough so that you include democratic groups as well. That is axiomatic in this field. You can't possibly write a law which says the bad people must do this and the good people don't have to; that is impossible. You have got to write a general law which gets both the good people and the bad people and, in your basic definition, in order to get the very kind of people you are worried about, you must have a wide enough definition so that you encompass also the democratic people, and I think you can damage them very successfully; and the examples I give are only a small part of the examples I could give.

I want to make this last point: I want to stress something which I said before, and that is the tremendous task that would be given to the administrative agency that attempted to execute this kind of law. The number of organizations in this country which are operating to influence public opinion is really tremendous.

MR. DURHAM: How many, would you say? Would you hazard a guess?

MR. MENZER: I tried to do that the other day, and I'd certainly say if you took the organizations which are larger than local in scope, in other words, whose activities are limited to a community of let's say five thousand, I would say the number you would still have would run past the twenty-five thousand mark.

MR. SHISHKIN: With a potential membership?

MR. MENZER: The whole country.

MR. SHISHKIN: I mean the total participants of that kind of effort.

MR. MENZER: I mean those organizations are so all-encompassing that at least half the population is involved in one way or another.

MR. SHISHKIN: Half the adult population?

MR. MENZER: All right, half the adult population. And yet,

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to do a fair job, the administrative agency must have tremendous facilities for investigation. Now, I worked in an organization which has the assistance of the Federal Bureau of Investigation and several others, and I can say frankly that we have never had sufficient information about any but about three organizations to feel that we actually could label it precisely. The information that one gets through confidential informants and from analysts is pretty important, but it is only through a very large expenditure of funds that you are able to get a real picture of what the organization is doing. I have read thousands of records and I have analyzed at least hundreds of organizations, and I can say that on the basis of my own experience, that is a major problem to be faced with. If you are going to administer the law, you have got to know the kind of people that work in an area, you have got to know the kind of organizations that are operating, and you have got to be able to understand the internal situation and inside the organization -- what it actually stands for, what the members think it stands for, and what the public thinks it stands for, and what the actual effect is. That takes a tremendous amount of investigation and analysis, and if you don't have that kind of authority, if your administrative agency doesn't have that facility, it must work blindly on the great -- the crucial -- area of the American politician, the efforts of the common man to have his voice heard in the processes of Government.

MR. SHISHKIN: In the operation of the Foreign Agents Registration Act, to what extent -- I am asking in a very general way -- is the incidence of registration divided between activities that are related to cultural organizations -- or those, say, that are non-business relationships, and business relationships?

MR. MENZER: There has been a considerable change in that, because there has been an effort on the part of the staff to eliminate the necessity for registering business groups. In the past, I should estimate that it has been about two to one, with the larger number being that of the technical and business organizations that are registered. The smaller group would be the cultural groups, foreign governmental information offices, political organizations, and so on. That means that over a period of a number of years, with at least a million dollars spent, I don't think there has been more than thirty political organizations registered who are non-governmental and who are to some extent at least secretive in their work and, of course, the estimate of undemocratic groups would be very small indeed -- and that information, moreover, has never been made really available to the public. That is why I include the word "publicity." It seems to me that in any kind of disclosure law it is common sense to get the disclosures before the public.

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MR. SHISHKIN: Isn't it available to the public?

MR. MENZER: It is available to the public, but no step is made to allow the public to know that information is available. People whose business it is to know these things -- and incidentally this is being transferred to the State Department from the Justice Department where it has been for five years -- people just don't know about the information that is available there; and, if anything, the tendency is to hinder the flow of this kind of information to the public.

MR. SHISHKIN: That is the particular point; isn't that to some extent a reflection on our journalism?

MR. MENZER: Partly I think it is due to the very nature of the material. There is an anxiety about just what to do with this kind of material. There is a realization, I think, on the part of a lot of people involved that information there concerns relatively democratic groups whose position before the public could be, if not ruined, certainly injured, by the information that they had registered under this law, although they did so in good faith. But my anxiety is that there are some difficulties with any kind of law, and its administration, and during the years that I was with the Department I had always felt that most of the difficulties concerned actually in the administration were technical faults in the law itself and the facilities given to the Bureau. In the past year or so, when I have been able to examine more closely the relationships between the Foreign Agents Registration Section and the Department, I feel more definite than I ever felt before that the deficiency is in the whole concept of disclosure.

MR. SHISHKIN: Suppose we have a shift -- I am only offering this -- a shift in policy which would take away the emphasis from trade and business; wouldn't that open a pretty large area for foreign agency activity which would not be at all covered?

MR. MENZER: Yes, there is a considerable danger of that. As you probably know very well, the Germans made very good use of their business organizations, but frankly, we don't have the investigative facilities to discover whether or not the business organization that should be registered is actually carrying on this kind of activity that should be disclosed. On the face of the information we have, usually it doesn't appear to be so.

MRS. TILLY: I want to go back to what you said when you used the illustration of the DAILY WORKER, which lists its owners as the "Freedom of the Press," I believe you said. Do you go no further than that? Do you just accept the organization "Freedom of the

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Press," without knowing who the "Freedom of the Press" is?

MR. MENZER: What they did is this: Around 1940, the editor of the DAILY WORKER was sued for libel, and the Communist Party back of it was also sued; and although the Communist Party managed to avoid the payment of a large libel suit, they decided they were going to cover up, and they found it a very simple thing to do. They got three ladies who had not been connected with the Party -- I think two of the three were members of the D.A.R., and all of them from very respectable families, to become the owners of the stock in the "Freedom of the Press," incorporated, and through the proper channel they were given some kind of stock, and they are the owners of the newspaper. Now these people apparently hire some people who happen to be members of the Communist Party; but, if you had no information about this organization, and someone asked you to be a correspondent for them, the newspaper, in Washington, let us say, and you decided that you would like to do it for a New York newspaper and wanted to find out something about it, you would get no information whatever from the Post Office Department about the ownership. You would only get the information that -- I think there is a woman named Penny-packer, and one named Reid, and another person -- owned this newspaper.

MR. SHISHKIN: That has been changed recently, hasn't it -- that ownership? I seem to have read somewhere that it has been changed within the past year or so.

MR. MENZER: I am not sure. What they have done, as I recall it, is to set up an editorial board who actually run the newspaper, and that editorial board changes from time to time; after the Browder ejection they have changed to some extent. But actual ownership, and certainly for years, was disclosed in this fashion, and there is no way by which that could be changed. In other words, if you had given the Post Office Department authority to actually look beyond the statement given to them, and you had a fairly large setup to do it, and you would have been able to give them authority to go behind the legal setup to show that it was actually run by the Party and punish the party if they didn't change their statement -- well, since the Post Office Department didn't have that authority, it did not do anything. The Party was able to, for years, operate in that fashion and, of course, we are speaking about the most obvious kind of a front group. Just think of the hundreds of newspapers that are set up very easily by Communists or Fascists or reactionary or liberal groups which don't show the name of ownership.

MR. SHISHKIN: All right, but I mean the elimination, of course, of the second class registration privilege, and as a matter

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of fact, they couldn't have avoided that at all but by sending it by first class mail.

MR. MENZER: Of course, the financial situation makes a great difference, a very great difference.

MR. SHISHKIN: That's what I am getting at. I mean the owners themselves are not responsible, however, for the income of the newspaper of that kind.

MR. MENZER: What is your point?

MR. SHISHKIN: My point is that, that if a statute provided for disclosure of contributions to sustain the operation of that particular newspaper, you would have gotten into an area in which the going might be much easier.

MR. MENZER: I am still not sure that you could. In the first place, in that kind of a setup your contributions are all broken down to minute sums. Even if you have a large contributor, when the books are written you can be very sure that large contributor would be broken up into about four hundred names of minor individuals. In another organization which would not be the Communist Party, but let us say it is the American League for Peace and Democracy, what would prevent your setting up a dozen front groups each with a fine name full of symbolism, each of which would contribute the money. In other words, separating the actual contributor from the disclosure process.

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MR. SHISHKIN: Yes, but if that contributor were required to state his income, his source of income, you would get that.

MR. MENZER: What you would do, you would have to go back and back--in other words, if he went back three steps, you would have to go back three steps; if he went back six steps, you would have to go back six steps; if he went back seven steps, you would have to go back seven steps, and so on; and that would take more money and more administrative procedure.

MR. SHISHKIN: Well, of course, we are a very free and easy country. I might add that near us in the town where I am, I am in Alexandria, just last Saturday I found that there were two things going on. One was that the George Washington High School was making a drive for baseball uniforms, and kids anywhere from eighteen to nineteen were running around the street asking for contributions, there were no boxes or badges. They gave out little tags. Everyone in Alexandria knew it was on the level, many people know the kids, but for all that anybody knew they were just taking up money, no ticket, no receipt, no collection box sealed; you don't know where the money goes. Around the corner there was, I think it has been going on for months, there was an automobile being raffled off by a boys' club, and there is also no license, no registration, just tickets printed up--and everybody knows who the people are, but anybody could set up that in the name of a good cause and collect several thousand dollars in contributions--so I think you have that because of the free and easy mores, and you have a point, but I am not sure that in the larger sense it is an insuperable one.

MR. MENZER: That, for example, the financing of the Communist Party. I am using the Communist Party because we are all very familiar with the kind of organization it is. Now I have seen some of the laws that have been set up throughout the world in an effort to control its activities. There has never been a law which has been able to get the financial basis of the Communist Party, and one of the reasons you have just pointed out. The funds of the Party to a very large extent, at least in so far as the public is aware of it and the investigating agencies are able to discover, come through various meetings and drives. They have a meeting in Madison Square Garden and ten thousand people attend. They say they have got to have money, and when the meeting is over, they have got fifty thousand dollars. It doesn't seem to me possible to try to work out a way to track down every individual who contributed fifty cents at that meeting, and yet what would there be to prevent the agent of a foreign power from sitting there as an owner of a butcher shop and saying he is going to give five thousand dollars, but of course you don't know where the money comes from. The number of ways that it can be hidden is almost innumerable.

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MR. SHISHKIN: But, if all the disclosure shows is that Jones, Smith and Brown, known individuals, arranged a meeting in Madison Square Garden, for a specific purpose, stated purpose, and collected ten thousand dollars from people for that purpose, that would be prima-facie evidence. Information of that kind would be very helpful to know.

MR. MENZER: You can read the newspapers and see that they collected money at a meeting like that, but if you are going to try to go behind that newspaper story and find out whether they are getting funds from the special organization, you are not able to get it through this kind of procedure.

MR. SHISHKIN: That's right.

MRS. TILLY: Georgia is being flooded with "hate" pamphlets. We have every reason to know that the Georgia Manufacturers' Association is furnishing the money for them. That is our problem. Some of it is going through the mails without any name whatsoever, second class mail, third class mail, etc.

MR. MENZER: I feel very strongly that that sort of thing should be fought. I say what I have said today, and I say it very reluctantly, because I feel that the administrative difficulties are usually overlooked in considering this kind of law. It seems to me something should be done, some effort should be made, but my anxiety is that in looking at one such situation where you think that if you had a law with the power you would immediately be able to disclose that. I can think of a much larger problem to present this disclosure properly. I can think of the same problem on a much larger scale, and that is where your greatest difficulties come in. In a single instance like that, you may be able to make the disclosure by having a small group do it, that are not connected with the Government.

MRS. TILLY: Well, that is what we are trying to do. When a permit is granted a newspaper or a pamphlet to go through the mails, second class mail, how much do they have to tell about their organization?

MR. MENZER: Well, you are speaking only about periodicals.

MRS. TILLY: Yes.

MR. MENZER: Not about pamphlets. There is no need for such information to be given and that of course is where you have the most serious problem.

MRS. TILLY: That is what we have--most are leaflets and  
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pamphlets.

MR. MENZER: That was the condition which the investigating committee found that investigated the elections of '38; that non-periodical materials disseminated which had no source on the face of the material ran to something like 45%, in about 80% of the bad material; that is material that would be called bad from the point of view of racial relations and such matters. That is certainly the basis of the worse area in that whole situation--non-periodical materials. That is one of the places where this kind of disclosure is needed, and if you are going to get it, you must have a tremendous organization to do it.

MR. SHISHKIN: To get back to Mrs. Tilly's question about the Manufacturers' Association and the pamphlets, conceding all that we have heard from you with regard to Madison Square Garden and the many individual contributions of fifty cents, or the quarters contributed on the street corner of Alexandria, the kind of thing that I am talking about involves large expenditures of money for a specific purpose in large amounts. Now conceivably there might be a device in which a fifty thousand dollar lump contribution from the Manufacturers' Association for a particular purpose could be broken up in small parts, but that would be a very tedious and a very difficult task, and to some extent a dangerous thing, but if the statute required the disclosure of large contributions, over three thousand or over five thousand dollars, you would put a very effective brake on the kind of activities Mrs. Tilly is talking about.

MR. MENZER: Unfortunately, I am not sure that is so, and it seems to me that the law we have had with respect to expenditures in election campaigns would show that. You do have some kind of disclosure law and do have in fact a prohibition of contributions of money over certain amounts. I am sure everyone knows the law was simply laughed at. In specific instances when you start with a situation where the organization didn't think about such a law, you might be able after the fact to think of a law which could get the particular organization, but if you have the law in effect and your organization seriously wants to put out this kind of material, and knows about the law, I really feel that the amount of restraint on the organization is going to be minor, and the amount of damage that an administrative agency of that kind of law would do would be a major thing.

MR. SHISHKIN: I will tell you our subcommittee has been approaching the whole problem in terms primarily of a technique which would not involve any judgment on the part of any administrative agency as to what is good or bad; it would provide for an automatic statement of sources of funds, and particularly of the

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larger contributions, on the theory that in the activities of Gerald L. K. Smith and other organizations of this kind, that it is the source of income that is the most insidious, and that it would really be most effective to disclose, because those kinds of contributions would attract the most attention. Now, an operation of that kind of statute with provisions that were automatic would really present no serious administrative problems in themselves. I mean, there might be problems, obviously, in the area of getting the public awareness of the availability of information and getting the journalistic arm of our society to reach within it and bring it out, as the Government itself need not do--except to keep the doors to it wide open.

MR. MENZER: Don't you see, you are dealing with a dilemma there? You are speaking about a proposal that would decrease the efficiency of bad groups by having a law which would get information from both bad and good groups. What you are saying is that you can fool the American democratic groups into giving the information that would help the efficiency of their own work by having this kind of law set up--but it doesn't work that way. All you will achieve is actually to impede the first group and the anti-democratic groups will be the first ones to find out about it, and they will immediately take steps to get around the law in one fashion or another.

MR. SHISHKIN: But, assuming that evasion is infinitely easy, the very fact that you are driven to evasion, and sometimes very expensive and cumbersome evasion, might prevent that.

MR. MENZER: Well, first the point ought to be made that evasion would be resorted to as soon as the purposes of the Act were achieved. It is not the purpose of the Act to get disclosure by democratic groups who would disclose to anyone; the purpose of the Act is to get disclosure by anti-democratic groups in which the actual disclosure itself would impede the efficiency of the workers in anti-democratic groups, isn't it, and that is the basic aim of the thing, regardless of the way it is clothed in legal terms--and as soon as you achieve that aim, the anti-democratic groups would be the first to know it, and they will either go out of business, which I pray would happen but we know it won't, or they will simply find a method of getting around it. No, I say there that you must have an administrative agency which would deal with that situation at that particular stage, and you have an administrative agency which can do all these things I have spoken of. It is absolutely logical; it can't be any other way. They will immediately resort, as soon as they discover their efficiency will be impeded by this law, to evasion by one means or another. Now, you may say that you are creating a situation which is more expensive for these people,

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that you are making it necessary for them to go through devious means and perhaps irritating to themselves, to cover up their activity, but in terms of the actual results, there won't be a very great change.

MR. SHISHKIN: Well, isn't it just a little more than that? I mean, there are many organizations that are not within the scope of being anti-democratic, by any stretch of the imagination and there are many that are not but may be protecting somebody who is; I mean that they may be springboards for activities of that sort-- and any organization: National Association of Manufacturers, the American Federation of Labor, the C. I. O., or International Business Machines--organizations of that type would fall prey to particular misuse of their organizational channels. Now, in the face of it as they are, isn't their merit to the requirement of disclosure for those organizations of contributions, so that anybody could know what the source of income is, if it applies to all. If any one particular organization is singled out, that is a different question. You said a while ago that the American Federation of Labor or the Catholic Church could be covered by the Foreign Agents Registration Statute, but it is a matter of common sense not to include them. I wonder why. Why should the Catholic Church or the American Federation of Labor have any objection to registering, on any ground? Surely, if there is no questionable activity involved, if there is no illegal purpose in their operation, why not make it a public record, if it applies to everyone? If you begin to single out the A. F. of L. or to register the C. I. O., that, of course, raises entirely different questions, but if you registered them all, I don't see why you would not include the Catholic Church which is in communication with the Vatican, a foreign power.

MR. MENZER: That is really another problem; a detailed one as to the last instance you have brought out. All I can say is that even in an organization like this, considerable damage could have been done, and given another administrator, it would have been. That is why I fear to have placed in the hands of a man, the kind of man who gets a few thousand dollars a year, that kind of power.

MR. SHISHKIN: What kind of damage?

MR. MENZER: Well, the Foreign Agents Registration Act, for example, carries with it very heavy fines and jail sentences.

MR. SHISHKIN: For those who fail to register?

MR. MENZER: Yes, and if they did fail to register, and if the organization was, let us say, an organization which you happen to dislike. That is one of the things that it means.

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MR. SHISHKIN: That isn't really responsive to my thought, because that is a question of the statute and organization. I personally don't care about a Foreign Agents Registration Act and its failure, but I mean that merely as violation in terms of the failure to get proper notice, but you are subject to the statute and therefore should be registered as an organization.

MR. MENZER: The point is that the groups themselves may, for one reason or another, not want that kind of disclosure, and you would have to give the administrator the authority to punish them; first to investigate and then to punish them if he decided the legal terms of the law insisted upon the kind of disclosure that he thinks it should have.

MR. SHISHKIN: Yes, I mean I don't think that is a valid point. Then I want to get information whether I must pay taxes to the State of Virginia, I know that on December 5 I have to go down to the State Tax Clerk and find out from him whether I am exempt from taxation or not--I mean there is a tax law. The same thing applies here would apply to the Catholic Church, to counsel and advise them whether they do or do not--to consult with the proper authority to see whether they ought to register or not.

MR. MENZER: I think that your argument is a good one. That is a perfect reason not relating to your example: Suppose that all through the entire war you had been sending food to underground groups in Europe, and registering your organization would mean the death of people that you are sending food to, and you consider that a valid reason to refuse to register--and supposing an administrative agency says, "I pay no attention to the reason you have given; you have violated the law. Therefore, I am going to prosecute you under an Act under which you may get ten years in jail and ten thousand dollars fine."

MR. SHISHKIN: I think for one thing that we are thinking of a peacetime statute, and we can see that under emergency powers all of those things must be taken into consideration when we are at war.

MR. MENZER: There may be dozens of reasons why the kind of disclosure that is called for by the first kind of an organization that I am speaking of, the first kind of a law, which merely states that it is the moral duty of every organization to give the public certain kinds of information, and prays that this be done, and sets up the necessary room for it to be done in, and lets it go at that, you have, I think, a different situation. I doubt that it is particularly effective, but I grant you that it doesn't have any of the dangers that I was concerned with. Actually, it won't

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help much.

MR. SHISHKIN: There is pending in Congress legislation which would require labor organizations to register automatically, and to state in very great detail information with regard to their activities, financial contributions, source of income, dues, fees, and so on and so forth, and itemized statements as to what charges were made for every item. If that is enacted into law, and it has been passed by the House of Representatives, the labor organizations will be subject to the kind of requirement for registration, as labor organizations, to which no other organization is subject-- business organizations, trade organizations, political organizations, or anybody else. Now, our position as a labor organization--I mean the A. F. of L. position, is that there is no objection to that kind of enactment of Congress, provided that enactment is not confined to labor organizations, that it apply to everyone. I think I made the statement--it was made repeatedly, that if fraternal organizations, business organizations, trade associations, and so on, were subject to the same treatment, why, o.k., and then anyone who has cause to or interest to know could go and find out.

MR. MENZER: Well, I am more concerned with the administrative facilities for administering it than I am with the basic law itself. If the kind of organization that is set up to administer this law is in the Office of the Secretary of Labor, who has no investigating agency, who has no real powers, real sanctions, if it merely resorts to the kind of information which the organizations themselves feel to be proper for the public to have, I think it is pretty good. I think that kind of disclosure would be--I mean I feel that the ability to get that kind of information would be pretty good for the public. I am quite sure that it won't help us very much. I think the amount of money you spend on clerks, and so forth, could be better spent elsewhere, and the kind of information that would be gotten could be gotten by writing to the organization itself, probably; but if you set up an organization to administer that law, with all the sanctions that I think are really necessary, then I think you have got a different situation entirely.

I think, with all respect, the sum effect must be a restriction on the democratic processes, rather than an extension of them. While in specific instances you can find favorable results from that sort of thing, I think by and large, taken over the long run, your effects are anti-democratic rather than pro-democratic.

MR. SHISHKIN: Well, still on theoretical ground, your objections are not on the theory of it; as you say, the theory, the purpose might be good, but the administrative difficulties are insuperable. I will say to that, we have a form of society that

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adheres to certain principles. Those principles involve freedoms of conduct, and those freedoms of conduct are increasingly being utilized by groups of people who are unlike-minded and anti-democratic, who want to undermine those freedoms or misuse or to eliminate those freedoms. Now that, to our mind, brings us face to face with the necessity of developing new techniques for a democracy to defend itself and assure the continuance and survival of those freedoms. Now, if you say these approaches are surrounded by insuperable obstacles, do you have any suggestions or alternatives?

MR. MENZER: The one thing I want to say is a negative one. I feel that our experience with some of the organizations with which I have worked, particularly the Special War Policies Unit -- instances I'd like to tell you about -- indicate that the methods of fighting anti-democratic groups, which is a vital problem indeed -- but methods which utilize the State and the power of the State, I think are dangerous. Now, about 1938, Attorney General Jackson set up a unit which became eventually the Special War Policies Unit, which really attempted to make a detailed study, and was given practically a blank check in studying anti-democratic groups. It had some very efficient people, I think, on the analytical as well as the legal side. It was given considerable powers of investigation, and it worked quite a time. It wasn't able to do a blessed thing. It wasn't able to propose any new things that the Government could do. It wasn't able to find some of the deficiencies nor was a proposal formed. The net result was nil. The men who were doing it were very much concerned with civil liberties, and before they made any proposal, they wanted to see what it would do to democratic groups as well as anti-democratic groups. The result, over a period of years, was practically nothing. There were some groups which were prosecuted by old line agencies outside this unit, and I mean anti-democratic organizations were prosecuted under the laws which have been in effect for many years. I think that for liberals who are attempting to find means of fighting anti-democratic groups, at least under present circumstances, the use of the State and the State powers, is a blind alley, and certainly a very dangerous one.

MR. SHISHKIN: Well, would you apply the same reasoning to other aspects? For example, the not only influencing of public opinion activity, but the actual engaging in, say, discriminatory practices, not confined to employment alone but discrimination in ownership, in access to uses or to property--would you say that on the same theory that you advance that the State should not intervene through taxing powers, spending powers, to inherent powers in the Government?

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MR. MENZER: No, I don't think so. I don't really think that there is a real parallel between the problem of trusts and monopolies and such, and the problems which relate to self-government.

MR. SHISHKIN: That may not involve trusts and monopolies. You might find activities in the conduct of any competitive business that there would be discrimination with respect to race, creed, or color, or belief.

MR. MENZER: Well, it seems to me that you set up a situation which immediately gives you an answer, because it seems to me if the problem uses the State in the situation, it is affecting the process of self-government. The formation of public opinion, the utilization of civil liberty, apart from property rights, and so forth--all the experience that I know about in that field--I mean most of the experience that I know of in this field, where the use of Government power was invoked, I don't feel were successful. I think there must be a very great deal of disclosure, but I think it must be outside the Governmental spheres.

MR. SHISHKIN: Let me make my question more concrete. In Detroit or near Detroit at the outbreak of the war there was the Sojourner Truth Housing Project designated for the use of negroes. It was in a largely predominant Polish section, the other side of the railroad track. The site it was on was part of the railroad property, and there were no dwellings in it. The project was designated there, and built. The question was that of occupancy. Certain acts were performed as shown by investigation, which utilized two separate kinds of things: First, to influence public opinion in the community by appealing to prejudice and hate and saying that negroes should not invade this white section, which had always been inhabited or traditionally inhabited, by Poles; and second, of going to all sections of the community and performing actual acts of discrimination, such as not trading with the negroes, churches suddenly becoming exclusive, and all that sort of thing. What would you say as to overt acts of race discrimination? Should Government keep away from any influencing of public opinion when that clearly was the source of those acts?

MR. MENZER: I think so. I really hesitate to make an answer on the basis of just conversational give and take. I really think it is very important, but off hand I would say that any act of the State which inhibits or restricts freedom of speech, regardless of the purpose, is generally bad; but that any act of the State which protects the rights of individuals, rather than restricts them, is basically good. I think that the State was under obligation to see to it that the negroes were permitted to buy the property, to purchase their food and everything else that a normal human being needs

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to live, but even though I would object violently to the kind of propaganda disseminated against the negroes, I fear that the setting up of an administrative agency which would attempt to restrict the freedom of speech on the part of these anti-negro propagandists, is basically a very dangerous thing.

MR. SHISHKIN: I wasn't suggesting the restriction of freedom of speech; I was suggesting disclosure of their activities. The Catholic Church there, as we found out, and is now a matter of record, were in no way responsible for the hate campaign in that area. It was all financed and paid for through fascist-minded organizations in Detroit, and there was a great concentration of expenditure and the campaign was very successful, but we want to reach that and bring out the guilt. We never brought it out. We didn't have the powers to fully bring it out, because lots of people couldn't be named, danger of libel, and so forth, that disclosure could have been made if the Government had the power to reach these people who contributed and who were involved in that particular effort.

MR. MENZER: I want to make two points about that. One, I think there is a tendency to exaggerate, usually, the Government's powers of investigation. I think it is safe to say from said experience, that on most things the Government doesn't know very much more than the public knows, and the Government's powers of investigation in political questions like this, are greatly exaggerated. Second, the very fact that there are political issues involved here--I think under normal circumstances if you had a governmental bureau, empowered to get disclosure, the kind of political situation that you speak of, where one political group would be injured by the disclosure, would under normal circumstances, I think, inhibit the actual disclosure, probably restrict it completely. The groups involved, through one means or another, would see to it that a dramatic and effective disclosure was never consummated. Talking in terms of the actual technique of governmental operation, I am quite confident that that would be so.

MRS. TILLY: Well, now reverting to the Sojourner Truth Project, I am not certain but I think there is a similar project in Florida that was built by a governmental agency that is on real estate, property of the government, and built for certain people. Now, did the Government feel like it had no responsibility for the protection of the people supposed to move into it, to protect them from this hate campaign?

MR. MENZER: I think my answer originally was it would, in terms of actual overt acts, but--

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MRS. TILLY: But fear and intimidation, I think that is the case.

MR. MENZER: It seems to me that you would have no difficulty in proving the Government does have obligation to protect these people, and probably there are laws of some sort you could resort to, but in the normal course of governmental business, if the large party of the community, or important part of the community, wanted to inhibit governmental action, there would be very little difficulty in doing it. A telephone call from the Hill to the office would pretty quickly do it. There might be a flaming crusader who would do it in spite of the fact somebody on the Hill for political reasons was against it, but there are few, very few men who stay in Government over a period of time who will do that sort of thing. Most people realize that when the appropriation bill comes up for Congress, that man is going to be out or the agency is going to be out. Now in the normal course of events it just will happen that it simply isn't done, whereas it seems to me that you did the best that ever has been--not the best that ever has been done, but the best that could have been done would be actual disclosure by private agencies who rely upon themselves entirely and realize they couldn't get the assistance of Government.

MR. SHISHKIN: You have made a study of the Soviet propaganda methods in great detail. In so far as the effects of that propaganda in this country are concerned, is there any way of differentiating between the types of propaganda that might be reachable or could be limited or stopped, or are they invulnerable to any policy of check and bar against it? I was wondering whether you could tell us a little bit about it, to the extent that you would like.

MR. MENZER: My own feeling is that any effort to combat it through governmental means is, first of all, doomed to failure under normal circumstances, and second, that it could be combatted at the cost of setting up a totalitarian State. We could combat it pretty effectively if we set up the same kind of police powers. That is far more dangerous than the original propaganda.

MR. SHISHKIN: How much of it is direct and how much of it is completely indirect? I mean there is a large area that is completely indirect, that naturally, on the face of it, is not propaganda, channeled through the utilization of other things in creating particular public reaction, and so forth, that all contributes to the goal of the propagandists but in which they themselves are not related.

MR. MENZER: Well, if you mean how much utilization they make of existing attitudes and situations where there is already

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economic and political resentment, I'd say a very great deal; that the Communist propagandist doesn't create very much himself, and his effectiveness is directly connected with the lack of effectiveness on the other side. The speech by a right-wing demagogue is far more successful Communist propaganda than anything a Communist propagandist himself can do.

MR. SHISHKIN: In that connection, I don't know whether you can tell us, but you mentioned a while ago about this difficulty: Did your agency, operating in the field in which they did, have any success in establishing any connection between the activities of this kind which we term domestic and which is under domestic auspices, with any foreign influences?

MR. MENZER: Practically none, and one of the reasons I pointed out before was not that I don't think it exists, but I think the investigative agencies in the field of Government are vastly overestimated in power. I think that the difference between an agency that can find a kidnapper and an agency that can find the sources of political power and propaganda are very, very different, and an organization of the Government can be very effective in the first and not at all effective in the second. In fact, I am not sure I would like Government that would be particularly effective in the second, and to be able to gather political intelligence-- that really would take a Gestapo to get. In any case, I'd say that if there had been such information, the Government would have acted on it a long time ago.

MR. SHISHKIN: Do you have any questions, Mrs. Tilly?

MRS. TILLY: No, I think he has torn down some of our air castles this morning, but of course it is going to help us.

MR. SHISHKIN: We keep building them and tearing them down.

(Discussion off the record.)

MR. DURHAM: I don't know whether your experience in the Department of Justice gave you a great deal of insight into the taxing power of the Government; is there anything you could tell us in that regard that would help us reach our goal as expressed by Mr. Shishkin?

MR. MENZER: I could only say, and this is entirely as an observer, I know some units in Justice were working on taxing power. There was one group inside the Special Policies Unit; I did not have direct contact with them. Some of them did work on the possibilities, and you could certainly have the benefit of their experience. There was one man--I would suggest Klaus because I think Klaus knows some-

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thing about the work they are trying to do. I really don't know the details of the story.

(Discussion off the record.)

MR. SHISHKIN: There is one question which might be brought up in connection with a point Mr. Ernst makes in his letter, and that is that all of the objectives that are set out here cannot be accomplished perhaps, in one step, that at the moment we are very much in the dark about many things on which preliminary knowledge ought to be had. I mean at the moment we don't have, under the postal disclosure requirement of the second class privileges, how many papers are owned by labor unions, banks, copper companies, insurance companies, private groups of various kinds, and preliminary to any other exploration of that development within our committee, the very first step is the gathering of that information. I should think the preliminary exploration, this kind of survey, would prove helpful.

MR. MENZER: I think that any information you can get on the ownership of mediums of communication certainly would be useful knowledge. I would like to make one point with respect to the laws of disclosure which I have already made, Mr. Durham. I might mention the Voorhis Act was passed several years ago, and it was very ineffective, but there was one result that I think you ought to know about. It doesn't particularly follow with the kind of arguments I have presented here, but I think as a matter of information you ought to know about. That is with respect to the requirement of registration of organizations using uniforms, guns, and so forth, in an actual organizational structure, and I mean in the normal course of business, for their membership. Believe it or not, the law apparently completely took care of a problem which was a really pressing one back in the middle '30s. I think I am sensitive to it, but I remember from personal experience that there were many groups that were beginning to do a lot of marching, wearing single-color uniforms, shirts particularly, that were using guns and so on. I remember going home to California. We lived in a little town near Los Angeles, and I was curious to find there was some drilling going on in one of the empty lots, and there were the butcher and some of the small business men--and they had been friends of mine. I shouted to them as I went by, and I discovered that they were actually a group which was working with one of the right-wing pro-fascist crowd, and that they were doing this marching on the street corner--and I might say the fact that I am Jewish made a difference to them after they got into the organization. After this Voorhis Act was passed, you didn't see these groups marching any more. They evidently decided that this hit them so definitely, even though they wanted, evidently, to influence public opinion, they

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stopped marching and using uniforms and stopped using guns.

MR. SHISHKIN: Did that apply to uniforms and guns?

MR. MENZER: Well, I have forgotten. The law calls for registration of organizations if they qualify through any one of four different methods, or rather a combination of four different methods, but one of those methods was preparation to overthrow the Government or some subdivision of it--and it was plain in the interpretation that this preparation included these kinds of organization which trained with guns, used uniforms, and so forth.

MRS. TILLY: It didn't apply to the Ku Klux Klan, because they still parade. We had them this week in Atlanta.

MR. MENZER: We made a study of it back in those days. One of the things that I am very happy about in the Department of Justice is that I did work with one organization that eventually was pretty well broken up, and we used the Voorhis Act. There was a group headed by Vonsiatsky, a Russian who was, I think, more than a little mad.

MRS. TILLY: The Brown Shirts disappeared from the South; the Ku Klux Klan didn't.

MR. MENZER: They have had a regeneration. Well, as a matter of fact, all of this of course is confidential. I have made a statement in our Department that we could use the Voorhis Act for that purpose, because I had experience on this Vonsiatsky thing. I studied his organization, and found that he related to the Voorhis Act. He had already registered with us. I found that he had violated the Act in something like one hundred twenty-five different ways, and on the basis of those minor violations, we were able to convene a grand jury and find one major one, and we destroyed the organization very effectively. We put him in jail and destroyed his organization.

MR. SHISHKIN: Publishing a paper, wasn't he?

MR. MENZER: Publishing one in Russian. It was about the filthiest thing that appeared in America.

MR. SHISHKIN: Still is?

MR. MENZER: Oh, no, he was completely and absolutely destroyed, just no question about it, and it started on the Voorhis Act, and I think that the many small organizations that were beginning to spring up throughout the country--I think it very effectively

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inhibited their action. That, I think, is an experience that ought to be taken into consideration, but I am not quite sure what the lesson to be learned from that is. If you have a very specific evil you might be able to work out a very specific law with which to hit it.

I want to say at this point, for the record, that what I am saying is being said personally. I am still in the Government, and this is being said on my own belief to be confidential.

MR. SHISHKIN: All our record is, and is so treated by the Committee. The question of the Ku Klux Klan, presumably if the law merely provided that the public wearers of certain items of uniforms, certain distinctive dress, should be registered--be subject to investigation, that would effective reach the Ku Klux Klan.

MR. MENZER: Well, it is more indirect. First there is a statement that anybody who attempts to overthrow any subdivision of the Government--subdivisions going as far down as the town--or makes preparations for such an effort, must register, and then the interpretation says that among preparations for overthrowing would be, for example, the use of police powers such as the Columbians resorted to, or merely having a group meeting and wearing a uniform, and going through the marching, and so forth--and disseminating propaganda which is felt to be the first stage in some sort of effort to overthrow the Government.

MR. SHISHKIN: But overthrow of the Government is the predicate?

MR. MENZER: Yes, or making preparations in that direction.

MR. DURHAM: Violently to overthrow?

MR. MENZER: Yes, the use of violence, but oddly enough--I am sure that you can't conceive of it being involved--but that actually did happen. The Act did inhibit to a very large extent those activities. When we first began work in the Department of Justice we made something of a study of a number of organizations that might be brought under the Voorhis Act, and when came back later, very large numbers of them simply went out of business. They found out other ways, in other associations, but they didn't use these uniforms which I feel so dangerous--this business of marching and using guns. I have made the suggestion to the Department that the Voorhis Act could be used for the Ku Klux Klan. I believe we could have used the Voorhis Act to have made a clean sweep of the Ku Klux Klan situation.

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MRS. TILLY: The Columbians, you know, were not very strong; I don't think they could have been very strong.

MR. SHISHKIN: Is there anything else? Well, thank you very much. It was helpful. It certainly contributed no overflow of confidence to our approach, but we think it added a very useful note of sombre realism.

MR. MENZER: Very glad to have done it.

MR. SHISHKIN: We appreciate your taking the time.

(Whereupon, at 12:10 p. m., a recess was taken until 2:00 p. m. this day.)

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AFTERNOON SESSION

2:00 P. M.

STATEMENT OF JOHN F. TRABOLD,  
ASSISTANT SUPERINTENDENT, DIVISION OF LETTER AND  
MISCELLANEOUS MAIL, U. S. POST OFFICE DEPARTMENT,  
ACCOMPANIED BY S. J. MINDEL.

MRS. TILLEY: Mr. Trabold, the line which we were thinking in terms of the post office was to get some help from you in regard to what we want to do about the subversive organizations that are disseminating their undemocratic propoganda and causing trouble. It refers to the fact that newspaper and magazines -- do they file with the Post Office Department their ownership?

MR. TRABOLD: For second-class mail.

MRS. TILLEY: How much does the post office know about any organization?

MR. TRABOLD: They are required to submit annually the statements showing owners and stockholders for, I think, more than one percent of the stock. I believe that is the percentage. We don't have that in our division, but I believe that is it.

MR. MINDEL: Yes.

MR. TRABOLD: They show the names of the editors and owners of it and the stockholders and officers. They have to furnish that.

MRS. TILLEY: It was brought out this morning that the Daily Worker is supposed to be owned by the Freedom's Press, or something like that. Can they give that or must it be names or persons?

MR. TRABOLD: Where it is not a stock company, they have got to furnish the names of the officers. There are certain types of publications, however, that are not required to show that -- for instance, the benevolent or fraternal organizations -- but any of the other types have got to show that.

MR. MINDEL: Don't they have to show names of the editors and publisher?

MR. TRABOLD: Yes, that is right. I think there are some types -- I am not so certain about that because that is handled by the Division of Periodical Publications; but the general publications have got to show all that -- the editors, owners, and stockholders who own a certain percentage. If some of that stock is held by an organization, however, they have got to show the facts with regard to that organization also.

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MRS. TILLEY: In regard to the subversive material that is going out, I am thinking particularly of Georgia because it is being flooded by it in preparation for the political campaign next year. A great deal of material is being mailed out with a permit number on the outside, but nothing on the inside.

MR. TRABOLD: There is no provision of law requiring them to show that. Of course, we do know who applied for the permit and in whose name that permit was issued. If it is necessary at any time to get that information, it can be obtained. We don't have that in our department. It is being held at the post office. We do have some of the applications. The original application of any particular post office is submitted to us. After that the postmasters are authorized to issue the permits, but an application must be made by the particular individual or organization.

MRS. TILLEY: Would that information be open to the public? For instance, could I get it?

MR. TRABOLD: No, you couldn't get it, but if you made a request to the Department, we would decide whether or not it should be furnished. Of course, in a case of this kind, there wouldn't be any question about furnishing it to a committee of this kind, but any Tom, Dick and Harry who might come around to ask the name of a permit holder we wouldn't give it to him.

Under the law, information concerning mail matter can not be furnished the general public. You will be able to verify that.

MR. MINDEL: Yes.

MR. TRABOLD: Except under subpoena duces tecum.

MRS. TILLEY: What about mail directed to a mail box on that permit? Is that permissible?

MR. TRABOLD: That is permissible, yes. Any concern or association, if they get a permit, can mail matter addressed directly to rural route boxes or to a post office box for offices not having letter carrier service.

It is not necessary for them to show in the particular mailing piece their name where they don't want to show it, but, of course, if it is mailed under non-metered permit, they must disclose the number of the permit.

MRS. TILLEY: We had thought something about at least the name of the printer being put on, forcing them to give some

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identification if they mailed, for instance, 50 pieces.

MR. TRABOLD: There is no provision of law at the present time which would require them to do that. That would require an Act of Congress, a special Act of Congress, for that disclosure, for newspapers and second-class matter to disclose that information.

MRS. TILLEY: What about the information in regard to newspapers?

MR. TRABOLD: Sometimes it is published and sometimes it is not; but we have the statements of what we call ownership and management. A copy of that is retained in the Post Office and a copy is sent to the Department.

MR. MINDEL: Doesn't the law require publication every October?

MR. TRABOLD: Yes, the statement is filed with the Department and a copy thereof is published in an issue of the paper or periodical thereafter. That is a requirement of law.

MRS. TILLEY: Will you define a newspaper for me?

MR. TRABOLD: That would require a book, almost. A newspaper or periodical is one that is issued at regular stated intervals as frequently as four times a year.

MR. MINDEL: That is second class.

MR. TRABOLD: To be admitted as second-class mail matter. They usually refer to that as a magazine. A newspaper is published as frequently as once a week. Any that is published less frequently than once a week is termed a periodical.

MRS. TILLEY: It seems to me there ought to be some way of getting at the hate sheets that are coming out regularly that are financed by manufacturers.

MR. TRABOLD: They are not newspapers or periodicals within the meaning of the law governing second-class matter. To be admitted as second-class mail matter there are certain requirements. It may not be designed primarily for advertising purposes, or free circulation, or circulation at nominal rates. It must be originated and disseminated as information of a public character.

MRS. TILLEY: This is propaganda.

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MR. TRABOLD: I think these propaganda publications that you speak of are not entered as second-class matter. If they were, there wouldn't be any trouble in ascertaining who is behind them, who owns them, and who is the publisher and editor. But generally they are what might be termed throwaway sheets. They are not sold. They are distributed free, and therefore, they are not entitled to entry as second-class matter.

MR. DURHAM: I suppose some of it might be sent through first-class.

MR. TRABOLD: That, or as third-class matter.

MR. DURHAM: Third-class?

MR. TRABOLD: Yes, third-class. There is quite a bit of matter of this kind mailed as first-class matter. They are sent in unsealed envelopes.

MR. DURHAM: What is third-class matter, the classification of it?

MR. TRABOLD: It consists of anything that is not comprised in first or second-class matter, weighing not more than 8 ounces.

MR. DURHAM: Not more than 8 ounces?

MR. TRABOLD: When it weighs more than 8 ounces, it automatically goes into fourth-class. So any piece of material -- this, for instance, or that package of cigarettes, or this pad or ash tray, when you mail that, it comes within the category of third-class matter.

MR. MINDEL: Third-class may not be a personal communication.

MR. TRABOLD: No, not the first-class or second-class. Personal communication would be first-class matter. So it is anything that doesn't come within the classification first-class or second-class which will be either third or fourth-class. If it doesn't weigh more than 8 ounces, it will be third-class and if it weighs over 8 ounces it becomes fourth-class, which is generally referred to as parcel post.

MR. DURHAM: Is there any way to control the distribution of material that is simply addressed to a box holder?

MR. TRABOLD: No, provided it is addressed to a box holder along rural routes or non-letter carrier offices. It is necessary

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to mail them that way to mail one copy for each box along the route.

MRS. TILLEY: The mail carrier can not just deliver it without postage on it, can he?

MR. TRABOLD: No, postage has to be prepaid. It is a violation of law for an individual to deposit any mailable matter in the mail box otherwise. In order to have a permit of the type you refer to, it is necessary to mail not less than 200 pieces or 20 pounds. While I have seen a good deal of this propaganda matter, it is not mailed in such quantities under permit. Some of it may be.

We find a good deal of it might be distributed to interested parties and they mail them out in smaller numbers, perhaps to individuals whose names they have. We get complaints now and then from people who receive matter of that kind and want it stopped. They are addressed individually by name generally.

MRS. TILLEY: You have no way to check on all this material?

MR. TRABOLD: No, there is no way for us to check on it because we couldn't consider examining all the third-class matter that might be mailed in order to determine whether there is any objectionable matter in it. That is, objectionable under this civil rights.

MRS. TILLEY: How difficult would it be for the post office if we could get through Congress a bill that would require a person that mailed as many as 100, or 50 pieces, for instance, to bear the imprint of the sender and requiring the sender to file with the Department certain information as to ownership, financial resources, etc.? Maybe that should be addressed to the committee.

MRS. TRABOLD: That would throw a tremendous burden of work on the Post Office Department to do that. At the present time, of course, anyone mailing a hundred pieces can just drop it in the mail box and there is nothing to prevent them from doing that even if you had a law of that kind.

MR. MINDEL: On all that permit matter it is required, isn't it, to state on the face of the envelope that it is being mailed under permit number so and so?

MR. TRABOLD: Yes, where the mail is non-metered matter, but where it is precancelled stamps, it doesn't have to be shown. It

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must be a minimum of 200 pieces and brought to a designated point in the post office, accompanied by a form showing the number of pieces mailed, postage chargeable, and who the mailer is.

But if they mail less than 200 pieces, they have to pay the regular postage on it, and they can drop that in any letter box throughout the country wherever they may be located, and we only have approximately 125,000 letter boxes.

MRS. TILLEY: There is no inhibition on third-class mail except the word "obscene"?

MR. TRABOLD: That is all. That covers a wide category.

MR. MINDEL: There are various types of prohibited matter, which would apply to all classes of mail. For instance, obscene, extortionist, certain types of threats, actual subversive matter, and violations of law.

MR. TRABOLD: Any matter of that kind, which is contemplated here, if it doesn't come within the category Mr. Mindel mentioned, could be deposited in the mail boxes or the post office slot.

MRS. TILLEY: We have felt if there was some kind of disclosure as to who furnished the money for this material, that it would even act as a protection for the people that feel like they have got it to do for this one reason or another, but there is no way to compel it.

MR. TRABOLD: No. As far as the present laws and regulations are concerned, there is nothing to compel them to do that. I don't think there is anything in the postal regulations which would permit us to do it without a specific Act of Congress in regard to it.

MR. MINDEL: The permit number indication on the piece also includes the post office at which the permit was issued.

MR. TRABOLD: Yes.

MR. DURHAM: What kind of mail is that?

MR. MINDEL: Third-class permit mail. As I understand it, not all third-class mail is permit.

MR. TRABOLD: No.

MRS. TILLEY: That is right easy to get. I had to get it for

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the Methodist Women's Missionary Society, and I just filled in a blank and got it. I wondered at the time if it would be as easy for everyone to get it as that one was gotten.

MR. TRABOLD: Any person or organization who has a sufficient quantity of matter to mail under a permit can get it. Of course, if there is any objectionable matter presented, we wouldn't issue the permit.

MRS. TILLEY: You don't require information as to the purpose or aim of the organization?

MR. TRABOLD: No, not the aim. We wouldn't look into that, not at the present time. Any organization that would present mailable matter would be given the permit. We couldn't keep them from it under the present laws.

MR. SHISHKIN: How do you ascertain that the matter is mailable?

MR. TRABOLD: If there is any question about it, we refer it to the Solicitor.

MR. SHISHKIN: How does the question arise? Do you examine the issue submitted?

MR. TRABOLD: The first piece, I think, is usually examined by the postmaster; and if he questions it, if he thinks it is unmailable under the present statutes, scurrilous, defamatory, or lottery matter, etc., he will refer to us for an opinion, and we will refer to the Solicitor.

MR. SHISHKIN: As far as subsequent mailings are concerned, there is no check except when there is a complaint in regard to them; is that right?

MR. TRABOLD: Yes.

MR. SHISHKIN: I suppose you get plenty of complaints, do you not?

MR. TRABOLD: If there are those complaints, and the Solicitor bars the man from the use of the mails, we then cancel the permit.

MR. SHISHKIN: You do get a lot of complaints on subsequent mailings if there is anything wrong with the publication, do you not?

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MR. TRABOLD: Yes, if there is anything wrong with it, but we get very few.

MR. SHISHKIN: Very few?

MR. TRABOLD: Yes.

MRS. TILLEY: It is usually mailed to people who don't complain.

MR. SHISHKIN: But you haven't received many complaints?

MR. TRABOLD: We got a few, but not many.

MR. SHISHKIN: In connection with the Esquire case, did you get many complaints?

MR. TRABOLD: I didn't handle the Esquire case, but the number was not material, not very heavy. We have had a number of complaints on that Georgia matter where that fellow was sentenced, the man connected with the Columbians. We had one or two complaints on that from people who got their literature.

MR. SHISHKIN: How about defamatory matter?

MR. MINDEL: The law forbids it when it is on the outside of the mail.

MRS. TILLEY: It would depend on what you call defamatory. That Talmadge paper, the Statesman, would certainly be defamatory, with its tales of rape, and so on.

MR. MINDEL: If it is on the inside page of a newspaper, that would go through. If it was on the outside page of the newspaper, then you have to find out how it was mailed, how it was folded.

MRS. TILLEY: It is very defamatory, the Statesman, a Talmadge paper.

MR. TRABOLD: During the past fiscal year there were over six billion pieces of first-class matter mailed. So how many of those were under permit, we don't know. We don't have any record of that.

MR. DURHAM: How many pieces of second-class mail were there, if you know, Mr. Trabold?

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MR. TRABOLD: Second-class was about 50 percent of third-class, a little over 3 billion. I just gathered a couple of figures on that. I don't know if it would be worth anything or not.

For instance, as I mentioned, there are about 125,000 letter boxes. There are almost 42,000 post offices, and when you consider the branches with that, I suppose there are probably more than 50,000 places where they could deposit.

During the past year, as I say, there were 6 billion 51 million, almost 6 billion 52 million pieces mailed of third-class matter. I haven't got the figures as to second-class, but I looked over those figures and it was just about half, a little over 3 billion.

First-class matter, there were mailed about 19-1/2 billion. Of course, how much of that or how little of it was of this type matter, we don't know. That can not be examined in any way at all.

(Mr. Trabold submitted the following statistics:)

POST OFFICE DEPARTMENT  
THIRD ASSISTANT POSTMASTER GENERAL  
WASHINGTON 25, D.C.

April 30, 1947.

MEMORANDUM:

Number of Presidential Post Offices ..... 22,350  
Number of Fourth-Class Post Offices ..... 19,400  
Total Number of Post Offices ..... 41,750

Number of Collection Boxes, approximately..125,000

Number of Pieces Mailed During Fiscal Year, 1946	<u>First Class Matter</u>	<u>Third-Class Matter</u>
At 17 Large Post Offices	6,410,283,793	3,038,938,839
Total at all First-Class Offices	16,293,637,579	5,655,032,670
Total at all Second-Class Offices	1,994,922,367	295,159,889
Total at all Third-Class Offices	1,021,544,197	90,211,912
Total at all Fourth-Class Offices	234,385,584	11,490,507
Grand Total	19,544,489,727	6,051,894,978

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MR. SHISHKIN: If you had a requirement to meet certain conditions in order to be issued a permit, but then anything further than that would be only on complaint, would that present any insuperable obstacle?

Mr. MINDEL: I don't quite understand.

MR. TRABOLD: You mean the way it is now?

MR. SHISHKIN: No. The way it is now you issue a permit without asking any questions, except that you look at the piece of literature; but if each one applying for a permit were to be required as part of the statement, to divulge their sources of income, for example -- otherwise, the procedure would be exactly the same -- would that present any undue burden?

MR. MINDEL: It would in enforcing it because then having that requirement you would have to examine the material passing through the mails to determine if it is of this type; and, therefore, the requirement would be applicable.

MR. SHISHKIN: No. I don't have anything in mind as to the content. All I am saying is that if you provide that anyone coming to the post office and asking for a permit for mailing would be asked to fill out a blank and file certain information with respect to what he does and his income -- that is all I have in mind.

MR. MINDEL: Mr. Trabold could tell about that better than I could. It would apply to so many types of material that it would be entirely inappropriate in many cases.

MR. TRABOLD: He is speaking of the application and not of the material. We wouldn't do that at the present time without a requirement of law.

MR. SHISHKIN: I am talking about a requirement of law. If a law required that anyone applying for a permit, a postal permit for mailing privileges, would be asked to fill out a very simple blank with five lines on it asking for name, address, ownership, income during preceding year -- that is what I had in mind.

MR. TRABOLD: Source of income?

MR. SHISHKIN: Would that requirement alone in itself be the kind that would be administrable?

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MR. TRABOLD: I don't know whether that would require very much work. Of course, if it required any investigation, I don't know, but if it required just that information --

MR. SHISHKIN: If there were some arrangements made, for example, where the Department of Justice was vested with certain authority with regard to civil rights, or the Civil Rights Commission were set up, or some other agency; in that case, you would then have a record and you yourself would not be burdened with any enforcement question. The only thing is you would have the file and the investigatory agents would have access to it.

MR. TRABOLD: At the present time we have a file of all the applicants in matter of that kind.

MR. SHISHKIN: What does it cover?

MR. TRABOLD: The question is whether as far as Congress is concerned, whether they would want to go so far as to require that because it might mean thousands of applications which we get in the course of a year -- in fact, we get thousands in the course of a month -- if Congress would want to place the general public to the trouble of furnishing that information in order to get one or two individuals.

MR. SHISHKIN: That is right. That is for Congress to decide.

MR. TRABOLD: Yes, but as far as we are concerned, if that were required, we could prepare a form and provide the space for that information.

MR. SHISHKIN: Your present form requires the statement in regard to place, name, and nature of business?

MR. TRABOLD: Yes.

MRS. TILLEY: I think it would be a wholesome deterrent to do that because there are lots of things you don't have to enforce. It is just simply a gesture.

MR. TRABOLD: You would want to apply it only in the case of those persons who get a permit to mail without affixing postage stamps.

MR. SHISHKIN: Yes, but that will cover a lot of mass mailing.

MR. TRABOLD: It would cover all mass mailings.

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MR. SHISHKIN: To clarify that, the reason for the question is this: The President has asked us to lay down the groundwork for the kind of recommendations that he might make to Congress. Of course, all he could do would be merely to make recommendations to Congress for the enactment, and each department that might be concerned with any such recommendation, of course, would be further consulted by the President and also given an opportunity to be heard by the Congress. We didn't want to lay the groundwork for a recommendation without knowing pretty well your views on the matter and being realistic about it.

MR. TRABOLD: I don't think we would look favorably, however, on a requirement of that kind if you are going to reduce the number of pieces of mail to 50 or even 100. At the present time, we are restricting the permits to concerns or individuals who have 200 or more to mail.

If we are going below that, I suppose we would be flooded tremendously with applications that would cause a tremendous amount of work, not only in the post offices throughout the country, but in the Department to keep that record.

MR. SHISHKIN: That would be out of the question, to consider anything less than that.

MRS. TILLEY: There was a thought that it could be as little as 50.

MR. DURHAM: But there was a later suggestion of 1,000. I think the concern was with the mass mailing.

MR. TRABOLD: Do you find there is much mass mailing of this kind?

MR. SHISHKIN: Well, we are dividing up our work, and I don't know what has come up in the way of really adequate information on that.

MR. DURHAM: Maybe you could help us answer that.

MR. TRABOLD: We have received very few complaints, at least in our office, about matter of this kind from the recipients. For that reason I am just wondering whether you have any information that there is a great deal of this mass mailing being done at the present time.

MRS. TILLEY: I think it was you, Mr. Mindel, who told us about the postal cards in Chattanooga.

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MR. MINDEL: Yes. It seems to me that is almost an isolated instance of a mass mailing of that sort of material.

MRS. TILLEY: How about Gerald L. K. Smith?

MR. MINDEL: I think he gets out "Cross And Flag", but so far as pamphlets and cards are concerned, I don't see any of that.

MR. TRABOLD: He sends it out and publishes under his own name. He doesn't try to hide.

MRS. TILLEY: We have got several of them down South. For instance, Terminiello, a Catholic priest in Alabama.

MR. MINDEL: He is no longer operating, is he, since he has been unfrocked?

MRS. TILLEY: I don't think that bothered him.

MR. TRABOLD: Maybe the Department of Justice gets complaints on that, but we don't.

MR. MINDEL: You mentioned individuals using permits in mail matter. Could you give us some examples of the types of individuals and the type of matter?

MR. TRABOLD: Most of it is mailed under permit as advertising matter, business establishments, individuals owning individual stores or other enterprises. The mail order houses send out a tremendous amount of matter of that kind.

MR. DURHAM: If I wanted to send out 200 invitations to a social gathering, could I get a permit?

MR. TRABOLD: Yes, that is right.

MRS. TILLEY: It would take some days to get it.

MR. TRABOLD: Most of the churches have permits to mail out their weekly or monthly bulletins or calendars, whatever they may term them. Fraternal organizations send out notices of their monthly meetings. Various organizations like the Boy Scouts and others do the same.

MR. SHISHKIN: I think it is not tied down, but on a lot of things like the Polish question, for instance, both the people connected with the government in exile before the question was

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finally decided, and the other group under the Russian influence were bombarding the country with literature, some of which was quite elaborate. All of that was sent out under the permit system.

MR. TRABOLD: But not anonymous. It was under their name.

MR. SHISHKIN: Yes. Each one was some kind of a committee, some kind of special committee set up for that purpose.

MRS. TILLEY: We get things mailed under a permit number, but inside there is nothing that indicates from whence it came. I asked him if he could find out who the permit holder was, and he said no.

MR. SHISHKIN: How is that?

MR. TRABOLD: We don't make public the names of permit holders.

MR. SHISHKIN: You mean box holders or permit holders?

MR. TRABOLD: Permit holders.

MR. SHISHKIN: You don't require their names to be on the piece of mail?

MR. TRABOLD: No, there is no requirement of law that it be on there. Of course, we know who mailed that matter. They have got to either have their permit number on it, if mailed without stamps affixed, or if it is mailed with pre-cancelled stamps, they have to submit a statement of mailing indicating who they are and that they are a permit holder; but as far as having a name on it, we wouldn't require that.

If you, as an individual, asked us who the permit holder was, we wouldn't be allowed to furnish it to you under the law.

MR. SHISHKIN: There is a good deal of discretion among the local postmasters as to the use of pre-cancelled stamps, for instance, isn't there?

MR. TRABOLD: That they might be issued?

MR. SHISHKIN: Yes.

MR. TRABOLD: No. Any person that is known in the neighborhood as reliable can get a permit, provided they have the requisite number of pieces.

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MR. SHISHKIN: What is the number?

MR. TRABOLD: 200.

MR. SHISHKIN: How do you establish whether they are reputable?

MR. TRABOLD: I don't know how you would determine that.

MR. MINDEL: We accept them as reputable until proved otherwise.

MR. TRABOLD: Very, very seldom do we turn down an application. If they come from another city, that is one of the reasons we turn them down.

MR. MINDEL: You require a street address in the application?

MR. TRABOLD: Yes, we require a street address, but if they have no street address, they don't show it. However, they have to show the location. If somebody just comes in, say, John Jones, with no further information, he wouldn't get the permit. They have to show where they are located and where they expect to have mail delivered in return and show what their business is.

MR. SHISHKIN: If I walked into the Alexandria post office tomorrow, and I am not known there -- if I just walked in off the street and I don't have my name in the telephone directory and I say this is my business. I am selling cars, and this is my address. I would like to have a permit for a mailing of 5,000. Could I have pre-cancelled stamps?

MR. TRABOLD: They would issue it.

MRS. TILLEY: It would take some days.

MR. TRABOLD: The larger offices like Alexandria would issue that at once. It is only the small offices where they have never had any applications before where it would take some time. They would submit it to us.

MRS. TILLEY: Our postmaster at Atlanta took some days in our case.

MR. SHISHKIN: I was asking the question before about the possibility of eliminating by legislation the mailing of broadsides that are not going to any specific address, but are dropped into the mail addressed merely to householder or boxholder.

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MR. TRABOLD: They have a specific address. If they are addressed to the householder, they have to have street and number. They can not be mailed at a letter carrier office unless they have street and number.

MR. SHISHKIN: How about rural routes?

MR. TRABOLD: That is different. In order to go that way it is necessary to mail a sufficient number of pieces to cover every box on the route.

MRS. TILLEY: That is not hard to find out, the number of boxes. Do they direct it to the route number?

MR. TRABOLD: They have to address it to the rural route boxholder with the name of, say, Squeedunk, Pennsylvania, or just the word "local" as the case may be.

MRS. TILLEY: But there would have to be as many as there are boxes on the rural route; is that right?

MR. TRABOLD: Yes.

MR. MINDEL: Each piece individually addressed.

MR. TRABOLD: Yes.

MR. MINDEL: The same applies to city delivery.

MR. SHISHKIN: If it is a printed wrapper or envelope, each envelope would have to say "Rural Route No. 1, Boxholder"?

MR. TRABOLD: The number of the rural route, local, would be sufficient. Of course, if it is local, that is all that is necessary. If it is going to another post office, they have to tie them together and have a facing slip showing the post office to which it is destined.

MR. SHISHKIN: Suppose I wanted to make 140,000,000 copies of my circulation advertising my new salve.

MR. TRABOLD: You could mail it right here in Washington.

MR. SHISHKIN: To everybody on the rural routes?

MR. TRABOLD: Yes.

MRS. TILLEY: You would have to find how many there are.

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MR. TRABOLD: In our Postal Guide we have a county list. They show the names of the post offices in the counties and the number of boxholders on rural routes, star routes, and post office boxholders at offices not having letter carrier services.

MR. SHISHKIN: Some organizations haven't caught on to that yet.

MR. TRABOLD: If you are going to mail in Washington a million pieces for the whole country, if you sent the mailing to be delivered on the rural routes out of Baltimore, you would have to bundle them up and put a facing slip on there addressed to the Baltimore post office, and the same for all the other cities where they were to go.

MR. SHISHKIN: I could do it here?

MR. TRABOLD: Yes.

MRS. TILLEY: That is a terrible burden for the local post office, isn't it, to divide it up for each route?

MR. TRABOLD: They have to tie the mailing in bundles of 50. A town may have a half dozen rural routes. That way in bundles of approximately 50, it would be easier to divide it because one rural carrier may have 205 boxes, and he will take four bundles and pick out five more. Another may have 350 boxes. He will take seven of the bundles. It makes it easier to handle.

MR. SHISHKIN: How much is postage on that?

MR. TRABOLD: It depends on the weight. If it weighs under an ounce and a third, it is one cent. Over that would be at the rate of 12 cents a pound.

MR. SHISHKIN: On the rural route, actual delivery of that piece of mail to the rural box would cost more than a cent, would it not?

MR. TRABOLD: We are losing money on third-class mail. That is why we have a bill before Congress to increase the rate. We lost on it, but we would lose more where you have to transport it long distances.

MR. DURHAM: How many pieces of this 6 billion of mail do you suppose would consist of this boxholder mail?

MR. TRABOLD: We don't have any figures on that.

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MR. SHISHKIN: You don't think anybody making such a recommendation would get away with it, do you?

MR. TRABOLD: I doubt it seriously because it would hurt thousands and thousands of individuals. I don't know how many permits have been issued to handle mailings of that kind, but it runs up into a tremendous number.

MRS. TILLEY: I suspect there would be a howl from the people on the rural routes themselves. So many of them have no use for a mail box except to get that kind of material.

MRS. TRABOLD: Yes, catalogs, and so forth. However, it is surprising how much personal mail they get on the rural routes. Your discussion here is just exploratory, is it not?

MR. SHISHKIN: Yes. It is useful to us to get a realistic viewpoint on it.

MR. TRABOLD: Of course, this is nothing official, anything I might say.

MR. SHISHKIN: No one is expressing more than his own personal views. That is, no one from any of the Departments.

MR. TRABOLD: The question of requiring the submission of information of that kind in connection with a permit is one that has to be considered very carefully, not only by you, by us, but everyone else. You appreciate that.

The thought I have on that is whether all the work you will place on the thousands and hundreds of thousands of concerns that have permits and on the Post Office Department in gathering all this information, whether it would be worth while, because if you have a concern or individual who is going to disseminate information of that kind, and he doesn't want to be known, he won't apply for a permit. He will mail his matter in smaller quantities of 50 or 100 at a time, and deposit it in the mail box or deposit it in the city of Washington. If he wants to mail 10,000 pieces, he will drop a hundred in this mail box, another hundred in another mail box, 75 in a slot in the post office, and he will get around the law in that manner. That is something you have got to consider.

MR. MINDEL: That is the difficulty we spoke of at the last meeting, keeping tab on that.

MR. SHISHKIN: Yes. If the evasion is more practiced than

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the compliance, it is self-defeating.

MR. TRABOLD: I personally question whether it would have any good effect to require information of that kind in the application because they simply wouldn't apply for a permit. The difference in postage would be only a half cent apiece. Instead of getting the bulk rate of 1 cent for each piece, they would put a 1-1/2-cent stamp on it, and you couldn't stop it.

MR. SHISHKIN: Is there anything else? If not, thank you very much, Mr. Trabold.

MR. TRABOLD: If there is any other question you may have, don't hesitate to call on us.

STATEMENT OF ALEXANDER F. MILLER,  
SOUTHERN REGIONAL DIRECTOR OF THE  
ANTI-DEFAMATION LEAGUE, B'NAI B'RITH,  
HEADQUARTERS: ATLANTA, GEORGIA.

MR. MILLER: Our office was sent up just two years ago last February, and it covers about eight States, from North Carolina through to Arkansas and the eastern half of Louisiana. It was set up because we felt that that was one section of the country which, as far as the Jewish group was concerned, presented the oddest paradox, that the Jews in the South, while there is probably less anti-Semitism in that particular section of the country than in any other section of the country, we are also faced with what we thought were the facts that there was more potentiality of incipient Fascism in that area of the South than in any other section of the country.

That we felt was the danger, not only to the Jewish group in the long run, but to all minority groups. Unfortunately, our surveys and work of investigation during the past two years have borne out our original thought because during those two years we have seen, I suppose, the most highly publicized organizations rising in the country. The Klan, the Columbians, for instance.

The publicity accorded to them has brought a number of other people into the region, who are trying to capitalize on the apparent instability of the population and the current conflicts and tensions. There are also a number of basic factors.

I will proceed on the basis of a little outline I have drawn up to give it a sort of framework. I wouldn't otherwise be able to get through. There is so much and there are so many indications and so many straws in the wind, just to try to piece together a

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little bit of what is happening -- I think it will be better if I try to clarify it.

There are three basic drives, I guess, that play the role behind all subversive organizations, all hate organizations. First is the drive for power, personal prestige, political power. Second is the economic drive. There you have two different facets, the drive for personal money and secondly, and what we have seen emerging, is the drive to maintain the status quo, which in itself has caused a number of large industrialists at times to play ball pretty closely with organizations or hate mongers in their fight against labor.

In the South today, I suppose you find the biggest clash caused by the rapid industrialization of the region between capital and labor.

The third category -- and these categories are just my own; you can categorize it in any manner you care to -- that is the drive of personal belief. That is important and is almost as important as the other two.

In that category you get the lunatic fringe, the crackpots, the people who by environment have been brought up to certain types of prejudice and bigotry, and upon which the people in the other two categories play. That is, the ones who want political power, particularly, and also the ones who desire to obtain money or keep the status quo by playing on the prejudices of many people.

Within that framework I think we might examine some of the organizations which are operating in the South today just to see and try to get a picture of what is happening because you have seen so many headlines, and the headlines, unfortunately, don't always tell the true picture.

I have here the latest Klan reports. Do you think they should go in the record? Would you be interested in hearing a couple of these Klan reports?

MR. SHISHKIN: Yes.

MR. MILLER: This took place on April 21. Five applications for new membership, two applications for second reading; 26 applications, of which 25 were accepted. Now, I am just going to skip through this.

There was a group of 16 men from Douglasville, Georgia, who formed a Klan there. They had difficulty in finding a place for

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meeting. They all belong to Klan No. 1.

Now, Dr. Greene made an attack on two professors at Emory University, in which he stated that they were teaching Communism to their classes in the school. Now, if you know anything about Emory University, you will doubt very much that any professor could even teach a very mild form of Socialism without immediately being fired.

Also he attacked the Agnes Scott College for having Communist teaching. He talked at length of a professor who took a group of girls to Tuskegee, Alabama, where they were housed and fed along with the other Negro students there. He makes quite a point of that.

Dr. Greene attacked Eleanor Roosevelt and a Mr. Buck, who, together, wrote a book that he read today. Greene stated that Mrs. Roosevelt said that the South would never be a part of the United States until they intermarried with Negroes and became socially equal and that Mrs. Roosevelt's name was signed to this statement.

He also stated that she had proven herself to be a pure Communist and that President Truman and Congress were raising hell about the great amount of Communism in this country and how our government was contaminated with Communism by Communists working for the government, and how they were refusing to hire anyone with a Communist background. He claimed that the Communists now hired by the government were brought in under the New Deal or the Roosevelt administration.

Dr. Greene says that the Klan stood alone in the fight against Communism until recently. Now Pearson, Winchell, Truman and Congress are lined up hand in hand with the Klan fighting Communism.

I am going to develop a little of this and then try and point it up just as I go along. As an illustration of how he is always willing to twist the truth around, he talked a little bit about Drew Pearson and the fact that Drew Pearson was prevented from speaking on Stone Mountain because it was felt some Klansman would shoot him with a long range rifle, and the Klan would be to blame. The mayor of Atlanta let him speak from the State grounds. He says Governor Arnall was very sorry in the end that that was permitted because he, Arnall, told the personal friend of Dr. Greene that Pearson made a fool of himself.

I am taking out some of the bad language for your benefit,

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Mrs. Tilley.

The result was Gene Talmadge got elected. As a case of how Greene plays around with the truth, Pearson only appeared in Atlanta after the election had already been held. Then he went into a long spiel about what they were going to do with the informer when and if they found him. They were very much worried about the fact that these reports are getting out, and they don't trust anybody in the Klan any more at all, and they go through all sorts of rigmarole and safeguards now, which is healthy.

Then he also talks about Stetson Kennedy and told them how he had just recently seen a picture of Statson Kennedy posing in a Klan uniform together with an archbishop in New York, indicating some of the anti-Catholic bias in the Klan.

Then he spoke about State organization and the fact that the Klan is now organizing little chapters all over the State. Every hamlet and every crossroads throughout Georgia has a chapter, the purpose being that during the coming 18 months the Klan is going to be used by the white supremacy forces to raise the race issue to a pitch to which it has never been raised before in the State.

The Klan itself is not important today. The exposure that started a year ago, just about a year ago now, has very effectively halted its growth. It was a terrific job that was done, joined in by people from all over the country, and particularly the South. Mrs. Tilley, sitting here, was one of the main agents in arousing the people of the South to it. She did a wonderful job working with us.

However, in Georgia today with the situation as it is, they are going to use the Klan, and it is going to be built up during this next 18 months purely as a political weapon and for no other reason, and very coldly and in a calculated fashion bring up the race question and raise it up to a high pitch.

Even if the Klan may have to precipitate acts of violence, they intend to do that. From what you told me last Monday night, we have had our first example of that. Before that we had a beating out in DeKalb County, where a couple of Negroes who had lived apparently blameless lives for 17 years, a married couple, were taken out of their home and their rights thoroughly abused.

When I read the paper that morning, I could hardly believe it because there wasn't even the hint that these Negroes had in any way transgressed either the written or unwritten code of the South.

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I have loads of reports here that if you ever have time, would tend to point up the same thing. We already have indications of literature which is being printed and distributed to also raise the race issue to a high level.

I think that, in my mind, is the first and most important problem, at least in Georgia and, probably, in Mississippi that we are going to face within the next year or so. That is the deliberate attempt to raise the race issue to terrific heights for political reasons only.

I have some ideas as to how that can be met, but we will come to that, I suppose, at the end of the session.

MRS. TILLEY: Did you bring any of that literature with you?

MR. MILLER: Yes, it is scattered through here. As a result of the Klan's activities, we have had all sorts of people jumping into the South. Edward James Smythe, who was one of the 30 alleged seditionists, came down to Atlanta for a short stay, trying to whip up a little interest in himself.

The Klan over in Birmingham, Alabama on April 17 held an open meeting, at which about 100 people were present, in an effort to get started again over there. It hasn't come to much and doesn't seem to find a very fruitful ground over there. Except again it goes back to politics. Jim Folsom is not having too easy a time in Alabama. He is the governor of Alabama. There is a lot of opposition aroused to him. The people in the State, some of them, have started a move to impeach him.

The fact that he stood on the State House lawn and shook hands with a lot of whites and Negroes at his inaugural didn't set well with a lot of people in Alabama, with the Boswell amendment also in effect.

There is no sign to date that the Klan means much there or any of these organizations means much, although Birmingham, like Atlanta, has been the haven of a lot of small movements, which today haven't coalesced at all.

MR. DURHAM: What is the Boswell amendment?

MR. MILLER: That is an amendment passed in Alabama giving the right to every Board of Elections to question each person coming before them as to what they know about the Constitution. It was left to the discretion of the election board member as to

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whether that person knew enough about the Constitution to be able to vote. That is a perfect way to stop the person from voting without bothering about the White Primary Bill.

Knoxville, Tennessee and Atlanta, Georgia are about the only two places where the Klan has any foothold. In Knoxville it represents a different story. You have heard the story, Mrs. Tilley, but it is worth while repeating. It shows these three factors, which I tried to point out. The economic drive, the personal prestige drive, and the religious belief enter into the picture. About a little over a year ago a Reverend Haggert sat up the American Fellowship Club in Marysville, Tennessee, about 15 miles from Knoxville. This Club had exactly the same standards and motives as the Klan -- christianity, American First, white supremacy, racial segregation, purity of pure white womanhood, et cetera, et cetera.

Forget about Reverend Haggert for a few minutes.

About a month or two later, about April of last year, Station WNOX, owned by the Scripps-Howard chain, suddenly stopped allowing two local evangelists named J. Harold Smith and Wesley T. Hill broadcasting their sermons on the air. They felt they were running more of a racket than a religious revival.

The next Sunday, Harold Smith and Hill called on their followers to come to Knoxville and show the Communist Scripps-Howard Knoxville newspaper just how much strength they had. 25,000 blue-jean clad people from the hills swarmed into Knoxville -- 25,000. They never had seen a sight like that.

There again it was merely a controversy between these two evangelists and a radio station, nothing more. They held that meeting that Sunday.

The next Monday, in order to put spice in their program, Harold Smith and Wesley Hill invited Harvey Springer in to address them. Have you ever heard of him? He was mixed up with the nationalists here and the isolationists before the war and also with the various hate movements. So that then -- I don't know if this should go into a meeting here or not, but the next Wednesday we find Springer, Smith and Hill up here in Washington testifying before the Un-American Activities Committee about all the Communists in Knoxville, Tennessee.

Then, under questioning by Congressman Rankin the hearing turned also into the usual anti-Semitic overtones that so many of Rankin's hearings have.

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So you had from this simple friction a suddenly developing mass movement almost. Then, the next Saturday, Smith and Hill returned to Knoxville and they held a big open Klan meeting in Hill's tabernacle, at which J. Harold Smith gave the invocation and at which Reverend Haggert, our friend from the American Fellowship Club was main speaker. They attracted about 250 people.

Then, Mrs. Tilley got busy in Knoxville and helped get some resolution passed by some of the ministerial association people, and every Baptist signed the resolution denouncing the Klan except two, Smith and Hill; and ever since that time the Klan around Marysville and Knoxville has had a foothold. It hasn't been growing, but they have burned a cross once in awhile.

Old Sam Green packs up his robe and jumps in his car, and he runs up there, and they have a big meeting. Those are just about the only two places, except for a report that we have recently received from Key West, Florida, where you have a different type of set-up entirely, where the Klan has gotten somewhat of a foothold. There you have people who are more or less living at a pretty low level or living a pretty tough life, and they are running these little boats, et cetera. That is the kind of people who are disposed to join an organization when somebody starts one, people who are dispossessed, and so forth.

Those are about the only three places the Klan has any strength today.

The Columbians, of which you have read a great deal, never amounted to a row of beans. The only two significant things, I think -- or three significant things -- that the whole Columbian story has for us are these -- I won't give them in detail. Probably the most important is this: The Columbians flourished for a short time directly because of tension over the housing situation between a white and Negro area. Now, I daresay that in every city in the South there are the same borderline areas, interstitial areas, I think the terminology is, where Negro and white neighborhoods border on one another and where there is some feeling of fear on the part of the poorer whites living right next to Negroes for many reasons, but in no city did we see any uprising or any real trouble except in Atlanta, Georgia, merely because two men came in and stirred up the situation.

From that point of view, these crackpots, these people who themselves have absolutely no strength, no following, and might well be ignored most of the time, are potentially dangerous when they jump into tension situations because they can stir up an

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awful lot of trouble.

I remember one very wise labor organizer, whom I was talking to recently, and he was telling me how very often in shops throughout the South there are white girls and colored girls working next to each other, and then a new white girl will be hired. She will walk in and will be surprised, and she will say: "Are you working with niggers?" The white girls say, "Yes, that is right." And there they have trouble.

Frank Garson told me the same story. I happened in his shop in Atlanta. They have white and colored girls working together. Whenever someone new comes in, the situation hits them in the face, and the issue is raised.

In the same way, whenever you have a sort of a tension situation, these individuals come in and raise harm.

MR. SHISHKIN: Has the activity of the Columbians gone out of that town?

MR. MILLER: They were just two very strong-minded young men, Loomis and Burke, who had a certain amount of appeal for these people who were living in this neighborhood into which Negroes were moving and they had no place to move to. It is the poorest and worst slum area in Atlanta. They had an appeal for them and they signed up about 500. They may have had 100 active members actually.

The second point I want to make is that the press and the clergy and the civic clubs and all the other people in that area recognized the danger, the potential danger of this group, almost the minute they began to get publicity. They broke into the front pages on a Wednesday. By Friday and Saturday of that same week, there was a terrific counter-barrage started against them from all sections, and that counter-barrage kept up for a month until public opinion forced them to disband. The pressure was such that not only did it reach the so-called good people in the community, the top level or the middle level, but it also reached the people down among whom they lived.

We have had some very good instances and examples of how it reached the people in the Columbians themselves, but I will not burden this session with that. They were wiped out by public opinion, and public opinion was aroused more easily against them than it would have been a year before because of the campaign against the Klan.

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Recently Gerald L. K. Smith tried to take advantage of all the turmoil that he thought was in Georgia and came into Douglas, Georgia. Two telephone calls by Mrs. Tilley to key people in that town aroused the whole town so that that situation was handled very well.

MRS. TILLEY: You sent a person down there, didn't you?

MR. MILLER: He just observed. By the time he arrived there the Lions Club was talking about running Smith out of town on a rail, -- and that is unusual for a Lions Club. Douglas, Georgia, is in rural Talmadge territory. It may sound like a paradox, but it happened only two weeks ago.

That brings me to another point, that when we had the ministers and all the other leaders speaking out against the Klan and speaking out against the Columbians, and they found they spoke out and people applauded -- because of that you have the current phenomena of having people all over the South speaking out much more today than they have even done before. It is an amazing thing. I can't describe it for you, and I know Mrs. Tilley has tried to, the tension that was at the State Capitol during the incumbency, particularly when passing the White Primary Bill.

Despite this feeling 51 people from all over the State had no compunction at all about going up there -- that was as many as they would take before that hearing -- and speaking against it, and the galleries had no compunction about applauding each of the speakers.

I think, if anything at all, that is one significant thing in the South today, that the people are speaking out as they have never spoken out before. I could go on. I have got loads of stuff here.

MR. SHISHKIN: It is very important.

MR. MILLER: You stop when you like. I understand you had some Post Office Inspectors here before.

MR. SHISHKIN: Yes.

MR. MILLER: General Van Horn Mosely is also residing in Atlanta. In the late '30s he was talked about by some people as a possible dictator in the United States. He has been rather inactive, but occasionally writes letters to the newspapers

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such as I have here, written in late 1946, in which he defends the Ku Klux Klan and also attacks Roosevelt and the New Deal. That is the general line that they always follow.

Again, an unimportant individual, except that, for instance, when Loomis comes to town he calls on Mr. Moseley over at the Atlanta Biltmore Hotel; that when the Klan is under fire a General Mosely writes a letter to the newspapers explaining the Klan's side of the story; which leads me to this observation as to the national scene as well as the Southern scene. All these little people whom we talk about and who aren't significant of themselves are not welded together into a national organization by any means. There is no one person who has arisen who has been strong enough to pull them together. This, we know; that if we look forward to a time when a great many people may be disaffected because of the economic stress, that all these people know each other and they pass around each others literature. If Gerald L. K. Smith comes out with a line on Wednesday and publishes it in his newspaper, on Friday somebody out on the West Coast will use the same line, and on Saturday somebody down in Birmingham will be using the same line, and before you know it, every one of these two, three, four, or seven hundred organizations or individuals will be using the same line.

It is a very loose network, but they do know each other, and they are there. The threads and way stations are out, so that they possibly could be drawn together at the right moment by the right person.

Now, in that picture one good example was this: There has been some publicity about this. About two years ago The Commoner Party started up outside of Atlanta, Georgia. It didn't amount to anything. Two old men tried to capitalize on hate, anti-Semitism, anti-Negro, and anti-Labor -- the usual pattern. Sometimes they stress one angle and sometimes another.

There is a good deal of anti-Catholicism in the South, not so much in the North, although it has been on the rise during the last year. We have got examples of that here.

MRS. TILLEY: Are you going to tell us the tie-up with the fight on organized labor with this?

MR. MILLER: I am coming to it. It is a complex picture. It is complex to explain, yet it is very simple, because the same threads run through all these things. I am trying to illustrate a lot of the little threads.

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This Commoner Party started and didn't amount to anything, never got any place except they sent out a lot of literature. Subsequently it turned into the American Gentile Army, another brainstorm.

Then, finally, Loomis came down to Atlanta, and the head of the Commoner Party, a man named James Shipp, joined up with Loomis. The point is Loomis knew who to come to when he came to Atlanta because this fellow had been corresponding with these people all over the country.

- The Columbians started getting a lot of publicity, and a man named H. G. Willingham, an insurance agent who had been known for years as somewhat of a crackpot in Columbia, South Carolina, immediately announced to his local newspaper that he was starting a local branch of the Columbians. Publicity frequently causes these hate movements to go.

One of the most difficult tasks in this whole business is to know when to expose and when not to expose. It is very hard to know when you are helping a little organization get started and get on its feet or when you really feel you have got a job to do and that the educational value of an expose is worth more than the possible boost to the organization.

Here is a note on a little organization in Wilmington, North Carolina, called United Sons of Dixie. That was formed, flourished for a few days. Very recently in Oklahoma City, a White Circle was started. One of the founders of the White Circle -- to show how these things sometimes interlock -- was a man named Lloyd Smith, who had once run for Congress in Oklahoma City on the same ticket that the lawyer for the Columbians had run for Mayor of Oklahoma City. That is to show you how these things tie up on the file.

Here is an example of the thinking that goes behind these organizations. This was written by Lloyd Smith. He is what he says:

"We read and hear wonderful things about the colored race as well as the Jewish race, and the great things they are doing to preserve their race. Yet, when some fathead gets the idea that we, of the white race, should start working for the preservation of the white race, hell breaks loose in Georgia. It is labeled anti-Negro, anti-Semitic, anti-labor, anti-everything.

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"In America we have the Nazi, Communist, Negro, and Jewish organizations, but if the native-born white Gentile American asks for a charter to organize, he is called un-American.

"In June of 1946 Attorney General Clark estimated that 2,000 refugees a day were illegally entering this country. That is 60,000 a month and 720,000 a year. Mr. Truman has opened the legal doors for 35,000 refugees a year, and is now howling for 100,000 a year.

"These refugees have a roof over their heads when they get here. Some of our veterans are still sleeping on park benches and in rest rooms. The membership of the White Circle does not like this worth a tinker's dam."

That is so typical of the thinking. The only thing left out there was the anti-labor aspect, which creeps into so many of these, and which is always in the South, I guess, linked up particularly with the Communist line. Haven't you found that so, Mrs. Tilley?

MRS. TILLEY: Yes.

MR. MILLER: The American Shores Patrol is a Klan-like outfit formed in Virginia, and also a chapter started recently in Charlotte, N. C. Heading it is Joel L. Baskin. He used to be a Klan Dragon.

Another organization is the American Confederation of Enlisted Men, another white supremacy outfit. Here is a very fancy document, their constitution. It is in West Jefferson, N. C. Their press representative does not spell at all well. However, he has good ideas for publicity. They are going to get a beautiful girl and call her "Miss Confederation of Enlisted Men."

MR. DURHAM: Does that amount to anything?

MR. MILLER: No. These are merely illustrative of the organizations which are growing up. The Klan is the organization. These are all off-shoots. They have the same ideals here in this organization as you have in the Klan.

MRS. TILLEY: And incidentally make some money for the person who starts it.

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MR. MILLER: That is part of the economic drive. The Klan, if you know its history, made a terrific amount of money for old man Simmons, Colonel Simmons, who started it; and after Simmons, Hiram Evans, who has to pay a little of that back now.

For the anti-Catholic sentiment, this is a typical lunatic fringe type of publication called the White Horse, published by a man named A. J. Dennis in Atlanta, Ga. The headline is "Hitler Died in the Faith." He is a member of the Church of Christ, but not a respected member. However, there is a good deal of growing anti-Catholic tension. I noticed it in the Klan meeting reports, and there are other factors.

There are two types of anti-Catholic feeling growing today. I think it is something to think about. I don't even know if it should be part of the record. It is a part of the picture in the South today, and also part of the picture in the nation, too, but here is a true story, which, if I told it to somebody from Boston, he wouldn't believe it.

A man named Warshofski, which certainly is an easily identifiable name, runs a leather goods business and has done so for the last 20 years. He has salesmen going through Alabama. He told me the other day that he had a salesman named MacNamara, whom he had just put on in South Alabama. He found that all of a sudden his sales had dropped. So he took a little trip himself and talked to these people in South Alabama, good old Anglo-Saxon stock. This is the response he got: "Mr. Warshofski, we sure wouldn't mind trading with you, but we don't want to trade with no Catholic." They knew Warshofski was Jewish.

That is just an illustration, but you do have the stand of the Southern Baptist Convention, particularly, which I suppose has 75 to 80 percent of white southerners represented.

MRS. TILLEY: Say 60 percent.

MR. MILLER: It is very strong. It is a strong southern organization. There was a particular issue in regard to sending Myron Taylor to the Vatican.

Then, there is a growing feeling, which I will not go into now, among many Protestant groups on the entire Catholic question. Is that right, Mrs. Tilley?

MRS. TILLEY: Yes, especially on the Latin American question. The Federal Council has taken a stand.

MR. SHISHKIN: What is that?

MRS. TILLEY: The Catholics are trying to prevent any

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Protestant work in Latin America, so it is to strike back.

MR. SHISHKIN: What did the Federal Council do?

MRS. TILLEY: They made that statement that the Protestant Church would go into Latin America and wouldn't recognize it as Catholic territory.

MR. MILLER: Incidentally, at the same time, there are all these cross-currents, and again it is not easy to explain it in a short time. You have these Fundamentalist ministers like J. Harold Smith and Wesley T. Hill, of whom I already spoke, and Parson Jack Johnson, of whom I will speak, who are violently anti-Federal Council and anti this whole group of young ministers who decide they must preach the social gospel. You have that conflict in it.

The Catholics are among those who are in the forefront in many areas of the South in fighting for rights for Negroes.

MRS. TILLEY: But they won't fight with you. Our situation in Georgia is that they won't come in with us.

MR. MILLER: Just on their own.

MRS. TILLEY: Except Monsignor MacNamara. He is the only one we can count on.

MR. DURHAM: On your Churches of Christ, that is a dissident Protestant sect. Do I understand you to say there was a fairly widespread anti-Catholicism?

MR. MILLER: Denis is a member of the Churches of Christ. All his contributors and people who write for his publication are other ministers in the Churches of Christ. How widespread this movement is in the Churches of Christ I don't know.

MRS. TILLEY: I think it would be individual members.

MR. MILLER: That is a lunatic fringe person again, but it helps in whipping up sentiment.

Then inside of the same framework, we come under two in this framework. It is what I call the economic drive and maintaining the status quo, the part in fighting organized labor. A lot of this stuff has been released, and much of it may be old stuff to you.

I would say that there are two open fights on the southern scene today. One is on the Negro issue and one on the labor issue. Am I correct?

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MRS. TILLEY: Yes, sir.

MR. MILLER: Anti-Catholicism and anti-Semitism and anti this, that, or the other thing, are just minor. Those are the two big fronts. If they find it handy to throw in a Sidney Hillman in fighting labor, they will do it. If they find it handy to throw in a Baldinski, which they have done, they will do it because it is a foreign-sounding name. If they find it handy to throw in anti-Catholicism, they will do it, but those are the two big fights.

In the labor fight you are cut up in this cross-current between Fundamentalists and liberal ministers, many of whom have been streaming to the side of labor.

On the other hand, the Fundamentalists' ministers have become more and more outspoken on the question of labor's right to organization and the fact that it is un-Christian to be a union man. That is what it boils down to.

MRS. TILLEY: Don't you think the real fight is on labor, though, and the race is a smoke screen?

MR. MILLER: Well, it is not only on labor, Mrs. Tilley. I would disagree. It is economic, yes. Economics are probably the basis of the whole thing, but you are talking now in terms of the broad masses of people.

MRS. TILLEY: Yes.

MR. MILLER: But, nevertheless, there are a sufficient number of people who are race conscious in the South, just race conscious alone, so that that in itself is a broad front. A Talmadge can get into office on just the race issue alone, even if he tries to soft pedal the labor issue.

Parson Jack Johnson publishes two newspapers. He is a Baptist, but not a member of the Southern Convention. He publishes the Columbus Tribune and Trumpet. It is typical of this type of individual who is extremely anti-union. His newspaper has been distributed by many of the large firms throughout the South, particularly wherever the unions have tried to come in to organize.

He constantly talks about the Communists, the C. I. O., to these people, and the C. I. O. and Communism are synonymous to these people. However, Parson Jack is anti-labor rather than merely anti-C.I.O., as revealed by his statement here:

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"We regret there is not a chance to answer the question 'Is the labor movement Christian' in the affirmative. We do not need to organize, but we sorely need to evangelize."

But again you find that in his paper when Talmadge was running for office, he wasn't afraid to hit the race issue right on the nose time after time, talking about the need for white supremacy.

He didn't mind publishing letters from contributors talking about as follows: "Coming to the defense of the grand, high, and noble principles for which the Knights of the Ku Klux Klan" -- and he charged that northern Jews and capitalists were sending out poison literature against Talmadge.

There are a lot of other papers like this. There is the Militant Truth in Tennessee, which is distributed in job lots through manufacturers to their employees. There is the Southern Outlook over in Birmingham, Alabama, which is very similar. That incidentally, was violently anti-Semitic about six months ago. Suddenly the man changed his tune. I don't know why, but he remains violently anti-Negro, violently anti-labor, pro-Klan, pro-Talmadge.

MR. DURHAM: On that point, would it be worth while for you to try to find out why he changed his tune?

MR. MILLER: We have tried to.

MR. DURHAM: Because it might give you a clue as to some of these other anti things.

MR. MILLER: We have tried to.

MRS. TILLEY: That is Terminiello?

MR. MILLER: No, this is the man who publishes the Southern Outlook. Terminiello is washed out. He is in retirement now practically.

This is an example of the Militant Truth. Here is the Textile Bulletin. They don't hesitate to print pictures of foreign-looking men who are the bosses of textile employees.

Here is the Southern Outlook. It is another example of the same thing.

Here are two examples of postal cards containing anti-Semitic and white supremacy literature:

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MR. SHISHKIN: We will copy them in the record at this point.

(The post cards are as follows:)

WHITE SUPREMACY

If you are a Native Born, White, Protestant, Gentile, American Citizen of good character and believe in our principles an opportunity to join a secret organization that stands primarily for WHITE SUPREMACY awaits you.

Our organization stands for:

Christianity.	Opposition to Communism.
America First.	America for Americans.
White Supremacy.	State Rights.
Upholding Constitution of USA.	Separation of Church and State.
Racial Segregation.	Freedom of Speech and Press.
Racial Purity.	No Foreign Immigration, except pure White.
Pure White Womanhood.	Law and Order.
	American Leadership of American Labor Unions.
	Closer Relationship between American Capital and American Labor.

If you truly desire to do your part for Christianity, your Country, and your Race by joining our organization, sign and return this card at once. Every real American should be able to honestly say: "I do my part." Tomorrow may be too late. ACT NOW!

Name \_\_\_\_\_ Res. Address \_\_\_\_\_  
Occupation \_\_\_\_\_ City and State \_\_\_\_\_  
Bus. Address \_\_\_\_\_ Phone \_\_\_\_\_

\* Reasonable initiation fee.

(On reverse side:)

FIRST CLASS  
Permit No. 853  
(Sec. 510 PL & R)  
Chattanooga, Tenn.

BUSINESS REPLY CARD

No Postage Stamp Necessary if Mailed in the United States  
2c - POSTAGE WILL BE PAID BY --

R. W. BYERLEY  
POST OFFICE BOX  
CHATTANOOGA, TENN.

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MRS. TILLEY: Those textile papers have been attacking the Methodist Church and our women's papers, and yet most of those southern textile leaders are Methodists.

MR. MILLER: Just let me list the papers in my particular area, which for one reason or other we feel are attacking segments of the population. Let us say they are breeding disunity.

Commonwealth of Bradentown, Florida, which is anti-Semitic.

There is the Individualist of Danville, Florida, violently anti-Semitic. The man has a phobia. He is about 77 years old.

There is the Southern Outlook, anti-Negro, anti-labor, and has been anti-Semitic.

There is the White Horse, Atlanta, Georgia, which is anti-Catholic.

There is the Carolina Watchman, Greenville, South Carolina, which is the organ of J. Harold Smith. It follows Fundamentalists and Anti-Federal Council line. The literal interpretation of the Bible, and so forth.

There is the Columbus Tribune and the Trumpet of Columbus, Georgia, which is anti-Negro, anti-union, mildly anti-Catholic, and mildly anti-Semitic -- that is, if there is such a thing.

Then you have the Georgia Farmers Market Bulletin.

MRS. TILLEY: That is a terrible thing.

MR. MILLER: It is published by the State of Georgia, Covington, Georgia. I will get to that later.

There is the Militant Truth, Chattanooga, Tennessee, which is anti-labor. That seems rather odd, but that is a fact, and that is the name of it.

There is the Statesman, which is published by the people of Georgia, associate editor Herman Talmadge, which is anti-Negro.

MRS. TILLEY: Anti-everything.

MR. MILLER: Those are just the papers of our area.

Now, we go to the political scene. I think I can run through this faster in my mind than by looking at notes. Until Gene Talmadge ran for office, and was successful because of the county

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unit system, even though he didn't get a majority of the votes in the State of Georgia, we thought and we were very sanguine that we were making great inroads on the old political weapon of anti-Negroism as a successful weapon with which to run for office.

A lot of things had happened to make us feel that way. Pepper had been re-elected as Senator from the State of Florida, and the man who had run against him on a white supremacy ticket had finished a bad third. All over the South we were seeing signs that the white supremacy candidates weren't winning, and we were publicizing that a great deal to try to make it unpopular to run for that ticket, because a politician only is interested in votes, nothing else.

A guy named D. H. Bracket, who ran on this platform for Congress a year ago in Atlanta, Georgia, he addresses this to the voters of his Congressional District:

"I am a footman in the running  
"And I ask you for a lift  
"My platform is brief and simply  
"And you will see here five  
"Burning Vital Issues  
"Which are very much aline.  
"Immigration will be foremost  
"To face the battle axe  
"And then we will commence  
"Chopping down all kinds of income tax  
"On incomes over 200 Bucks  
"All tax on that I junk  
"Which applies to every income  
"To be reckoned by the month  
"Then we will institute proceedings  
"To check on Morgenthau  
"Who is accused of grafting  
"And violation of the law  
"Of Jewish population  
"Census Bureau is at sea  
"We demand that they be listed  
"As a race descriptively  
"The importance of the Jewish Race  
"Renders it but fair  
"That Jews and non-Jews all be known  
"In America everywhere.  
"This would discourage panics  
"And wars not of our own  
"And save us wars on pretext blind  
"For causes never known.  
"To change a man is easy  
"And name changing is not new

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"But I would state that former names  
"Also be brought to view.  
"I would require the old name  
"To include and thus identify  
"The Jew which this plan was disclose.

"I am the friend of every race  
"Jew, Gentile, Turk, and Negro  
"But no race can monopolize  
"Our great American heroes.  
"I have never been a hypocrite  
"All who know me this they'll vow  
"Since I have turned a half a hundred  
"I am too old to be one now.  
"I would like for you to write me  
"If my platform you will back it  
"to P.O. Box 222, Atlanta, Ga., Hamilton Bracket."

He got 38 votes out of 40,000 cast. It is an amusing example of what is put out.

Old Gene Talmadge was a very smart cookie, and he was always ready to try anything. He found the Negro issue always paid off, but he thought if anti-Semitism would pay off in the South he would try it, too. We find it in the summer of 1946 during the campaign. They were throwing up anti-Semitic balloons in the form of letters from readers, from his readers. We spoke to one of these people, who wrote a very anti-Semitic letter, and also anti-Negro letter, and found he had written it at old Gene's request.

However, there was an immediate reaction on this anti-Semitic letter, so he stopped that.

He was typical of the brilliant opportunist who is always ready to hop on the band wagon.

MR. DURHAM: What do you mean by "reaction" on the anti-Semitic letter?

MR. MILLER: The minute he published that anti-Semitic letter there was a reaction from a lot of people all over the State to him.

MRS. TILLEY: Of his own following.

MR. MILLER: Some were his own followers who for some reason or other either had interests with Jews, or were friendly to Jews and resented that. There aren't enough Jews in Georgia to really make much of a problem of it. Twenty-five thousand out of three

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million or so, something like that. It is not enough of a problem, particularly when you have the Negro and labor, who are excellent objects of attack.

There is a strange character who has potentialities of danger, who is now the State Commissioner of Agriculture in Georgia. He is a fellow named Thomas Linder, who publishes the Georgia Farmers Market Bulletin. We find lots of strange things in that Market Bulletin from time to time.

He is a self-educated man, who has read the Bible, memorized it, very proud of his learning, somewhat of a mystic. I think this letter which recently appeared in the Atlanta Constitution will more nearly express Tom Linder's philosophy:

"In Ralph MacGill's column of Sunday, February 2, you give me credit for having some part in the passage of a white primary law. So little has appeared on the basic necessity for preservation of white domination of our Government, it is possible that I may be able to contribute in some measure to the understanding of the fundamental and underlying principles of this question.

"The question of a white primary goes much deeper and is broader than the question of white and black. It is most unfortunate and regrettable that it has been given a white and black implication in the South.

"The ultimate and final question of whether or not a constitutional Democratic Government is to survive or perish is involved. Different races are different in their mental processes to just as great an extent as they are different in color and different in features. In all the centuries beginning with Athens and coming down until today there has never been a democracy worthy of the name except among people of the Caucasian race. Even the Caucasians have never been able to maintain a democracy as long as 200 years in a stretch.

"Semitic peoples have produced great kings, great merchants, great bankers, great lawyers, and great humanitarians. They have never produced a workable democracy and never can because their mental processes naturally lead them to centralized power and totalitarian ideas."

This is written not from the inside of an insane asylum, but this was written by the State Commissioner of Agriculture. It is

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unbelievable, some of the stuff we run into.

To continue:

"The exception to this rule is the Arab, who is a wild man with his hand against every man and every man's hand against him.

"Hamitic peoples have never produced a major democracy. Latins also. Of the Latins, France has come nearest to it, but because of their hot Latin blood and their love of debauchery they have failed.

"The yellow people, the brown people, and the blacks are mentally unfit to be directors in our form of Government. You cannot change natural and God-ordained mental processes.

"Political machines in our large cities are a necessity because the mixed and mongrolized races in those cities cannot be governed except by a totalitarian form of government. A machine is simply a form of totalitarianism. The great evil of block voting is simply the outward evidence of the incapacity of those voters to cast individual democratic ballots.

"The Negro is not the only one. You have but to look to our large cities with a large percentage of Latins, Semitics, and other races congregated to see the same evil form of democracy. No educational effort will correct this natural difference in voters."

That is his philosophy, and he has a chance some day of being governor. He has a terrific hold on the rural people of Georgia. He has a chance also of becoming a senator.

MRS. TILLEY: That paper goes into thousands of homes free every month.

MR. MILLER: He has been a close friend and associate of Carl Mote. He was national president of the Farmers Guild, who died a year or so ago. Mote has been linked with various people, including Gerald L. K. Smith, Robert Reynolds, Father Coughlin and others.

Mote, on April 22, 1946, in speaking of Roosevelt's death, said the following:

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"During the interim that I accepted the invitation to speak here, an important event transpired. If I say that I share the grief of the Jews, the Communists, and the New Dealers, I would be lying."

He is speaking of the death of President Roosevelt. Later on he said:

"I am in favor of loading the Roosevelt family and the damn Jews Roosevelt has put in office on a boat for Asia, and I wouldn't worry if the boat sank."

That is Linder's good friend. Linder, only a week ago Sunday, spoke to a revived meeting of this Farmers Guild, which is a very reactionary farmers' group, a split from another farmers' group in the Middle West.

There is one other person to whom you ought to pay some attention in this committee, and that is the Attorney General of the State of Florida, J. Tom Watson. Watson is an opportunist. He has got a very good chance of being the next Governor of the State of Florida.

He is responsible more than any other single individual, I would say, for having taken the ideas of Vance Muse of the Christian American Association on Labor and sending them throughout the South; so that as a result today you have nine legislatures passing anti-labor legislation, specifically the anti-closed shop legislation.

MR. SHISHKIN: There are 13 pending.

MR. MILLER: He was asked recently whether he was ever a member of the Ku Klux Klan, and he refused to answer the question.

Testifying before a Congressional Committee a few years ago -- and since he has tried to make amends by appearing at meetings of the National Conference of Christians and Jews -- he made some veiled anti-Semitic references.

I bring in all these threads in order to show you the make-up of the man. Again it is a question which always puzzles me in my peculiar capacity. I have no right to take sides with either labor or capital on any of these issues. I am interested in preserving democracy in this country. That is the type of government I think is best for all groups, particularly, to be selfish, my own group.

However, I see so often that it becomes almost a cliché,  
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that these anti-democratic groups follow the same pattern, that before you know it you become involved or you become almost suspicious of anybody who is only anti-labor, for example.

Do you follow me in my thinking? Whatever my own personal sympathies would be, in my official position I don't take a stand either one way or the other.

With Watson, he is primarily anti-labor, but when you look closely at the man you see him running the whole gamut of the "anti-" activities. He is a gentleman who, as I said before, I think, is potentially one of the real dangers. Unfortunately, he bears the same name as his predecessor, who is also a great man. That is, he was a great man, and later turned out to be a very bad man for the South.

MR. SHISHKIN: In the remaining few minutes, could you tell us what you think can be done about all this?

MR. MILLER: Yes. A couple of these ideas I expressed already to you, Mr. Durham. I think legislation, per se, isn't much good without public opinion behind it. The big job in education needs to be done.

I do not mean general education, not the broad stuff to love your brother, we are all God's children -- that type of education. That, to me, doesn't mean much. We need education into which people can sink their teeth.

For example, I shocked a couple of my friends recently when I said Bilbo and Rankin were not unmixd evils by any means, that they represent to many people such clear examples of what a Fascist rule in this country might be that people didn't feel this was just an abstract question. It became one that was close to him.

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So with the Klan and Columbians and with the battle against Gerald L. K. Smith. In these battles you win a great many people over to your side.

I think that one of the things in the field of education that has to be done is the constant battering away and exposing of these important groups that are trying to undermine the democratic structure of our country.

I think that one thing that is needed very badly in the South is some sort of a catalytic agency which would bring together not only the private agencies working in this field, but also the government agencies. I don't know whether the President's Committee on Civil Rights is the proper functioning spearhead to pull these together, but I know that a private agency can't walk into a school system and do much more than request very politely that they come along on a certain program or to a police group and say that they should learn how to treat minority groups.

You need some force, some strength of government behind it. The F.B.I. on a national basis could be instructed whenever they give their school classes to all the local police forces, to give them a thorough course in who are the subversive elements in this country. That would be very helpful.

Finally, I would like to talk in specifics. Here is one thing that needs to be done right now. I have tried to make the point that in Georgia, particularly, because of the very cold and calculated political election that is coming up, and the calculating on the part of the men who are running for office, they are going to raise particularly the race issue to a point where it has never been raised before. I have all sorts of examples -- mailings, etc.

There is only one possible way I can see of doing anything about that. We have tried to do it on a private agency level so far and haven't been too successful. There are enough people now who are sensitized and willing to speak up so that you have a big residue of strong and able people.

We could start a crusade, almost a crusade, within the next couple of months before their campaign on the race issue gets to a height, of just banging away at the thought that the race issue is a phony issue, that the real issues are better education, better roads, getting every teacher, every minister, every mayor, every newspaper banging away on that issue, and beating them to the punch.

If you do that, you have a chance of doing something. Otherwise, you have no chance. You can't look to the opposition who are going to run for governor, and other offices, to do that. You

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can't look to the man who is going to run against Herman Talmadge to do that. All they ever do -- and even Ellis Arnall when he ran against Talmadge, he said, "As far as the white supremacy issue goes, you know how I feel about the Negroes. They are not going to be allowed to marry anybody, only I am a nicer guy."

That is the only effective opposition. They won't get frightened into a battle on the race issue, and they can't; so you have to guilt a climate of public opinion before the race issue is brought up too far.

That is a specific example of what I think has to be done in the very near future.

MR. SHISHKIN: On what terms could that be done?

MR. MILLER: By your committee.

MR. SHISHKIN: How can it be done privately?

MR. MILLER: Here is something. Here is an example. I would start in and visit every editor I knew throughout the State and explain the situation to them. Mrs. Tilley would visit all the editors she knew. So and so, and so and so, two different people, would visit in that manner. Mrs. Tilley would see all the Methodist ministers, and I would see all the Rabbis. Someone would speak to the Reverend Louis Newton, head of the Baptists for the South.

MR. SHISHKIN: What would be the import of this?

MR. MILLER: Of what they would say?

MR. SHISHKIN: How would you angle it?

MR. MILLER: I have that written down. This whole folder represents constructive activities which are taking place in the South. This has already been passed by the Methodist Women, who passed a set of resolutions.

MR. DURHAM: I think that should find some place in the record in view of the somewhat gloomy picture you have given. There have been many good things accomplished.

MR. MILLER: I have been giving you the bad side of the picture, but that is not all the picture, by any means.

Well, here is the catch line that we were suggesting:

"In Hitler's Nazi Germany it was 'Divide and Conquer';  
in Georgia it is called 'White Supremacy.' Why will the

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phony race issue be raised during the forthcoming campaign? It is the Hitler technique being used to hoodwink the people of Georgia so that certain politicians can gain control. The real issues in the forthcoming campaign will be those involving the welfare and well being of our people."

MR. DURHAM: Who wrote that?

MR. MILLER: We had a little committee meeting composed of different organizations.

MRS. TILLEY: We have got Methodist meetings throughout the State and a young man speaking at those meetings.

MR. DURHAM: Do you think that would be acceptable in the present climate of opinion?

MR. SHISHKIN: They are creating a climate.

MR. MILLER: You have to create a climate that will accept it.

MR. DURHAM: I mean the people you would talk to.

MR. MILLER: The editors are wonderful.

MR. SHISHKIN: What interested me about this in a much broader sense is that when there has been a great deal of foment -- and you say there has been -- I am wondering whether that would be the proper approach and acceptable approach. I mean, as concerns the average man who is finally being reached.

What I mean is their choice, for instance, between hooded men, burning crosses, hate, violence, turmoil, things happening in the night -- a choice between that and the other side, trying to put it all in the clear, in the open, to conduct the life of the community in a way in which no one needs to be afraid of his next door neighbor? Would that kind of an approach work? It has an emotional appeal to the people who might have a resentment.

MR. MILLER: How would you put that?

MR. SHISHKIN: A writer or speaker could do it, or you could do it by means of a film or picture.

MR. MILLER: By emotional appeal?

MR. SHISHKIN: Yes.

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MR. MILLER: That is why we hit on this line about Hitler's Nazi Germany, divide and conquer. By contrasting that with the situation of white supremacy in Georgia, you get an emotional appeal. It has become a good word to some and a bad word to others, and we are trying to line up the words we thought were the worst to the Georgia people, the little people of Georgia. We figured those words were "Hitler's Nazi Germany." We couldn't link it up with the Klan. That wouldn't be a bad word to them.

MR. SHISHKIN: "Divide and conquer" is somewhat mechanical and doesn't have much appeal.

MR. MILLER: We need help on it.

MR. SHISHKIN: What about the committee? What can the committee do with respect to all of those things you have covered?

MR. MILLER: I don't know just how far your functions go. I would think this: You certainly might well establish a file of consultants, for instance. You would get these things together. I think in terms of exposure, because that is my favorite method of education.

MR. SHISHKIN: You said at the beginning that you felt that education is preferable to legislation, did you not?

MR. MILLER: Yes, and this type of education, something that the people can sink their teeth into. For example, if you felt that this situation, as I have outlined here, of the white supremacy issue being raised is a phony one -- let's talk very much in specifics -- is bad, I would suggest that next week you hold a bit meeting in Atlanta, Ga., and then in Macon, Ga., and then Columbus, Ga., and get all the local ministers and local editors to testify on this whole situation. You would receive loads of publicity. You would bring it out in the open. I think it would be terrific.

MR. SHISHKIN: The committee is composed of two states. We are holding pretty much carte blanche from the President to present recommendations to him.

MR. MILLER: And also you can hold public hearings.

MR. SHISHKIN: But we are operating out of the President's vest pocket, so to speak, and there is always the danger for us to begin to operate as a fully constituted committee when we are really an exploratory committee so far.

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MR. MILLER: That would be one recommendation if you were so set up. In this specific case, that is what you could do, and just bring the thing out in the open -- lance the boil, so to speak.

MR. SHISHKIN: We have heard testimony from a number of people with different approaches. There have been some that recommended that the safeguarding of civil rights be placed in one of the existing agencies of the Government, notably the Department of Justice. The Civil Rights Section is located there now. You could expand that. There is the tie-up with the F.B.I.

Others have recommended that we should set up a permanent Civil Rights Commission which could do that sort of thing, and have implementation at the policy level, the policy-forming level, and recommending level, and perhaps investigatory level to some extent, but it would operate through various administrative agencies of the Government, including Secret Service, Justice, State Department, and Treasury Department, and others.

MR. MILLER: I think it should remain a separate agency. For instance, I could see that on my field trips through the South, if I held a commission from the President's Committee on Civil Rights, you would get some opposition. However, if you would go in there and say that you are an official of the Government, you would find lots of people who would not only be willing to work with you, but they would work all the way down the line.

MR. SHISHKIN: How would you have the Commission constituted? Would you have it representative of the private groups or organizations, or would you have it composed of public figures?

MR. MILLER: I think it should be representative, insofar as possible, of various sections. There should be a geographical representation and enough public figures on it to have weight.

MR. SHISHKIN: Therefore, part-time members and not a full-time commission; is that it?

MR. MILLER: You would have an executive staff.

MR. SHISHKIN: But the members of the commission should be part time?

MR. MILLER: Part time laymen, yes.

MRS. TILLEY: This might be something to recommend to that committee, or let that committee know -- the committee of two who are studying education.

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MR. SHISHKIN: On the question of exposure, this committee is especially charged with that responsibility. We have explored a number of approaches to it. I was wondering with respect to that whether you thought some specific recommendations could be made to the President for legislation with respect to Treasury, Post Office, and other parts of the Government that would require disclosure of sources of funds and character of organization, for example, in connection with this permit.

MR. MILLER: I don't know enough about law to know whether such a thing could be done, whether it would be Constitutional.

MR. SHISHKIN: It would be Constitutional.

MR. MILLER: I certainly think the current laws haven't been thoroughly exploited. I don't think the Federal Income Law has been thoroughly exploited in regard to the plan.

MR. SHISHKIN: It doesn't permit disclosure. Income tax reports are confidential. If a Member of Congress wants access to income tax returns, he has to have joint action by both Houses of Congress, and also go to the President.

MR. MILLER: I am not prepared to make recommendations on the legislation. That is a field in which I have never done a lot of thinking. However, the more I think about it the more confused I get.

For instance, on the matter of disclosure, you say you will make such a law, and it might be applicable to every person who files his income tax, and you would run into all sorts of difficulties. Also, can't such a law be used against unions to force them to show their books?

MR. SHISHKIN: The unions wouldn't object to it. At least, the A. F. of L. wouldn't.

MR. MILLER: But there has been a considerable body of opinion, at least on the surface, among unions, not to disclose that.

MR. SHISHKIN: The A. F. of L.'s position is that we would object strenuously to legislative requirement that would require unions alone to file; but if the Trade Associations, employers, and other organizations, were required to do so, we would have no objection, if it is reasonable. I am sure the C.I.O.'s position is the same.

MR. MILLER: There, again, to be practical, in looking up the

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situation today, these organizations do not amount to much. That is, the total. I have talked a lot about a lot of organizations, but the total isn't very much.

MR. SHISHKIN: Frankly, one of the difficulties that we are confronted with in that approach is that any procedure geared to accomplish that result would be large and cumbersome.

MR. MILLER: And it is not necessary for the present problem. If you are going to try to forecast what the problem is going to be a couple of years from now, I don't think we can do it. There has been this thing, it seems to me, that in the last couple of years big money hasn't gone to these organizations.

MR. SHISHKIN: Our problem is this: In our approach in this subcommittee we are exploring all possibilities. I have asked in these hearings everyone how they felt about the choice of either providing some action to reach those organizations that influence public opinion, spread hate, and so forth, but who are bad, and the organizations who are influencing public opinion, and that is all there is to the criterion -- reach any organization that influences public opinion and find out what they do. If you use that approach, the question is: Can you accomplish anything through disclosure? Is the possibility for evasion so great that the law would be more notorious for its evasion than for its compliance?

MR. MILLER: I would be afraid of that. I think you have answered your own question. I think if you look at the present standing of the organizations throughout the country, you are using a big canon to get a small rabbit -- perhaps a small tiger cub, I don't know.

MR. SHISHKIN: In our subcommittee, Mr. Ernst, who is our chairman, feels very strongly that fundamentally, as a theoretical proposition, nobody can have any objection, whether it be the Chamber of Commerce, the Catholic Church, or the A. F. of L., from coming and registering and indicating the sources of income, even though they do influence public opinion. If you have a complete file of all organizations who are so engaged, you will have access when anything does happen for anybody to come into the file before it all developed, maybe, but that would enable you to lead to the disclosure of the people who are behind certain activities.

MR. MILLER: In other words, let's have a practical example. I am running the Klan, for instance, in Atlanta. Everybody who is a dues-paying member, 25 cents a year, has to be registered with the Federal Government? Does that mean that B'nai B'rith, with 300,000 members --

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MR. SHISHKIN (Interposing): Anybody contributing as much as \$2,000.

MR. MILLER: Is that the evil?

MR. SHISHKIN: I don't know.

MR. MILLER: The drift is the other way, it seems to me.

MR. SHISHKIN: You maintain that Smith and the others --

MR. MILLER (Interposing): They are starving.

MR. SHISHKIN: You mean that they don't have much money and when they do get it they rely on small contributions?

MR. MILLER: The Columbians starved, with all their publicity. They were living in a little garret.

MR. SHISHKIN: What about the Communists?

MR. MILLER: I know very little about them down there. There was one organizer. Strangely enough, the Negroes, who might possibly veer towards Communism, since they are a "have not group," certainly haven't done so. I think one reason would be the strong call religion has on them, but not certainly because of what democracy has done for them.

Incidentally, I made this observation to an F.B.I. man recently. He had a list of five or six Jewish men who were supposedly Communists in Atlanta, Ga. All of these men were 55 years of age, and over. He said, "Well, now, what about the younger element in it?" I told him as far as the Jewish group is concerned, the younger element in any group tends to be radical and want to change the world.

Back in 1931, when I was younger, some of them turned to become Communists. Those who might have embraced some form of Socialism have embraced Zionism as the thing to which they are pouring their energies into.

As a result, at least down in my neck of the woods, I know of practically no young Jewish Communist. That is, young Communists in my own group. In other groups there are practically no activities of that kind.

When we read the newspapers, we don't know what the shooting is all about.

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MR. SHISHKIN: Much attention has been directed to the Communist organizers among the Negroes in the South.

MR. MILLER: Yes.

MR. SHISHKIN: I am interested to know that you have found very little Communist activity.

MR. MILLER: As a matter of fact, I have spoken to Negro college professors, and have spoken to them on the subject. They say they find very little.

MR. SHISHKIN: In case of an economic upheaval, what do you think will be the major developments in that? One of those you have already indicated, without mentioning, that if a man comes in with a strong personality, etc., and captures one of the various organizations, that it can be drawn together.

MR. MILLER: Down south they would much more easily turn to the right than to the left.

MR. SHISHKIN: In case suddenly there is a crash and large scale unemployment, and this sudden change to real distress with relatively little preparation for relief organizations, etc., that in that short period you feel that the reaction would grow very rapidly?

MR. MILLER: Yes. In all these skeleton organizations, they would be easily filled in. It is something you have to watch every minute.

MR. SHISHKIN: In case it happened within the next 12 months, for instance, how quickly do you think that sort of an organization could grow and become a real threat?

MR. MILLER: It would depend on the issues raised and how smart the guys are to take advantage of them. Let me cite an example.

For instance, Gewinnee is a stupid guy who helped start the Columbians. Back in 1933 he started the Black Shirts in Atlanta, Ga., and got 6,000 men. He marched those men through the streets proclaiming "Not a single job for a Negro until every white man has a job."

However, he was too stupid to do anything with the organization. You have to have a combination of circumstances -- not only the circumstances, but ability.

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Old Sam Greene isn't smart. There isn't any real leader now.

MR. SHISHKIN: You indicated that there is a vacuum.

MR. MILLER: Yes. Now, what your committee can do to plan for that I don't know. I certainly think you should continue, and you ought to have a field staff going through the entire country, feeling the pulse of the country all the time.

MR. SHISHKIN: You regard our main function as that of fact finding and publicizing?

MR. MILLER: No, taking the pulse of the country all the time in regard to civil rights. I would say that you would have to really highlight and study carefully certain areas of the country where there are definite civil right lacks until you are absolutely sure.

I am sure many people felt that these organizations were a lot bigger than they are turning out to be. Was that true in your own mind?

MR. SHISHKIN: I don't know. I am not sure.

MR. MILLER: Aren't you sure they have been all they have been labeled when you shift it down? They are the potentialities, but today they are not.

MR. SHISHKIN: That is your impression?

MR. MILLER: Yes.

MRS. TILLEY: I wonder, though, if we just know all there is about it. I spoke over the radio at Columbus, Ohio, at the State college and merely mentioned the Klan. As I came out, the union receptionist said, "Why, I didn't know the Klan was a bad organization. Everybody I know belongs to it."

MR. SHISHKIN: It is a very strong Catholic town.

Thank you very much for coming. Your testimony has been most helpful.

(Thereupon, at 6:30 the committee was adjourned.)

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THURSDAY, APRIL 24, 1947.

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

-----:  
STAFF INTERVIEW :  
: :  
: :  
(Miss Sara Southall) :  
: :  
: :  
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Met, pursuant to notice, at 10:15 o'clock a. m., in Room 210,  
1712 G Street, Northwest.

Present: Mr. James Carey, Member of Committee.

Also Present:

Miss Frances Williams, Member of Staff.  
Mr. Milton Stewart, Member of Staff.  
Miss Sara Southall, Assistant Personnel Director,  
International Harvester Company.

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MISS SOUTHALL: The Harvester Company's approach to race rela-  
tions is not as a separate problem but an approach which we attempt  
to use in all human relations affecting the business, which is  
largely generated from the philosophy of the Chairman of the Board,  
Mr. Fowler McCormick.

When any problem in the field of human relations comes up, we  
have three steps which are always taken: First, the basic factual  
material of what the problem is; second, the development of an  
emotional stimulus which will motivate those facts; and the third  
being action.

So, in restudying our traditional employment policy as it  
affected Negroes, we first gathered facts inside our own company,  
facts of trends in other industries, as much as we could gather of  
public opinion, and then we attempted to arouse the emotional

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response in using the old self-interest approach of the reason why the organization, the executives in the Harvester Company, had a peculiar and definite responsibility and interest in the solution of this problem.

We have found that the executives do have self-interest, they do want to advance themselves, and a great deal of preaching of brotherly love is not going to do the trick on the supervisory level.

Before any moves were made to broaden either the original employment opportunity or upgrading, the matter was discussed from all of these angles, many times, in the executive committee of the company. Mr. McCormick did that job himself, feeling he could not make any effective progress unless he had his co-officers, and so forth, at least a majority of them, in agreement with him. That filtered down to the managers of the plants through their straight line organization.

In our particular instance, we had at every step of the way excellent cooperation from the unions that we dealt with.

MR. STEWART: What unions are they?

MISS SOUTHALL: There are two major unions, Farm Equipment Workers and United Automobile Workers, C. I. O. -- although we do have some minor separate units, craft unions, but there is no particular discussion there, because on that sort of employment pattern they have to follow the great majority of the workers and management groups.

MISS WILLIAMS: This point about Mr. McCormick taking that responsibility -- that was certainly true at O.P.A. Bowles did that. And this point about discussion in the executive group until there is a meeting of the minds, I think is so fundamental.

MISS SOUTHALL: I don't think you can always wait until there is a total meeting of the minds. Your progress would be too slow; but you get a certain number of divisions that have some convictions, and will go along, and you will go faster in those divisions until the example works there, and then you bring along the fellows that are lagging behind.

MR. STEWART: Miss Southall, might I make a couple of suggestions that point up this a little.

If you could, for example, tell us the kinds of jobs which Negroes had before this change in policy took place, when the change took place, how Mr. McCormick persuaded the other executives, very

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briefly what arguments were used to appeal to managerial personnel down the line -- that is, what self-interest factors --

MISS SOUTHALL: I can't give you that statistical classification of jobs off the cuff. I am not sure we even have them. It is safe to say that these jobs were the so-called traditional jobs that Negroes had in maintenance work, janitorial service, and certain skilled trades, such as molders, which were already accepted because -- while the pay was high, the conditions of work were rather poor.

Now this I would have to check. Whether Mr. McCormick would agree with me as to the motivation back of his interest in it. This is a summary of what I think was his thinking. I can't be sure.

Personally, I think there were two things that stimulated a reexamination of that policy: The contact of some of their management groups working on the social front with inter-racial groups that had brought to the management a question about that policy from their own experiences in community organizations, and so forth.

Second, the effect of examining all the war contracts very carefully. I think you will find that most business men are sticklers for living up to the contractual relations, and when they examined those long, detailed contracts and kept running against constantly a fair employment clause in those contracts, it began to prick the conscience a little bit, and they said, "Let's see whether we do have a good policy."

Then, when they examined it, they began to question seriously and there was that impact.

I think we examined before we were actually in the war. I don't remember the exact dates, but the impact of management's conscientious approach to contractual relations, and then studying it, and seeing that part of the contract, forced examination of the policies. I think that was true of us. I think it was true of a good many. It is an orthodox business point of view, you see, that we like to be honorable as to anything to which we sign our names. I think that had great influence in a reexamination of the question.

MR. STEWART: And this reexamination took place in the pre-war defense period?

MISS SOUTHALL: Yes, when these contracts began to come in.

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It began to affect not only the top executive people, but down the line the lawyers, and so forth, who had to approve those contracts, at least study them to question whether we were living up to that provision of the contract.

Then, there were some other arguments that we used. I was not in executive council, so it is only hearsay as to what Mr. McCormick did use. I know he did use that contract business. I know he did use the war appeal, that everybody was affected by the war, and certainly everybody had a right to participate. He started studying and reading a great deal in the field. It was not something that had actually hit him before.

MISS WILLIAMS: That is very important.

MISS SOUTHALL: He asked me for a good many books. He is continually reading in the field. He now sends me books on the subject. This thing of Evans I just finished it on the train, "The Natural History of Nonsense," he sent that to me in the last week or two.

There was also the straight economic argument that we had these contracts to produce, the labor market was tight, and that from a purely economic labor supply standpoint we had to use all kinds of people that could do any work at all.

I think those are the three major approaches in executive council.

Now an example. One of our largest plants in Chicago hires around 8,000 people; something happened to the manager of that plant. Frankly, I think what happened with that manager was a religious thing. He is a very real Christian. I mean that he is a practicing Christian, and with the impact of the war and reading and hearing all these things, he took the leadership in leading the whole company on a broadening of its whole pattern.

He conducted conferences with his foremen, and so forth -- and he is a natural born evangelist, and his operation was more or less on the emotional level all the way through, because he has that faculty. We tell him he should be an impressario and not a works manager for a manufacturing institution.

MISS WILLIAMS: That is all so interesting to me, because you see this manager had the emotional commitment within himself, which is very essential to anyone who is going to be a real leader. You can't be a leader on an intellectual idea that is not backed by emotion.

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MISS SOUTHALL: That goes back, you see, to Mr. McCormick's philosophy of everything. Emotional leadership without facts can get you in a lot of trouble, but facts and knowledge, then emotional stimulus, is when you get things done. That is his formula, you might say.

MISS WILLIAMS: If you don't get the emotional stimulus, then even though you have facts piled up to the ceiling --

MISS SOUTHALL: That is the reason I made the remark that I am tired of studying these things.

MISS WILLIAMS: I was just wondering -- one thing we tried at O.P.A. was to take our top men and give them experience within a racial situation. Those who did not read well, those who did not learn too well even from conversation, we tried to place them in a situation where they had to deal with it at firsthand.

MISS SOUTHALL: You mean within the organization or outside?

MISS WILLIAMS: Within the organization. That helped a lot of our business men, because when they once got in the situation, then this talk about Negroes participating on boards became not a theoretical matter, but an actual situation.

MISS SOUTHALL: There is certainly nothing like contact. I think we have been able to do it where the person just had not had any feeling, and that personal experience has developed his feeling.

I don't think we have forced the program on an individual in the plant, because Mr. McCormick's main philosophy is, we will use all the psychological factors we can, but nothing occurs by the use of force -- it fails to carry conviction with it. We had rather make progress slowly, and make it firmly, with some sense of conviction about it, rather than saying that we will use sledge hammer methods. There are a few men that I know that are still completely unsold. In the state of their own very bad reactions, it wouldn't do a bit of good to force a Negro secretary on them. They have to come along a little ways into some acceptance before you can bring that about. But where you get a person who says, "All right, I will try it, but I think it is a poor idea," you get a half-way opening, then your personal relationship can do a very great deal -- especially if you make the right selection.

MISS WILLIAMS: Why don't you talk a little bit more about this emotional stimulus business?

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MISS SOUTHALL: I will give you an example of this works manager I referred to before -- which does not involve Negroes. This man who took the lead, met with his union, met with his foremen; whenever there was any resistance, he went right on the front line and called people in a given department, workers, foremen, and so forth, together, and really sold them a bill of goods. He is a super salesman.

He moved through some of his upgrading. It went rather easily with the help of the union through the shop. Then he began to break in his office situation, his technical classifications, and there he took the groups, himself, because he did have that dynamic emotional approach to the problem. I don't think there was the slightest bit of a stoppage of work because of his program.

Then he started in taking Japanese-Americans, and he used the same technique.

MR. STEWART: He took Negroes, first?

MISS SOUTHALL: Yes. Well, there weren't any Japanese-Americans. The Negroes were available there and waiting for jobs before the Japanese-Americans were released from the camps and came into the area.

Then he moved almost at the same time in certain clerical positions. Well, he is a fellow that feels situations very much. Now, this Japanese-American employment program had gone apparently, on the surface, very smoothly. Unfortunately, within a few days after the first Japanese-American came into the plant, the first atrocity report was released, and he felt the tenseness all through the plant. And he wasn't nearly as happy about what he thought was the acceptance of the Japanese-American as the Negro.

This happened to be in the summer time, and they had a sort of quartet, lead by a former basso from the old Boston Opera Company. When the weather was good they sang out of doors at the noon time. The workers, if they wished, could take their lunch out of doors and listen to the quartet sing.

So he pulled what he called a stunt, which worked. He found out that one of the Japanese-American boys had a perfectly beautiful voice, and was studying at the conservatory. So he "tipped off" the basso from the opera and told him his whole problem. So at this noon day when there were several thousand employees out, before they closed the meeting, this man who had trained the quartet said, "You know, I know an awful lot about music," and he told them a little story about, if a soprano can hit high "C" clearly

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she can make a living singing music the rest of her life, and if a base can go so far, he will be successful, and a tenor, but he said, "You know, I had a new musical experience. I heard a male tenor sing the other day that can sing one octave higher than I ever heard any American or Italian tenor sing.

He said, "You know, an interesting thing for all of us is that he works right here in this plant." This fellow was down in the crowd. He said, "Before we close, I am going to have him come up and lead us in the Star Spangled Banner," and a hush came over that audience, and a voice came out. After that the works manager knew there had been complete acceptance.

Now that is an example of the necessity for your emotional stimulus.

We decided that in many of our policies in the company, we laid them down in the general offices and asked the branches and plants to work on them, and we never complied with them in the general office. That is not only true of that policy, but many others -- you tell the other fellows what to do and don't comply yourself.

One day the president said, "I think the time has come to move in the general offices of the company. I don't want you to get one Negro girl, I want you to get at least two for these general offices, and I want one of them to be in the executive department, because I do not want to be in the position of asking other people to accept a new situation without my own acceptance.

If you know the general offices of a company -- they are similar to the top levels of government. You are getting pretty close to the right hand of God when you occupy a desk in a general office. Even an office boy who works in a general office thinks he is slightly above an office boy in a branch office, and certainly a secretary feels she is. There is a social caste system there in addition to any new patterns coming in, any new complications.

The particular problem in the general offices was again discussed in executive council, came down through them to the department heads, and so forth.

We had some 400 girls in the offices, in groups of, say, 15 or 20. I talked to all of them. It took me a whole week to do that job.

Prior to that, we had selected two pieces of literature, based on our assumption of facts give information but action needs

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emotions, which we had passed around for a few months ahead of that, to the key girls in the offices, the secretaries, the heads of the stenographic pools, and so forth.

At that time we looked over a lot of literature -- but decided on two. The first was a reprint of the Fortune article which came out in the early days of the defense program, which was just cold facts. Then we bought several hundred copies of Pearl Buck's little pamphlet -- her two letters, one to white Americans and one to Negro Americans. These were distributed to the office force and, believe me, we got explosions on the emotional level.

As to the Fortune article, that was fine, something else again, to use Negroes in the foundries, steel mills, and so forth; but we got just what we were working for, the terrific emotional reaction from the Pearl Buck literature.

I had girls come in to see me just crying. They said, "We want to do everything we can to help the war, but we just can't take this thing." They would come in and say, "All right, we will accept it, if you will tell us it is a war measure. When the war is over -- out."

Our reply was, "We make no commitments." "This is a conviction we have come to. We had some sort of pattern of employment for Negroes before the war; even though it could have been better; we are improving it during the war, and we are going ahead after the war. This is a permanent policy."

(Mr. James Carey entered.)

MISS SOUTHALL: I tried to approach this thing, Jim, of how a company, from the management side, has to start, and where the responsibility has to rest with top management, and I have simply cited the way Mr. McCormick got interested in this, and how he got it down through his vice-presidents; and that at every step of the game we were not bucked, and in many cases aided by the unions. We have had help there from the unions in implementing their contracts on this subject.

MISS WILLIAMS: You met with these women in groups of 15 and 20?

MISS SOUTHALL: Yes, the office girls in the general office. I think I was telling you of this one girl who came and cried, who said if it were a war measure, "I will go along."

She kept asking me for more material to read. We had one Negro

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in the building on a reception desk. She suddenly came in, she had a different expression on her face. She said, "I have worked this thing through. When I met Joe in the elevator today, I saw Joe and not a Negro." She had gone through that whole emotional experience herself, and worked out of it.

Well, I had the hardest week's work I ever had. These four or five hundred very class-conscious secretaries, general office girls, exploded. We let them say anything they wanted to. We waited for about two weeks to get the explosion over, and then we brought in the first two or three girls in the general offices.

The management had agreed that if we did the job in this particular environment and did not lose more than five or six people, it would be considered well done. We didn't have one single individual quit. We only had to speak sharply to one person, and threaten discharge.

Now, in fairness to the other side of the picture, I think I will have to say that in the Chicago area today -- and I certainly know in many of the areas where the Harvester Company operates -- the door is wider open than there are qualified Negroes to move into the jobs. We have even, in trying to work a wide open employment pattern in Evansville, Indiana, allowed recruiting in the field of engineering and some of the technical jobs over in Indianapolis for Negroes where we do not allow it for whites. This is really discriminatory in the other direction; but we had to make the exception or the whole program would have bogged down.

The general office program has bogged down. The management has asked me several times. "We have only a dozen or fifteen girls, - Negro girls - what's the matter?" Our reply is simply that we will not hire people that are not qualified for our jobs. We have not been able to give a personal experience to as many departments as are now open, because we cannot get qualified stenographers, comptometer operators, and so forth.

Now, I hate to make that statement, but something must be done by vocational advisers to gear a little more closely to developing opportunities so that these people are given the training in high school that will make them qualified for the current openings.

I think the Evansville experience is particularly interesting. We were told when we bought the Evansville plant that it was much farther south than Indianapolis which has not too good a pattern of Negro employment. Again, the vice-president who went there to operate that plant has deep religious convictions. He is a very, very devout man. I think he is a Catholic. At any rate he is a

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practicing Christian. Before the division even talked to us, he had many conferences with his whole staff. Men whom I had known to be pretty hard-boiled in their previous jobs had come to all out convictions. The group itself went further in Evansville than I would have possibly, from my knowledge of that community, believed. I sat in the final conference. This group included the high man in authority. They were far ahead in engineering, accounting and industrial relations, manufacturing and sales. The unanimous decision was, "We don't want to go through the difficulties of slow upgrading. Give me a qualified Negro, and we will take him in any job."

Other employers told us - and many of the more conservative labor unions - that the pattern in the community was so bad that we couldn't possibly operate the policy. We have taken a little community responsibility there because we have said, "What is wrong with the schools in Evansville that these kids don't get any training to fit into our business?"

One of the inter-racial groups came out to the plant and we went with them to the Board of Education, and said, "Maybe this has been the true traditional pattern, but we are going to employ three or four thousand people here and we want to employ all qualified residents. You must change your educational pattern." The school pattern there has been changed as a result of the change in the employment opportunities in the town. We are working with the schools on what kind of vocational and commercial training they should have.

All we are saying is, "Give Negroes the same opportunity in the school system as the whites," but school authorities want you to spell it out for them, especially in the technical field. Everyone in our management group says that we have only half finished the job. I don't think we can make much more progress until the schools come along a little bit further in the communities where we are operating.

We were told when we moved into Louisville that it would be totally impossible for us to even have a pattern of work integration. Our manager from Louisville was in the office yesterday. He said, "No trouble at all. We have 15 Negroes on the assembly line -- Negroes and whites. We have let some Negroes out that weren't qualified."

I think I can tell you the story of a community embracing several small towns with perhaps 175,000 population. This will illustrate community understanding. There we had an old plant with a long traditional pattern. The local management hadn't thought the program through for there were few Negroes in the community

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and it was not an immediate problem with them.

Suddenly, they were up confronting the upgrading provisions of their contract; to move a Negro from a job into a department that had been all white. They did everything that either their contract, or the policy of the company, taken literally, would have required. They talked to the foreman. He said, "All right." They talked to the steward. He said, "All right." But they never talked to the group of workers that were going to work with this man.

So we had a work stoppage. It happened that one of these men in that department I had known personally for years. He is a decent human being. He was a little ashamed of having sort of participated in this after it was over; but he turned to the manager, and he said, "You know, I have been here 20 years, and, of course, I knew there were Negroes in the foundry and certain other trucking jobs, but you gave us an emotional shock because nobody but the foreman and the steward knew about this." He said, "I am ashamed of my reaction now. However, it is partly your fault because you did not come and talk to us preparing the way for acceptance."

As soon as the stoppage occurred the local management and the union informed the mayor and other public officials of all the facts. The local management called Chicago immediately. Even the acting president -- the president of the company was not there -- sat in on the conference, and they said, "This is no time to give in. There are many things involved." As personnel representatives we wanted to be sure of a firm policy.

Some said, "You know how farmers are screaming for farm implements. We want you to know if you stick you may lose a lot of production."

The reply was, "If the last man goes out of the plant, we won't back up."

By the grapevine and by direct statements it got around the management was going to stand pat. The union was standing pat. Then they went into action.

I can't check all of the churches' reactions there, but several men who go to different churches in those three towns told me -- the stoppage happened either on Thursday or Friday -- that that whole story was told in at least all the churches that I was able to check up, that next Sunday. The community was asked to support the stand of the management and the labor organization.

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Both the management and the union talked to the employees involved. In groups they came back to work. By Monday noon, I think, everything was running again.

The following Sunday in these same churches the ministers told their congregations that the controversy had been settled, with the man staying on the job, and congratulated the management and the union for the position they had taken.

Now, that was a beautiful relationship -- management and labor both having some conviction on this principle. Then in case rumors got into the community, we gave correct information to sources that touch a cross-section of your whole community. I don't feel we would ever have any more trouble. I think if anything happens in that community you can mobilize those same forces.

We don't boast that we have finished the job. We still have prejudiced people in management and in the rank and file

We have made some experiments in some of the newer plants, especially one in Louisville, throwing this whole question into foremen's discussion groups. We very definitely work from a self-interest angle in these discussions. Each company would have to work out its own approach. To illustrate, these were some of the points we discussed in foremen's groups:

1. The Harvester Company is an international organization employing people in foreign countries of all different nationalities and races. Is it consistent not to follow that same pattern in every community in this country where we operate?
2. The Harvester Company is in the forefront of mechanization on the farms. This will, especially in the South, mean terrific dislocation of the tenant farm group. Many of these are negroes. The very sale of this machinery may be adversely affected if we do not have broad employment policies and take some leadership with other employers in giving jobs to these displaced people. We do not apologize for the mechanization, because we think the South has not solved its own problem, by the kind of living standards the tenant farmer has. As long as this employment pattern is so important to the Company as a whole, it is in the self-interest of foremen and assistant foremen to handle these matters fairly, because failure to do so may interfere with their own progress.

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Since these experiments in foremen's conferences, we are now attempting to develop a manual in our Training Department that can be used as a guide for discussion leaders in the various management groups. Two very brilliant young men are working on this manual, and they themselves are doing a great deal of reading in the field of anthropology, psychology, etc., as background for preparation of this manual. At this point, we are not sure whether this subject can be treated by using a written manual. Certainly we are convinced it cannot be used except as basic information for discussion leaders, not simply to send out widely to the whole organization. As this subject needs both facts and emotional experience, we do not believe the ends can be achieved by simply sending a manual around to our supervisors. We might be able to make a contribution to industry generally if we find, after using the manual a while, that it is valuable for all training people to have. We would, of course, after testing it ourselves, be willing to share it with other industries.

We are not afraid of using the self-interest point of view, either from the standpoint of the Company or of the individual supervisors. I think the same self-interest arguments can and have been used in labor organizations. Their argument is a little different, the divide-and-conquer approach, but it is still in the interest of labor to present a solid front of workers. In addition to these few experiments we have made in foremen's groups, we have conducted discussions in group meetings of all our Training Directors, the men who are handling the communication program at all the Plants, and our young college progressive students. We have also, at the Central Training School, spent a good deal of money building up an authentic library to give our organization people the benefit of more source material. We are buying a few authentic books to have at each one of the Plant units, locating them in the Training Director's office.

One more interesting experience and then if there are questions I will be glad to answer them: Towards the very end of the war the president said to me, "I wouldn't push this program any more now" -- I thought he was getting weak kneed. In explanation he said, "No, I am watching it very closely, and I am afraid we are going to hurt our long-run program because we are getting resentment, not because of the Negro but because of the type of work performed." (We were scraping the bottom of the barrel for any kind of labor.)

He said, "We will have to go ahead and hire, but I don't think it is wise to put too much emphasis on the program, or give it impetus now until the labor market rights itself a bit. I am more interested in the long-term post-war program than in the immediate war program. I don't want to hurt it."

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He went down with one of the vice-presidents and me when we hammered out the postwar pattern for Louisville. I never heard a more inspiring talk. It was just after Georgia had elected Talmadge. His remarks were along this line: "Coming down on the train, I was thinking how an action of one State, with our free communications, affects the whole world. I was thinking about the boys in the diplomatic service in the far-flung corners of the earth, trying to make people think America has something to contribute, and how much harder we have made their jobs by what Georgia did yesterday. However, after we understand the problem I cannot ask you to do more than you feel you can within yourselves."

The only objection the management group raised was that even we admit that they were working in a tougher environment and if they got in trouble they would get support. And one of the very realistic tough guys said, "And also, please examine some of the northern plants that are not doing as well as we are in Louisville."

MR. CAREY: Miss Southall, do you have any information regarding the impact that the progressive policies of International Harvester and its officers is having on other organizations in the same field, or in the community? That is, other employer groups.

MISS SOUTHALL: Jim, I don't have. All I can say is that we spent a lot of time talking to other industries, and trying to work out a program for them. We must have some partial reputation in the field because constantly personnel representatives from different companies are coming in asking us how we do it, and the mistakes we made, and so forth, and we give that information out to a lot of employers.

I don't have time to go back and see how far they carry out what we advise them to do, but we get letters. I just had a letter yesterday from a group of employers, covering 6,000 employers, a small group of industries in Cincinnati. They want us to spend a day or two with them and see their situation, and then help them to map out a program. I am just not able to go because I have just spent a day with the mayor's commission in Cincinnati on the whole front, and these fellows are members of it, and they didn't come to the meeting. But I will set aside a part of a day in Chicago if the two of them will come over, and we can show them some of our materials.

So I think, in a way, it does have some effect, but I haven't any way except for our giving it out to a lot of people, of actually measuring it.

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MR. CAREY: Has there been any request for information from the National Association of Manufacturers, the Chamber of Commerce?

MISS SOUTHALL: No, I should say not.

MR. CAREY: Would not the Illinois Manufacturers Association--

MISS SOUTHALL: On subjects such as that under discussion, I have never felt that you can meet with much success in trying to change the attitude of large bodies of trade associations. The group reaction is always more conservative than the individual, and attacks from the outside are in my experience not very successful. There are also, as in all large organizations, certain vested interests to be taken into consideration.

We have, I believe, in Illinois made a little headway which may be only negative at the moment. In the last year and a half, both the Illinois Chamber of Commerce and the Chicago Chamber have established new committees to advise the directors on all matters involving legislation in the field of industrial relations. There are some very able, broad-minded industrial relations men serving on these committees. We are hoping that through the work of these committees from the legislative standpoint they will advise more wisely the boards of directors, and also through their study of certain social problems, begin to get through to the large membership the responsibility of solving some of our industrial and social problems on their own initiation if they disapprove of the legislative approach. For example, one of the business groups that opposed -- and not to cleverly -- legislation on FEPC in the last session of the legislature were not out in front at all in this last session.

If these groups continue to function within the organic structure of the trade groups, we might hope to get some articles stating the problem and some possible solutions published in the trade magazines.

(The interview was concluded at 11:10 a. m.)

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THE PRESIDENT'S COMMITTEE ON CIVIL RIGHTS

-----:  
: STAFF INTERVIEW :  
: MR. T. M. ANDERSON, :  
General Counsel's Office, Treasury :  
Department. :  
: MR. ROBERT MAGILL, :  
Tax Legislative Counsel's Office, :  
Treasury Department. :  
-----:

Room 706, 734 15th Street, N. W.,  
Washington, D. C.,  
Friday, June 13, 1947.

Met, pursuant to notice, at 11:20 a. m.

STAFF MEMBERS IN ATTENDANCE:

MR. JACK DURHAM,

MR. MILTON D. STEWART.

P R O C E E D I N G S

STATEMENTS OF MR. T. M. ANDERSON, GENERAL  
COUNSEL'S OFFICE, TREASURY DEPARTMENT, AND  
MR. ROBERT MAGILL, TAX LEGISLATIVE COUNSEL'S  
OFFICE, TREASURY DEPARTMENT.

MR. MAGILL: We drew up a rough draft here of what some of the  
problems would be from the standpoint of the Treasury, or what the  
Treasury could possibly do.

I will read this rough draft over, to show you what we had  
thought, again emphasizing that by the time it reaches you in final  
form it may have changed completely -- but I rather doubt that.  
Then you can dig in with any questions you have.

"The proposals you have mentioned deal with the  
enactment of legislation requiring registration of such

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persons and the disclosure of information regarding their backing and expenditures and the denial of tax exempt status and/or Government subsidies to persons advocating or engaging in racial or religious discrimination or activities threatening the civil rights of persons.

"With regard to the proposal for the enactment of legislation requiring registration and disclosure, it has been suggested that such legislation might be unnecessary in view of the records maintained by the Treasury Department in the form of tax returns. A necessary corollary of such a suggestion would be the issuance by the President of an order allowing inspection to be made of such records inasmuch as, by law, they may not otherwise be disclosed.

"Several problems appear in connection with that procedure: (1) the scope of disclosure. Since some of the organizations whose activities affect civil rights may be tax exempt and others may not, while still others may actually represent the activity of an individual, it would not seem feasible to limit disclosure to a single type of organization on the basis of tax status. Administratively, if the returns were thrown open to public inspection, the problem of segregating records deemed subject to disclosure from those not so subject would be difficult. Even if the returns were available to only the bodies administering civil rights activities, the problem of dealing in a special fashion with several hundred thousand returns would probably be burdensome."

MR. ANDERSON: I mentioned over the phone the article by Marquis Childs in the Post on June 7.

MR. DURHAM: This year?

MR. ANDERSON: That is right. He gives a figure in here, states that there are at least a half million tax-exempt organizations in the United States, and this figure includes trade unions and religious organizations. He says that there are at least 10,000 to 15,000 tax-exempt foundations -- to give you some idea of the volume.

Now, I have not been able to get a Treasury figure on the number of such organizations, but, for whatever it is worth, this is his estimate.

MR. STEWART: Would it be possible for you to get for us,

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sooner or later, some indication about at least the number of returns filed claiming exemptions?

MR. ANDERSON: I am not sure that they could give that.

MR. MAGILL: It is really a tremendous job. The records they keep are only on the basis of the names of organizations, so that trying to get up a list of --

MR. STEWART: It is not a list, I imagine.

MR. MAGILL: Even in getting the number, it would mean just taking your files, some 500,000 returns, just going through one by one and ascertaining; and totting up the number.

MR. STEWART: I dealt with the Treasury on this score with respect to another problem, and they were able at that time to run out totals for us of the particular group. It was on a particular group of returns.

The purpose of the request actually is to try to find out, first of all, how many such returns are now available so that if we did recommend administrative action, we would know how many they would have to process.

Secondly, I would like to be in a position to comment on the trends with respect to the number of organizations, and how great has been the increase in the past 10 years. In other words, if it is a half million, does that mean that it is going to be a million in two or three years? From our standpoint, I think it is quite important that we have some indication at least of the scope of the problem in the Treasury.

MR. MAGILL: We could certainly try to get it, but how successful it would be -- that is a question. We can give you the number of exemptions, for example, under Section 101. Of course, you realize that that doesn't necessarily give you the answer to your problem because some of the organizations may be fully taxable if they are incorporated; and some of them may be run by an individual who can't be tax exempt. So that just looking at those that are tax exempt alone would not give you the ones --

MR. STEWART: Off the record.

(Discussion off the record.)

MR. DURHAM: On the record.

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MR. STEWART: On the record, it would be very helpful to us if we had information about the data which the Treasury is now entitled to require from corporations claiming tax exemption. Does the Treasury now require as much information as it is legally allowed to? What would be necessary if we wanted the Treasury to ask for more data than it now collects?

MR. MAGILL: That brings us right up to the second point, which is the adequacy of tax records.

"While certain information of financial nature is available on tax returns, much material of the type which would probably be pertinent for the purposes of full disclosure of information regarding such organizations would not be found.

"For example, the source and amount of donations to taxable organizations or individuals; the source and amount of donations under \$3,000 to tax exempt organizations and detailed information regarding recipients of money expended would not be available from returns as they are now constituted. Amendment of the present forms to require such information might be burdensome on persons or organizations who are required to file such information even though their activities did not affect civil rights."

Now, the point there is, income which is in the form of donations legally is not income. It is not includible in gross income and doesn't even appear on the return of a person or organization who is legally taxable. To amend the return forms, it would be pretty difficult to limit the requirement of filing information regarding tax exempt income only to organizations which affected civil rights because, in many cases, we wouldn't know which organizations those organizations were until they had filed returns.

"(3) Administration burden. In addition to the difficulties pointed out above, the problem of personnel trained to handle returns from the standpoint of civil rights and to investigate behind the facts reported in close cases would be large, as the Bureau of Internal Revenue has not the personnel, the appropriation to hire them, or the people to train them were they so hired."

MR. STEWART: May I interrupt you at this point. Could we also make a somewhat fantastic request? Could you give us a very, very rough estimate, once you know the volume of returns involved here, as to how many people and how much it would cost to process the returns from the standpoint of simply finding out what is in them and then getting after attempts at evasion, investigating a sample

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of them the way you do on other returns? Could you, in other words, give us some kind of cost estimate?

MR. ANDERSON: Are you speaking in terms of present returns or the revised forms?

MR. STEWART: First, in terms of the present returns, assuming that we wanted to do more with them than you now do. In other words, what would be the additional cost if you carried through the sort of thing we had in mind; and then, secondly, if the forms were revised, what would the additional burden be likely to be?

I realize that this would only be a fantastic guess; I think that is really what is called for here.

MR. MAGILL: It might be possible. We will ask the Bureau people about that. They might be willing to hazard a guess on the thing. Whether they even would be willing to or not, I don't know. We at least can ask them.

"(4) Desirability of disclosure pursuant to a Presidential order. While the President is granted power by the Internal Revenue Code to open tax returns to inspection, the authority has been used sparingly to allow inspection by other than congressional committees, state officers or commissions or shareholders of corporations (these being mentioned specifically in the statute) and has generally been limited to executive departments for limited purposes. In a matter such as this, involving broad policy questions, it might be preferable if the use of tax returns was to be made, to open them to inspection only as a result of joint action of the President with Congress.

"Considering the problem in the light of the above factors, it might be deemed more desirable from a practical standpoint to handle the situation by the enactment of specific legislation which would require a filing of information by such organizations other than such material as they are required to provide for tax purposes. Inasmuch as the returns and procedure are set up with regard to taxation only, their use to assist in the regulation of civil rights matters might well be cumbersome and unsatisfactory.

"Separate legislation would also keep clear from the charge that the Treasury was asking for information unrelated to the tax laws.

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"With regard to the possibility of the denial of tax exemption to organizations deemed engaged in activities threatening civil rights, the Treasury is of the opinion that such action might be feasible. However, even if it were possible under present law, which the Treasury would like to explore before any amendment of this nature were requested of Congress, it should be pointed out that such action might have relatively small effect. As noted above, it would not affect taxable organizations nor individuals and in any case the deterrent of tax payment might be small as the average tax-exempt organization does not ordinarily have much taxable income."

MR. STEWART: I should like to ask a question at this point. You say that it is possible that the Treasury may have the power now to limit tax exemption, to except organizations which threaten civil rights. What are the legal possibilities which now exist? What would you like to study further, what part of the Code?

MR. MAGILL: Section 101(6) of the Internal Revenue Code provides the exemption for organizations engaged in educational activities, which I presume most of the ones that would be seeking tax exemption would come under.

MR. STEWART: So that the idea would be, by departmental decision or order, to --

MR. MAGILL: That is right.

MR. STEWART: The definition of "educational" would be so changed as to eliminate the possibility of such groups?

MR. MAGILL: That is right. The regulations of the Treasury Department have not considered this problem specifically, although they have stated in general terms that organizations which -- let me see if I can remember what the phrase is.

MR. STEWART: You can correct this transcript.

MR. MAGILL: Well, organizations which seek to promote bigoted philosophies at the expense of others in the general welfare of the public are not to be given tax exemption because they are not organized and operated for educational purposes. Now --

MR. STEWART: I am sorry; is this now a rule in the Treasury, in the Code?

MR. MAGILL: That is what they state generally; the Treasury

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regulations, promulgated under the Internal Revenue Code, state this generally.

MR. STEWART: Well, it would be extremely important for us to have the precise quotation from the regulations on this point.

MR. DURHAM: Is that what you moved under, to get the Ku Klux Klan?

MR. MAGILL: As far as I know, the Ku Klux Klan -- Did it ever seek a tax exemption?

MR. ANDERSON: Yes.

MR. STEWART: I think the big issue in the Klan matter was straight out tax evasion. The Klan had --

MR. ANDERSON: They also sought tax exemption, it is my understanding.

MR. MAGILL: They probably could be denied tax exemption under that.

As for the denial of subsidies to organizations or persons deemed to be threatening civil rights, the Treasury does not at present feel qualified to comment on such proposal, as not only full information regarding the subsidies being made at present would be required but an analysis of the effect of such action beyond the immediate denial. The problem of subsidies is one that we are not too well acquainted with, really, and we are not equipped to make such comment at all.

That concludes the rough draft of what Mr. Anderson and I were thinking of in connection with the whole problem. We have talked to people around the Treasury to see what their impressions of things were, and I think our remarks include most of their thoughts, roughly, and that is really what we tried to put together for you today.

MR. ANDERSON: I have a little different breakdown of some of that material. I think it might be worthwhile just to run through it.

I have this arranged under four possibilities, the first being the issuance of an executive order which would accomplish or be designed to accomplish one of the following objectives:

First, to disclose information contained on the returns of

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tax-exempt organizations. That would probably be legal. It would not cover the field, because it would not attach to cases of persons who had applied for tax exemption and the request had been denied. It wouldn't cover individuals, and it would not be adequate inasmuch as it would not cover gifts and contributions, for example.

MR. STEWART: Excuse me. You mean that the kind of income which would be covered would be income from the sale of publications or the charging of a door fee at a meeting, but that if you passed a hat after a meeting or if you sent the publication free and simply said, "Send us your gifts," such contributions would not be reported?

MR. MAGILL: If we are dealing with tax-exempt organizations, that would be true as long as the contributions were under \$3,000. There is a record required of it if, from any one individual or organization, they amount to more than \$3,000.

MR. STEWART: How much information is required there?

That is, in the case of every donor of more than \$3,000, one must list his name and address?

MR. MAGILL: That is right.

MR. ANDERSON: Paragraph 5 of the instructions on Form 990.

MR. MAGILL: Here is the return itself. Page 2, item 3, "Contributions, Gifts, Grants, et cetera, Received (See Instruction 5)," and we look back here for instructions. Instruction No. 5:

"In all cases where item 1, 2, 3, or 10 includes money or property amounting to \$3,000 or more, which was received directly or indirectly from one person, in one or more transactions during the year, itemized schedules showing the total amount received from and the name and address of each such person shall be attached to this return. (The term 'person' includes individuals, fiduciaries, partnerships, corporations, associations, and other organizations.) Receipts by a 'central' organization from organizations included in a group return need not be itemized in the 'central' organization's separate return."

MR. STEWART: Do we have a copy?

MR. MAGILL: Keep that.

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MR. STEWART: Insert into the record a copy of the "United States Annual Return of Organization Exemption from Income Tax under Section 101 of the Internal Revenue Code."

(The matter referred to is as follows:)

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MR. DURHAM: Are the names of the donors over \$3,000 now available for public inspection?

MR. MAGILL: Now available for public inspection? No. I might go back to read again what I said here:

"While the President is granted power by the Internal Revenue Code to open tax returns to inspection, the authority has been used sparingly to allow inspection by other than certain congressional committees, state officers or shareholders of corporations (which are mentioned specifically in the statute) and has generally been limited to executive departments for limited purposes."

So they are not open to public inspection at present.

MR. STEWART: I am sorry to have interrupted you.

MR. ANDERSON: Getting back to this first approach again, which is disclosure of information concerning tax-exempt organizations, I previously referred to this article by Marquis Childs which gives the possible volume. It presents this difficulty that you are using an approach which is far broader than the problem inasmuch as most tax-exempt organizations are not objectionable. If you start changing the reporting requirements you are imposing an additional burden which may be a great burden upon unobjectionable organizations. So that it seems to me that we should reverse it and work from the objectionable organization in regard to the reporting requirements, rather than to attempt to obtain your sources of information and your leads from the returns.

MR. DURHAM: Then your problem becomes one of definition.

MR. ANDERSON: No, it isn't.

MR. STEWART: Well, yes and no. Suppose one required organizations or persons who file such returns to sign a sworn statement on their return that they had engaged in no propaganda or efforts to overthrow the Government by violence, and it would go to the religious-racial minority groups, you would then have the job of prosecuting people who signed a fraudulent statement on their returns. Does that seem to you that it might be feasible? In that way, you see, if you wanted then to use the techniques of disclosure, you could separate the returns of organizations which admitted that they were engaged in such activities, separate them from the others.

MR. ANDERSON: You would still have your process problem.

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MR. STEWART: But that would cut down the volume very sharply. Sorry, it wouldn't. You would still have the problem of policing the others.

MR. MAGILL: That is right. You will have to police everyone.

Going on to the feasibility of something like that, if you examine the results of the Federal Lobby Act, which is somewhat the same idea, they say -- I don't know personally, but I understand it is just a big joke, that the biggest lobbyists never bother to register.

MR. STEWART: The enforcement procedures have not yet been adequately worked out, were not adequately spelled out in the statute itself. I understand that 800 of an estimated 10,000 have registered. I must add that I do expect that it may take 10 years, but, ultimately, all lobbyists will register.

MR. ANDERSON: Getting back to this question of disclosure of information concerning tax-exempt organizations, this would present a big problem to the Bureau of Internal Revenue in that you have this volume, which is great, although we don't know how great.

You have the problem of finding trained personnel who are qualified to deal with this particular type of problem; the further difficulty, that the information reported may require check and that means you have to look back of all of the statements filed by these individuals with the Bureau.

The fourth problem, of course, is the budgetary one, which is acute.

Now, you could level a couple of additional criticisms at this approach. One would be the charge that we are using the Internal Revenue laws to accomplish an objective completely unrelated to the collection of revenue, and, two, the broad policy question of whether or not the President should do this sort of thing without congressional approval.

MR. MAGILL: Theoretically looking at it, the law might be all right, but in view of the way it has been used in the past --

MR. ANDERSON: There is one advantage to this approach in that if you require the disclosure of this information with respect to all tax-exempt organizations, you can't charge discrimination based upon this one particular type.

The second possibility under the executive order will be

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disclosing this information concerning tax-exempt organizations, plus the tax-exempt income of all other persons. That would catch the individual who engages in these activities to the extent that he finances his activities by contributions, which are not reportable at present. Are they?

MR. MAGILL: They are not taxable income. They are not income at all.

MR. ANDERSON: So it would catch the tax-exempt income of the organization.

MR. MAGILL: Tax-exempt income for organizations whose income is taxable includes gifts or contributions, interest on state bonds, certain bonds, that sort of thing. That is the general type of tax-exempt income. Something that U. S. Steel gets from Uncle Andrew Carnegie's will, something like that. It is not income at all. It is a gift.

MR. ANDERSON: That is not reportable at present?

MR. MAGILL: That is right.

MR. ANDERSON: In any amount?

MR. STEWART: Regardless of the sum?

MR. MAGILL: That is right, regardless of the sum, for taxable organizations.

MR. ANDERSON: It is just the tax-exempt organizations which have reported, so your return at present will be inadequate to give you that type of information.

MR. STEWART: So the disclosure proposal, as we take it, could not apply to tax-exempt organizations?

MR. ANDERSON: Or it would require a revision of the form.

MR. DURHAM: That is envisaged in this proposal, that wherever necessary the form would be revised to ask for additional types of information.

MR. ANDERSON: Think what that means in terms of 40 million tax returns.

MR. DURHAM: How many?

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MR. ANDERSON: 40,000,000.

MR. STEWART: You wouldn't revise the form on all of them, necessarily.

MR. MAGILL: That goes back to --

MR. STEWART: You could revise some of your forms -- the form for tax-exempt organizations; the form for corporate tax returns.

MR. ANDERSON: You also have to cover individuals, if you are going to do a clean job of it.

MR. STEWART: Your revision of that form certainly would be a tremendous job. Still the Bureau has managed to revise its forms in the past. It is a terrific job.

MR. MAGILL: Not only that, but it is the burden on the other people that you would be taking in, the majority of whom you wouldn't be interested in.

MR. ANDERSON: It gets over into that processing problem, which is an important one, not so much the revision of the form.

MR. MAGILL: Then, if you require a statement, your answer to that might be, well, we could just require that everyone who files a return sign a statement that they are not engaging in the civil rights sphere of activities. Then that really increases your investigative problem, to go behind it.

MR. ANDERSON: As far as the scope of this thing is concerned, it would be much broader than the first approach and you would have all the problems incident to that, which means that the problem as far as the Bureau is concerned would be more acute and the probability of congressional criticism would be greater. You would still have the advantage out of it of not being charged with discrimination.

MR. STEWART: Is that the sole argument you have been able to find?

MR. ANDERSON: I am not too much impressed with it.

The third possibility under the executive order would be the disclosure of information concerning the specific objectionable organizations and individuals. That again, is probably feasible as far as the revision of the order is concerned. It presents the standard problem which was discussed: What type of organization

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are you trying to cover? You might be able to solve that by establishing a broad standard requiring disclosure of the returns of only those persons who are organized for the purpose or are engaging in or advocating racial or religious discrimination or practices threatening the civil rights of persons residing within the United States.

You might possibly want to have it include persons outside of the United States as well. Some agency would be designated by the executive order to determine what organizations fall within the scope of the order.

Now, this approach would cover the organizations you are after. It would not cover the organizations you were not after. It would present less of an administrative problem as far as the processing is concerned. It would present perhaps a more difficult problem in that, by segregating certain organizations, you are more likely to be criticized for the decisions made.

It would require trained personnel. You would have the same budgetary problem, of course.

There is a further question as to the agencies which did make the determination. It might be the Treasury, might be Justice. You might have some separate agency set up, a separate administrative body set up, for this purpose. Inasmuch as you would be dealing with particular organizations, the decision that the administrative body would make would be more in the limelight and consequently the possibility of criticism might be a little greater. Once you start segregating particular organizations, you would have to consider especially whether or not that type of action could be taken without congressional approval. Administratively, it seems to me that the administrative body charged with the administration of the order must proceed from information filed with this body by various organizations interested in preserving civil liberties; and, consequently, I should think that this approach would be the one we discussed earlier of working from information into the returns rather than from the returns out.

MR. STEWART: That is very important.

MR. ANDERSON: That concludes my comments on the executive order.

Now, there are a couple of other possibilities which have previously been discussed to some extent. The first of these is the withdrawal of the tax-exempt status of objectionable organizations and the denial of requests for rulings conferring such status.

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We indicated that we could probably handle that, although we want to give the matter further consideration. The difficulty is that this approach does not affect a number of organizations which might be objectionable. For example, those which had requested tax-exempt status and had received a denial. And it would not catch the individuals who could not be tax exempt. It would not catch the tax-exempt income of the objectionable persons, and it would not catch the organization which derives its income from commercial activities such as the publication of a newspaper.

It has one advantage that it is confined to the objectionable organizations and consequently you couldn't say it is running over into the unobjectionable ones, such as the Red Cross and the foundations.

As far as the Bureau is concerned, one difficulty is immediately presented. The Bureau normally operates on the basis of a statement of facts submitted by the taxpayer, and it does not necessarily investigate the truth of the statements filed with the Bureau. So that you would have the problem of conducting a field investigation, I should think, with respect to, well, all of the tax-exempt organizations, the presently tax-exempt organizations, which are to be denied tax exemption; and also with respect to the organizations which have tax-exempt status in the future.

MR. STEWART: You might eliminate the second group. You would investigate only if information was filed by some other group alleging that it was necessary.

MR. ANDERSON: That would be possible. You would have the same congressional problem, to some extent, perhaps not as acute. But on a close case, I can see some Congressman might get excited -- perhaps on a case not quite so close.

The actual effect of the withdrawal of tax-exempt status would be, first, non-exempt income would be subject to tax, which merely means that the organization is just treated as any other taxable organization. And also the contributors to the organization would not be permitted to deduct their contributions from net income under section 23(O) of the Internal Revenue Code.

This particular approach could be followed in conjunction with the disclosure of information under an executive order.

The third possibility is the one previously discussed of legislation requiring the registration of organizations and the disclosure of information reported by them pursuant to the requirements of the legislation.

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(Discussion was had outside the record.)

MR. DURHAM: Go ahead with what your thoughts are. It is all in the common pot.

MR. ANDERSON: In all probability, such legislation would be constitutional, although it might, of course, be subject to criticism on the basis of unconstitutionality or otherwise.

It would have the advantage of covering the particular persons considered to be objectionable. It would not cover persons considered not to be objectionable. It would present the problem of what agency would be charged with the administration of the reporting and disclosure requirements. The Bureau of Internal Revenue, as was indicated above, is not too well equipped for handling this type of problem.

The objections to this approach would be (1) the delay which is always incident to getting any kind of legislation through Congress; and (2) the legislation might cover persons who are not now required to file returns. I am thinking of educational institutions such as certain Southern universities, for example.

Consequently, you might run into a type of criticism which you wouldn't get if you operated only through tax returns. The particular advantages of this approach, as I see it, are that you would have better administration, in that you would have some group charged with the administration of the statute whose sole responsibility would be to administer it. This would, presumably, mean better qualified personnel. You would, of course, have the advantage that Congress had approved this particular treatment.

A further advantage would be that the reporting requirements established by the administration group need not be related to the type of information which the Bureau would be able to require with respect to tax exemption. I am thinking there of this type of situation: A person might render considerable assistance to an objectionable person, which does not involve either a managerial or a financial contribution to such organization.

For example, you could take a hypothetical case of a person who is not an officer of such an organization but who, nevertheless, contributes advice which the organization follows. This approach is direct and has all of the advantages incident thereto.

Now, it would be possible, in connection with this approach, to effect changes in the tax laws if such were considered desirable. First, it would be possible to amend Section 101(6) in the event

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that were considered necessary. As we previously indicated, however, we think that it would probably be possible to handle the problem under Section 101(6) as it stands at present.

(2) The law with respect to the taxation of gifts could be changed so as to impose a tax on a contribution of any designated amount. As the law now stands, a gift of less than \$3,000 by any one person to any one person during any one year is not taxable.

It would also be possible to change the tax rates with respect to the objectionable persons to impose a tax in the nature of a franchise tax with respect to them, or to make any other changes considered desirable.

Of course, any recommended action involving discriminatory taxation would require careful consideration from the constitutional point of view as well as from the broad policy point of view.

That is the end of the statement on this.

MR. DURHAM: A very good statement. May I see the title page.

MR. MAGILL: Where Marquis Childs got some of his figures we have not been able to discover. This business of 500,000 tax returns and 10,000 tax exempt organizations is something that the Bureau says that he didn't get from them. I know he didn't get it from the Treasury. Some friends of his who work for Time Magazine must have given them to him.

MR. ANDERSON: I think I should like to state again for the record that these are personal views, and that we have not had enough time to be sure even in our own minds as to some of the statements we have made here this morning. I feel especially doubtful about the possibility of imposing discriminatory legislation.

MR. DURHAM: The franchise tax idea?

MR. ANDERSON: Yes.

MR. MAGILL: I jotted down some of the things that you said you would probably be interested in, beyond what we had already given you. Do you have any other ideas that you would like to have clarified? If you have any other ideas that you would like to have clarified by us we would have to try to cover it in a rough way this morning.

MR. DURHAM: I think not at this time, thank you.

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MR. MAGILL: We will have a chance to go over the transcript and think about some of the topics. You might give us a ring. Perhaps there is something we can clear up right immediately.

MR. ANDERSON: We are going to run into this problem: While we could get it in the mill in a relatively short time, if we were to prepare anything as extensive as a full analysis of these various possibilities, it would take considerable time just to draft it and it would require far greater time to get clearance because it is the sort of thing that would require careful consideration by various people in various departments of the Treasury. It is a question of what kind of formal reply you would like given.

MR. DURHAM: Well, there are some things in the record here that we would like to get more information on from you, and you would, of course, like to see a copy of the record.

MR. ANDERSON: Yes.

MR. MAGILL: It would probably be a good idea. I think I have most of the points on which you have asked, but --

MR. DURHAM: How long a time would that take, roughly?

MR. MAGILL: The points on which you are mainly interested are the number of returns and the expense involved. If that can be gotten at all, we should be able to get it within a reasonably short time.

MR. DURHAM: Could we say by Wednesday of next week?

MR. MAGILL: You can say by Wednesday but I don't think it will do you much good.

(Discussion off the record.)

MR. DURHAM: I think that ought to be on the record.

MR. MAGILL: We were saying that the Bureau of Internal Revenue is presently set up for purposes of collecting revenue for the needs of the Government and adding functions affecting civil rights matters to their present operations would be grafting something on there which is not really the function for which they are set up.

A cleaner approach would seem to be entirely new legislation to be administered by a separate organization without reference to tax matters.

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Of course, that latter is clearly my personal opinion on the thing.

MR. DURHAM: Well, I believe that completes the record for this time.

I want to thank you both.

(The interview was concluded at 12:10 p. m.)

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POSSIBLE USE OF PRESENT TREASURY POWERS

MR. DURHAM: What forms would the taxpayer use to report the type of information which the Committee wants.

MR. ANDERSON: The primary ones would be 1040, 1040A, which are the individual taxpayers returns, 1120 (Corporations), 990 to some extent for tax exempt corporations. W2 perhaps, which is the form that is used by the employers whose taxes have been withheld. 1041 perhaps. Here's a personal holding company return (1120-H), a separate form for life insurance companies.

One difficulty is that unless you cover the whole field, you will leave possible loopholes. For example, take life insurance companies. If a company engages in any doubtful activity shouldn't it have to disclose information? Then, there are non-resident aliens gift tax returns. You might want to do something on that - Form 709.

You would have to approach the problem in two ways: (1) handle it through an executive order, or (2) handle it through legislation. As far as the executive order is concerned I think you would have trouble. You would have this big policy problem. Then, it is questionable whether it would be possible under the law itself to amend the tax returns forms so as to reveal the additional information ... the exact relationship to the taxpayers liability.

Section 51, 52 and 54 of the Internal Revenue Code authorizes the Collector in the case of individual corporations and tax exempt organizations to supply information "for the purpose of carrying out provisions of this Chapter" and that would, in my mind, raise grave doubt on the possibility of trying to get information such as the Committee has in mind. I think while the Collector can probably call for information regarding taxes, he has very little grounds for getting other information. This could be handled, of course, by new legislation. It is very questionable whether you would want

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to handle it by executive order. If by executive order you would, of course, have to decide right away what returns were to be revised and I don't see any way of stopping short of all of the income tax returns.

I do have a figure on the number of returns filed by tax exempt organizations. There are about 100,000 per year presently being received. Those are the 990s. We don't currently have a breakdown as to 101(6) - educational institutions and charitable institutions.

MR. DURHAM: What is that 101(6)?

MR. ANDERSON: That is the one exempting corporations and foundations organized and operated exclusively for religious, charitable, literary or educational purposes or for the prevention of cruelty to children or animals, no substantial part of the activities of which is carrying on propaganda campaigning or otherwise attempting to influence legislation.

We don't have a breakdown as to the percentage of the 100,000 I mentioned before. I do have a kind of a figure for 1943. Out of the some 64,000 returns filed by tax exempt organizations, 60,602 were filed by organizations whose primary functions were not business activities. Most of those, I should think, would be the 101(6) which gives you a figure of percentage of about 75 percent.

MR. DURHAM: This proposal would go to that 75 percent.

MR. ANDERSON: You would be more interested in the 75 percent, but I don't think you can confine yourself to this group. Taxpaying organizations might be objectionable. That runs this whole question of coverage that you are going to make into all returns. If you are going to cover the field, you can't stop short of the field, which means about 40 million returns. Again I haven't attempted to check.

You are going to run into this big administrative problem. You'll have that whether you have it by executive order or legislation.

We have tried to get some idea of the amount of work in revising the forms and handling them in some way so as to make the returns available for inspection and also so as to permit the study of the returns so conclusions could be drawn from that. It is difficult to reach a figure, but I was told it would probably entail an additional handling of all the returns. If you have a person watching for several things at one time he is too likely to miss

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something. That would require putting a couple of new auditors in all of the collectors' offices. It would require sending out letters, and some of the people wouldn't answer them, so that means field contact. You come out with an extremely rough figure -- one-half billion dollars a year -- but I'd hate to be quoted on that because it is such an uncharted field. That doesn't make any allowance for budget, for diversion of efforts of higher personnel. It is based on an extremely arbitrary thing - 5,000 returns. I don't know whether that's too high. I actually suspect it is pretty low. I am talking about the returns we would ultimately cull out of this whole bunch concerning which there would be some question.

If we have this much broader field and it includes all organizations, you are going to have a much bigger administrative problem. For example, we had 60,000 organizations in 1943 filing returns under 101(6). Now if you start getting additional information about 60,000 organizations the problem is stepped up considerably. Your original handling of the problem would be the same, but the problem of getting additional information from persons who have filed incomplete returns would be tremendous.

MR. DURHAM: Then the administrative problem in the "self-policing" proposal would be great in (a) revision of forms, and (b) additional handling?

MR. ANDERSON: Of course you run into this. The tax field is already very complex. People write letters asking questions about it. When we throw in a new requirement we step up correspondence. If you were going to have it run this way it seems to me that the thing you would want to do would be to have some kind of a legend appear on the first page of the return with certain questions to which the taxpayer would have to give affirmative or negative answer, such as "Do you engage in any of the following activities: - - -?" Then if the taxpayer answered any of the questions in the affirmative, he would be required to fill out a separate schedule. That would reduce the burden with respect to persons who are not engaging in these activities. More difficult would be this: If the person does not truthfully answer the question--you will always run into that problem.

New legislation would clear up this legal difficulty with respect to the possibility of requesting information. It would take care of part of the policy problem. To the extent that we are talking about the same approach that is a statute requiring persons filing tax returns to give information. We haven't answered any of the other questions. It doesn't answer the objection based upon the administrative burden of handling the many returns. It would concern itself primarily with the objectionable persons filling out

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questionnaires. There you would be dealing with a comparatively small number and could arrange to have the tax returns of this group made public.

I am not sold on the use of the tax return technique to cut down objectionable organizations. It seems to me that you have a tremendous job to catch only a few.

You run into this: The administrative group might not always know which organizations are objectionable, and the tax returns wouldn't give the information.

I can see the "self-policing" proposal covering disclosure but I suspect that the cost in terms of the administrative burden, and upon the taxpayers as a whole, may be greater than the actual value you get out of it. Legislation could provide for the filing of reports by persons who are engaged in activities affecting civil rights, such reports to be in a form designated by the President which could be filed with an administrator. You could provide for the disclosure of tax returns to the administrator so he could check, and the administrator could also ask for information.

MR. DURHAM: Back on that 101(6) the word "propaganda" appears. Why couldn't you now utilize that wording to accomplish what Mr. Ernst wants to do? Is it administratively possible for you right now to use that phraseology in a legitimate sense to strike at hate mongering organizations?

MR. ANDERSON: In my opinion it would be.

MR. DURHAM: What present tools do we have that the Treasury Department could use without executive order or legislation to accomplish Mr. Ernst's proposal?

MR. ANDERSON: What I am questioning is the result. I think we can handle the problem, but I don't think we can accomplish very much. We checked those 39 organizations on the list you mentioned, and our check revealed that of the 39 only three of them have tax exempt status. One applied for tax exemption status and was denied. I realize that you can't generalize from one check of only a few organizations but I suspect that you will find that the worst ones don't have tax exempt status.

(Summary of conversation with Maxwell Anderson, Legislative Tax Counsel, Treasury Department, June 18, 1947.)

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THE PRESIDENT'S COMMITTEE ON CIVIL RIGHTS

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STAFF INTERVIEW : :  
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MR. MORRIS JANOWITZ, : :  
University of Chicago, Chicago, Ill. : :  
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Room 706, 734 15th Street, N.W.,  
Washington, D. C.,  
Friday, June 13, 1947.

Met, pursuant to notice, at 10:30 a.m.

STAFF MEMBERS IN ATTENDANCE:

DR. ROBERT K. CARR, Executive Secretary  
MR. MILTON D. STEWART, Director of Research  
MRS. NANCY WECHSLER  
MR. JACK DURHAM

MR. STEWART: Mr. Morris Janowitz, who has very generously agreed to give us some of his time, has spent the past five years studying some of the problems which are before the Committee. He was the chief analyst in the section of the Department of Justice's Special War Policies Unit which studied the activities of native fascists. He has had practical experience with the sedition, conspiracy and registration laws.

Since then, he has studied similar problems in Germany, during and after the war, with the Office of Strategic Services and the Psychological Warfare Branch. He is now doing ground-breaking research on the nature of prejudice, and the effectiveness of pro-tolerance propaganda at the University of Chicago.

STATEMENT BY MORRIS JANOWITZ,  
University of Chicago  
For

The President's Committee on Civil Rights.

MR. JANOWITZ: Thank you. It seems to me that the only assistance which I can give the Committee at this stage is to try to formulate certain practical implications of the policy decisions

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which it may be considering. I have been impressed by the breadth of the Committee's approach, and its determination to deal with the whole problem in its most enduring aspects.

I shall limit myself to those areas with which I have had direct experience, or of which I have been a student. I shall therefore comment on:

1. The administration of a federal civil rights enforcement program of any kind;
2. the role of mass media in modifying the attitudes of the general public;
3. the usefulness of disclosure as a technique in the control of anti-democratic propaganda;
4. and the creation of a police power which can be trusted to safeguard the civil rights of all the people.

1. Americans are prone to consider a problem solved if they have urged Congress to "pass a law." It is claimed by some that the Civil Rights Section of the Department of Justice has been able to bring one prosecution for every thousand complaints made to it. This Committee has an unprecedented opportunity to learn whether the intensified efforts of Department of Justice officials are adequate to their task.

It is my hope that the Committee will not urge new laws until it is certain that the limitations on effective action are legislative, rather than administrative, bureaucratic or even political. Independent audits of existing performance have become essential prerequisites for any private agency's reorganization. It is only appropriate that the same demands be made of government agencies. Therefore, the Committee must have available to it an adequate study of the disposition of a sample of complaints of civil rights violations made to the CRS or the U. S. Attorneys.

There has been a long-standing rule in the Department of Justice that the F.B.I. cannot actively investigate alleged violations of labor, political and civil rights, without clearance from the office of the Attorney General. This ruling is being called into question. It is now argued that the clearance delay hinders F.B.I. investigations and renders successful prosecutions difficult. But the record seems to indicate that the Department has been unable to obtain convictions because of juries which will not convict under any law. It seems to me that before the Committee recommends the elimination of the clearance procedure, it

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(1) it should have comprehensive data on this point and (2) it should be aware of the civil liberties implications of freeing the investigative arm from the control and the direction of the Attorney General who has ultimate responsibility in this area.

2. The role of mass media in modifying the attitudes of the general public. I had an opportunity to study at first-hand one of the major attempts in our times to use mass media to overcome deep seated group hostilities. I refer to the wartime propaganda activities of the United States in Europe, and the reeducational effort in Germany. The results, in some respects, have been worse than mere failure. In some areas they have strengthened hostilities and prejudices. Enough was known about prejudice and about mass communications so that some specialists predicted this outcome. Frankly, I feel that we know enough today, to predict flatly the failure and possible boomerang effects of uncritical untested, overoptimistic use of mass media in this field. In part, I am only repeating what Prof. Lazarsfeld has already stated. I wish to add one basic point: mass advertising campaigns and mass entertainment campaigns are not substitutes in our country for education. What is the difference between the two as far as strengthening tolerance is concerned? To educate someone, a teacher must be in face to-face contact with relatively small, organized groups with which he will have repeated contact as in the school, in the church, or in similar institutions and as clubs and community groups. I am certain that there are many experts who can inform the Committee in detail about this point.

There can be no question about the role of government in fostering and developing the educational institutions of this country. But as far as the use of mass media are concerned, has the Committee carefully considered the civil liberties implications of even government planning and supervision of elaborate campaigns in privately owned mass media?

3. The usefulness of disclosure as a technique in the control of anti-democratic propaganda. If the Committee recommends a disclosure device of any kind it must bear in mind, that the effectiveness of such a procedure is based on two points. Disclosure assumes that organized intolerance agitation is dependent on financial support, and that exposure will dry up the sources of revenue and eliminate such efforts, or that it will be effective by "putting the public on guard." It may be true that the elimination of large donors will hamper the organized bigot and greatly reduce his power. It would be an error, however, to assume that organized intolerance is dependent merely on large donors. Witnesses before the Committee may stress their discoveries of the large sums that have been donated to Fascist bigots. In the

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past we have found that native Fascist leaders -- the big ones, like Coughlin and Smith, derive a substantial part of their funds from small sums from many individuals who could not be controlled by disclosure.

Second, disclosure assumes more than the mere gathering of the facts about the individuals to be exposed. It means the dissemination of these facts. Is the Committee fully aware of the implications of a program by which the federal government would undertake to disseminate such information? If the government did not disseminate such information, disclosure would be a failure as in the case of the Foreign Agents Registration Act. Perhaps a middle ground is available. The government might assume the role of the collector, and private groups might develop a sense of responsibility for the balanced presentation of such information.

4. Finally, the training of police forces. The Committee seems to be well aware of the fact that the legal protection of civil rights is not a matter which can be left entirely to after-the-fact review by the law courts. This is particularly the case in the day-to-day administration of police activities. What is involved is vastly more than the few major cases which break into the newspapers, or come to the attention of top officials. The underlying attitudes and practices of police forces affect the individual in a multitude of routine ways. To overcome this basic problem, the professionalization of the police force must be advanced until we have an adequate, trustworthy force of civil servants in this field. I feel that in this problem the Committee ought not to limit its attention to the South, where the problem is most immediate. The continuing problem is nationwide. In the industrial centers of the North it is equally pressing, if a long-range view is taken. Moreover, care must be taken to see that recommendations in this area are sufficiently specific and numerous to deal with all of the complexities of the problem. The training program of the Chicago Park Commission, is probably the best achievement to date in this field, but it is only a beginning. Local police forces need federal assistance of adequate scope. In many respects, the F.B.I.'s National Police Academy is an appropriate agency for assisting them. Two basic points should be examined in this respect.

One, such a program must reach down into the rank and file of the local police forces, as was the case in the Chicago Park Commission's Training Program. It cannot be limited to a small troupe of top police officials who can afford to come to Washington. Secondly, the Committee must consider the contents and direction of such training programs. The broadest combination of professional

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police officers, educational specialists, lawyers, social scientists, and civic and religious leaders should formulate educational and training policies. Care must be exercised so that a comprehensive police training program will not foster an arbitrary exercise of authority and influence by federal authorities. Federal grants-in-aid to universities to work in conjunction with local police forces might well be considered as the proper device for such a program. (The University of North Carolina, and New York University are two examples of educational institutions which have already started to work in this field.) Curriculum and policy guidance could be placed in the hands of a group which would combine representatives of the F.B.I., with its valuable prestige in police work, and with local leaders and technical specialists of all sorts.

MR. DURHAM: I think that is a very good statement.

MR. STEWART: One thing I should like to have you comment on is the statement made by a number of the witnesses who have appeared, that native Fascist propaganda, hate propaganda, is at a low ebb right now. Do you agree?

MR. JANOWITZ: I would tend to agree with their statement that at the moment native Fascist organizations, native Fascist propaganda, are at a low ebb.

On the whole, we have very crude comparative data on the subject, but what we have seems to indicate that this is the case. That should not be taken at all as an indication of the potential danger. Native Fascist activity is very closely related to the level of employment. Any major shift of employment would bring a return to earlier levels of Fascist activities.

MRS. WECHSLER: Do you see any boomerang dangers in the kind of financial disclosure proposal that has been discussed?

MR. JANOWITZ: Definitely, because on the political levels -- (I don't know if that is the appropriate word), native Fascist leaders are constantly harping on the fact that they are persecuted. One would run the risk of a situation in which they would use the disclosure of activities as a further argument that they are being deprived of their civil liberties.

Of course, you can balance that off by saying that this is a rule which would apply to all groups. That would somewhat weaken the edge of their argument, but not completely.

MRS. WECHSLER: What about private efforts to get information

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about these groups? I am certainly in favor of action by pro-democratic groups to expose totalitarians. But not when they become undercover agencies.

MR. JANOWITZ: First you get into the investigative functions. When the results of your investigation lead to no action, then you try to appropriate the police function yourself. It is part of the same underlying psychology, the same motivation, which leads people first to investigate, and then, second, to take action on their own.

MR. STEWART: Assume that hate propaganda is not a serious problem immediately. You suggest that if there were widespread unemployment, it might become so pretty quickly. Should the Government make any effort to control this sort of thing?

MR. JANOWITZ: I would say that Government civil liberties policies should not be pitched to periods of full employment or to periods of mass unemployment. Policies have to be designed for the maintenance of basic civil liberties, regardless of the business cycle. The same factors are more or less at work under both circumstances.

MRS. WECHSLER: When you referred to the Weimar Republic, did you have in mind the lack of adequate police work on the ordinary police level?

MR. JANOWITZ: In the Weimar Republic, the investigation of subversion was pretty well developed. But after the gathering of facts about sedition and treason, there was a consistent failure of the judiciary to convict. I refer to Franz Neumann's observations about the social origins of the justices who held their jobs from the old Kaiser regime; his observations about the number of people who, on the one hand, were sentenced when there was deviation from the left as opposed to deviation from the right. If you were a Rightist, you never came to court. If you were a trade unionist, you had a much greater chance of being convicted for violations.

Does that answer your question?

MRS. WECHSLER: Well, partly. There is only one other aspect that I wondered about. That was the question of police protection against violence.

MR. JANOWITZ: During the unemployment period in Germany, the protection of political meetings -- and here I am on somewhat shaky ground -- devolved on the parties themselves for all practical

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purposes.

I think the Committee might turn some attention to the policing of native Fascist meetings in this country. The most recent example -- and I was present there as an observer -- is the Gerald L. K. Smith riots in Chicago, in which you had a very large meeting and a large counter-demonstration. Quite extensive efforts were made by the police to cope with the situation and maintain order, and I suppose in that situation they did, within limits, exercise supervision. There have been accusations that they were harder on the pickets than they were on the others.

MR. STEWART: In considering alternative proposals for disclosure legislation, would you be in favor of attempting to set up a standard by which some organizations would be required to register and disclose, and not others? Do you think there is a workable standard? If so, in what direction does it lead?

MR. JANOWITZ: I do not think there is any workable standard to distinguish between Fascists and Fascist baiters.

DR. CARR: Is the alternative including all organizations -- which seems to me literally fantastic -- and organizations active in the market place of thought? At the very least, you would have to make that distinction.

MR. JANOWITZ: Yes.

DR. CARR: Would that be difficult?

MR. JANOWITZ: It would be difficult.

MR. STEWART: I don't want to belabor the point at the moment. But suppose you had a trade association or a marketing association which is organized for business reasons, and then carries on political activities, would you require them to register?

MRS. WECHSLER: You would have to under the market-place-of-opinion standard.

DR. CARR: If the market-place-of-opinion standard is a feasible one, it comes down to this, that a college fraternity is an organization. You would have a standard by which it would be excluded from the market place of thought; or, if it publishes a bi-yearly alumni magazine, or something, would that bring it into the market place of thought?

MR. STEWART: The market place-of-thought test would certainly

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require universities to register, as well as all professors, as individuals.

DR. CARR: I suppose you could arbitrarily exclude educational institutions.

MR. STEWART: All the Fascists might establish "seminaries". Some have done that already.

MR. JANOWITZ: They have a big seminary in Minnesota. Riley has some sort of organization of that type.

DR. CARR: I think everyone would agree, or nearly everyone, that you can't have a test between good and bad organizations.

MR. JANOWITZ: Yes, I would say it is impossible to make a distinction. During the war you couldn't make a distinction -- which was easier -- between sedition and non-sedition in terms of the pure, manifest content, leaving out the legal problems of intent.

The only thing that the Government could do, in terms of content, was to make a standard in terms of parallelism with Nazi propoganda, as defined. They went into definitions in this regard.

MR. DURHAM: If I am correct, the Committee's disclosure statute would simply make the Government the collector, as you put it, and it would stop there, period.

MR. JANOWITZ: Right.

MR. DURHAM: That is all it would do.

MR. JANOWITZ: I have pointed out that a program of mere collection of this information is relatively limited in its success. Potentially, it will not do much. Some device for the dissemination of material collected is required, and you would have two alternatives.

MR. DURHAM: That is what I may have missed in your statement.

MR. JANOWITZ: The alternative of either private dissemination or Government dissemination.

MR. DURHAM: Would you want to hazard a guess as to how relatively limited its effectiveness would be?

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MR. JANOWITZ: If it was purely Government?

MR. DURHAM: This governmental collection of the information.

MR. JANOWITZ: I would say that it would be extremely limited in terms of informing the public; even if you got out a normal sized volume. The limited circulation which Government reports get is well known. In order to get any kind of circulation, you have to put it into mass media. That could only be done if, say, a Congressional investigating committee gets front-page publicity of some kind or another, of that type. Mere collection by the Government -- I don't think that would prove of very much importance.

Of course, there is another question of how much information a disclosure procedure would actually get. I do not think it would get a lot more than we know already in the field. But that is not an argument against it, because you would then be saying that at least we are getting it in a systematic fashion and eliminating the gestapo activities of private organizations.

MR. DURHAM: As a political question -- let me ask you this: How easy or how difficult would you think it might be to achieve publicity of income tax returns with the information that we would like to secure from these organizations?

MR. JANOWITZ: I think that a certain amount of publicity can certainly be secured. That is not saying very much.

The main defense organizations will use this material. I am convinced they will use it. The only question you might ask is how effectively they will use it, with what kind of balance, and you might argue that if we go on the assumption that we all want to increase the elements in the market place of free ideas, there can be no harm in this information.

MR. DURHAM: Maybe I didn't make myself clear. As it stands now, the theory of income tax collection is based, of course, on the secrecy of the returns. How easy would it be to overturn that concept?

MR. JANOWITZ: I couldn't comment on that. It is a legal question. I just don't know. I would be interested in that, myself.

I might make one comment -- and perhaps we are losing ourselves in some of the difficulties of administration and forgetting the possible long-term implications of such a program of disclosure.

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If it becomes a rule of law to have the source of your funds exposed, that might bring about an orderliness in the market place of ideas; merely the presence of such, a kind of rule of law, even though it be that certain groups would evade it, might have implications for free speech which would extend beyond the immediate problem of the offenders.

MR. STEWART: I would be interested in knowing exactly what proportion of the groups which now contribute to the market place of thought are already required to disclose to some extent, under the lobby registration act, to the Post Office or the Treasury. Perhaps we ought to begin with an agency to assemble what information is already available, and to make it accessible to more people before we try to extend beyond the legal bases which now exist.

Do you think that this might be advisable as a preliminary step to instituting a general disclosure procedure?

MR. JANOWITZ: That might be advisable, but it is not a substitute, because the notion of general disclosure would supersede the specific disclosures. There is no awareness on the part of the general public now that there are these sub types of disclosure and the notion of disclosure is that there should be general public awareness that all people who fight for the market place of ideas should register.

MRS. WECHSLER: I just think that your comment on the public lack of awareness of material which is now presumably available perhaps is very relevant to the question of whether there should be a general law.

Have you any information on the extent to which the lobbying registration act, for instance, has had any significant effect?

MR. JANOWITZ: I have no information on it, but I would certainly venture a guess that it has had limited effect.

DR. CARR: There has certainly been no general publicity given. You had to dig it out of the Congressional record and go through that.

MR. STEWART: I think it might help if you would comment on the personnel requirements for effective administration of an enforcement program in the civil rights field.

You have already done that, for example, with respect to determining the contents of training programs for police officers. Within the agencies which have the enforcement responsibility,

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what type of people ought there to be? Do you think that that is a problem at the moment?

MR. JANOWITZ: Yes, I think it is almost a basic problem in this whole question of enforcement, especially as the scope of administrative justice keeps growing all the time. I am thinking again in terms of, let us say, the question of a training program for police officers.

One would have to have a most broad base to work out the problems of curriculum. We know very little about this kind of educational program.

DR. CARR: I want to thank you very much for an excellent statement.

(Mr. Durham and Mr. Stewart withdrew.)

MRS. WECHSLER: We can close the record. Mr. Janowitz wishes to revise his preliminary statement before it is placed in the record.

(The interview was concluded at 11:15 a.m.)

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