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President's Committee
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INDEX VOL. I

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President's Committee
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INDEX VOL. I

A passage from "THE MEANING OF DEMOCRACY by Charles E. Merriam, (Journal of Negro Education), July 1941.

"Democracy is a form of political association in which the general control and direction of the commonwealth is habitually determined by the bulk of the community in accordance with understandings and procedures providing for popular participation and consent. Its postulates are:

1. The essential dignity of man, the importance of protecting and cultivating his personality on a fraternal rather than upon a differential basis, of reconciling the needs of the personality within the framework of the common good in a formula of liberty, justice, welfare.

2. The perfectibility of man; confidence in the possibilities of the human personality, as over against the doctrines of caste, class, and slavery.

3. That the gains of commonwealths are essentially mass gains rather than the efforts of the few and should be diffused as promptly as possible throughout the community without too great delay or too wide a spread in differentials.

4. Confidence in the value of the consent of the governed expressed in institutions, understandings and practices as a basis of order, liberty, justice.

5. The value of decisions arrived at by common counsel rather than by violence and brutality.

These postulates rest upon (1) reason in regarding the essential nature of the political man, upon (2) observation, experience and inference, and (3) the fulfillment of the democratic ideal is strengthened by a faith in the final triumph of ideals of human behavior in general and of political behavior in particular."

February 21, 1947

TO: President's Committee on Civil Rights

FROM: Turner L. Smith, Chief, Civil Rights Section

SUBJECT: Civil Rights Questions in Which Public Has Expressed Most Concern

It has been suggested by several members of the Committee and the Executive Secretary that I prepare an informal paper pointing out in a general way some of the problems in the civil rights field which appear to be of principal public concern. I, therefore, set out below several subjects concerning which we have received voluminous mail and many delegations originating at points throughout the country.

1. Lynchings. Well over one-half of the written and personal complaints this Section has received during the past 12 months have involved lynching incidents such as the Monroe, Georgia, slayings and similar instances of mob activity. The public generally has manifested grave concern over such outrages. The letters and wires we have received have in no way been limited to members of one race or class. Protests came from all kinds of people in all classes of life, from common laborers to the heads of religious bodies. I will undertake later in this memorandum to discuss in a very informal and untechnical manner the Federal Government's jurisdictional limitation in lynching or similar mob violence incidents.

2. Ku Klux Klan and Columbians. The Department has received thousands of protests from citizens representing all walks of life concerning the resurgence of the Klan movement and its relative, the Columbians. Most of these complaints were very general in nature and related no specific facts over which the Department could assume jurisdiction. I will refer hereafter to the applicability of existing Federal Criminal Statutes to activities of such groups as the Klan and the Columbians.

3. Discrimination Against Negroes in So-called "White Primaries".

This is also a subject which has brought forth many thousands of complaints, a good many of which cited specific cases and led to prosecution and conviction. Most of these complaints originated out of the practice of holding White Primaries in the Southern States. Such Southern States as Mississippi, Alabama, Georgia, and South Carolina have long held "White Primaries" from which Negroes were excluded. The complainants have charged in substance that the primaries in these States were in reality the elections and that exclusion of Negroes therefrom deprived this class of voters from effectively expressing a choice at the polls. I will likewise take up later in a very brief way the Federal legal aspects of this problem.

4. Discrimination Against Negroes on Busses, Trains and in Public Places

This seems to be a problem with which a large segment of the population is greatly concerned. To the present date, however, the Civil Rights Section has received relatively few complaints as it appears to be generally understood throughout the country that Congress has not exercised its interstate commerce powers to outlaw segregation. And the courts have done no more than to force owners of interstate carriers to provide equal though separate services and accommodations to all groups and classes. The matter of accommodations on busses and trains engaged in interstate travel is, of course, of Federal concern and the United States Supreme Court only recently handed down a decision invalidating a Virginia statute requiring Jim Crow practices on such interstate carriers. Privately owned and wholly intrastate carriers, places for public amusement, hotels, and restaurants have been treated as beyond Federal regulation.

5. Japanese-Americans. This problem was quite acute, particularly in the West Coast area, during the war years and the months immediately thereafter. Most of the incidents of violence against Japanese-Americans reported to us lacked Federal jurisdiction inasmuch as they involved private mob activity over which the Government has no control except in very limited cases. We have noted a sharply decreasing amount of such incidents, and it is possible that this condition is clearing up of its own accord as war tempers and feelings subside. There were, however, a good many instances of outright discrimination against Japanese-Americans at points on the West Coast in which local authorities were involved. It might be interesting to observe here that these complaints almost invariably originated from citizens of non-Japanese ancestry.

6. Mexican Problems on the Southwest Border. From time to time, apparently without rhyme or reason, a recurrence of trouble is experienced in clashes between Mexicans and law enforcement officials on the border along the Rio Grande and adjacent sections with a large Mexican population. This group presents a definite minority problem and will doubtless continue to be one. For the most part the difficulties encountered by the Mexicans or the American citizens of Mexican ancestry in the Southwest takes the same pattern as that experienced by the Negro in the so-called Southern States along the Atlantic Seaboard and Gulf of Mexico. In other words, the complaints we receive involve questions of fair trial, equal punishment, freedom from police tyranny and brutality, and segregation.

7. Jehovah's Witnesses. This religious sect suffered considerable bully-type oppression throughout the United States during the war years. We found an almost universal prejudice against them. It seemed to have been influenced by a wide-spread belief that the members of this religious group would not salute the American Flag and would not fight to defend their country. Consequently, it was not surprising to encounter many instances where local officialdom along with private citizens would undertake to prevent meetings and forcibly to break up services once under way. Such incidents were not confined to any particular section of the country; for the most part they would occur in small towns and rural areas. A Jehovah's Witness incident would flare up one day in Alabama and the next day in a New England State and the following day in Iowa. We found from experience that the most effective way to handle this problem was through the quiet but firm intervention of the United States Attorney with the particular town officials involved rather than prosecution in every case. The public now appears to be "accepting" this group, or perhaps to state it more accurately "ignoring them", and we have pending only a very few Jehovah's Witnesses complaints. A number of successful prosecutions were brought about.

8. Police Brutality. In listing these subjects, I have only undertaken to approximately set them down in the order in which they appear to have been of most national concern. To be entirely accurate in the arrangement, I should have placed police brutality above the numerical order in which it now appears. A great quantity of our mail is concerned with instances of police brutality. We also receive daily from the Federal Bureau of Investigation reports involving accounts of mistreatment and brutality visited upon prisoners by alleged local police tyrants who thus undertake to mete out their own style of legal punishment. We have had a good many successful and outstanding prosecutions in this field. No doubt this will be a continuing problem until society recognizes that all policemen should be given special professional training for their work just as we now provide instruction for other types of public servants. The Federal Bureau of Investigation is doing a notable job along this line in conducting its Police Academy Schools. A recent decision of the United States Supreme Court, however, (United States v. Screws, et al.) placed serious limitations upon the Government in effectively prosecuting these kinds of cases. I will discuss the legal limitations in more detail hereafter.

BRIEF AND INFORMAL LEGAL OBSERVATIONS
APPLICABLE TO THE ABOVE SUBJECTS

1. Lynchings. Federal jurisdiction in lynching cases is limited to instances where one or more of the perpetrators are vested with some color of legal authority. Under existing law and Court decisions the Federal Government is without jurisdiction where a group of mere private citizens lynch or assault another citizen because of some real or fancied crime the victim committed. The primary function of the Federal Government in this field is to protect the citizens and inhabitants of the United States from acts depriving them of their Federal rights, such as the right to a fair and speedy trial by constituted judicial authorities. Thus, where the State acting through one of its agents, such as a police officer, engages in a lynching or other such action of brutality, the Federal Government has constitutional and statutory power to intervene and prosecute on the basis that the victim has been deprived of his or her Federally-secured right to such a trial, rather than being subjected to a "trial by ordeal" at the hands of the State. No such Federal prohibition is directed against the acts of private citizens. Such conduct is for State control. When one acting under "color of law", however, conspires with private citizens to accomplish such a crime, all may be prosecuted for a conspiracy to deprive the victim of his Federal right to a trial in court. It might be added here that this limitation of power is not the only or chief difficulty we experience in lynching cases and mob assaults. It is often extremely difficult to get evidence establishing the identities of the members of such a mob. We believe there are many underlying reasons for this, but they might be listed principally as (a) fear and (b) lack of substantial community repugnance over the act in question.

2. Ku Klux Klan and Columbians, etc. The fact that certain citizens are members of the Ku Klux Klan adds nothing to Federal jurisdiction, even if a Federal crime can be established, other than that membership in such an organization enables the Government to more readily establish a conspiracy when some Klan activity violates a particular Federal law. In the eyes of the Federal law, the Klan and related groups stand on the same footing as any other social, secret, or religious order. It is only when members of the Klan deprive another of some Federal right can the Government prosecute. The same rule holds true, of course, for any other group of private citizens. Thus the Klan, from the Federal standpoint, is only an organization with a bedsheet over it. Since there are few Federal rights which private citizens can violate, there have been very few instances where the complaints on their face made out a Federal violation. One of the principal Federal rights with which the Klan appears to have concerned itself is the right to vote for candidates for Federal office, and this is a Federal right protected against the action of private citizens as well as the action of individuals cloaked with color of law. This writer expresses as his personal opinion that the Klan has received publicity all out of proportion to its present numerical strength, though I am also sure that the glare of publicity is a deterrent to its expansion. There were a good many instances during the period of the last general election, particularly in the South, when the Klan was alleged to have burned crosses. It is charged and supposed that this was done for the purpose of intimidating Negroes and scaring them away from the polls. To charge this is one thing, however; to prove it is quite difficult. Intimidation in the absence of specific overt acts is one of the most difficult things to prove at law. We have to date no successful prosecution of a Klan member. (I confine this statement to the period of the last few years, as I have no exact knowledge of old Klan history.)

3. Discrimination Against Negroes in Primaries and Elections. This subject presents a very confused legal field, and I will only undertake here to make brief reference to the legal problems involved. Putting it in a nutshell, the situation is this: The Federal Constitution says no State may abridge the right to vote because of race or color. For a great many years the Democratic Party in the Southern States has been conducting what it terms "White Primaries". These primaries nominated the white candidates for office, both Federal and local. The Negro was admitted to the general elections but not the White Primaries. The

general elections were generally but a perfunctory ratification of the choices already made in the so-called Democratic White Primary. As these primaries became accepted in the pattern of things and as their influence upon the electoral processes grew, the States began to pass laws regulating the conduct of such primaries. In recent years, Negro citizens have instituted test suits under the Civil Rights Statute charging that their exclusion from the so-called White Primary constituted a deprivation of their right to effectively participate in the choice of elected officials and that the States' recognition and adoption of the primary system resulted in State abridgment of the right to vote because of race. This theory has been upheld by the Supreme Court in the case of Smith v. Allwright, 321 U.S. 649, a Texas case, and more recently in a Georgia case, Primus E. King v. Chapman, 154 F. (2d) 460. The holding in these two cases was to the effect that where the State did surround the primary system with statutory control, the affairs of the primary were the affairs of the State and that the action of the primary officials in excluding Negroes was in reality the action of the State and therefore Federally forbidden. The legal problem now being presented is this: Most of the Southern States have or are preparing to repeal all laws touching the regulation of the primaries. Under the dictum in the Primus E. King case, as written by Judge Sibley of the Fifth Circuit Court, it would appear that the Court reasoned that private political parties could function and establish their own rules and regulations without interference by the Federal Government so long as the State had nothing to do with such primaries. Judge Sibley in his opinion pointed out that there might be private political parties composed only of men, or women, or whites, or Negroes, which could control its membership. If this reasoning is sound, then the Government would have no legal basis for prosecuting the members of any such private political organizations for excluding Negroes, so long as such political parties were not vested with any color of State authority. Still legally untested (though adequate legal remedy is available to any private citizen) is the proposition which many groups are now strenuously advocating to the effect that the White Democratic Party in many of the Southern States effectively controls the choice of public officials and therefore the right to vote, in fact, attaches, the State should not and cannot avoid the duty of regulating such primaries, and Negroes should not be excluded from participation in the party primary because of the Constitutional safeguards. It should be added that this argument presents the Department of Justice with a very difficult legal problem in considering ways and means to test this question because under the doctrine in the case of United States v. Screws the Federal Government may not now employ its Civil Rights Statutes to prosecute an individual unless the civil right in question has been clearly established and specifically enunciated either by explicit Constitutional definition, Congressional enactment or Federal decisions interpreting such laws. The exclusion of Negroes from private political parties has yet to be declared a violation of a Federal right.

4. Discrimination Against Negroes on Busses, Trains and in Public Places.

The United States Supreme Court has recently held in the case of Morgan v. Virginia that Negroes may not be segregated to satisfy a State law when they are traveling on interstate public carriers. This does not legally answer the question of discrimination on public carriers and in public places confined within the area of the State. The Supreme Court ruled more than 50 years ago that Congress could not constitutionally (under the 13th and 14th Amendments) enact criminal statutes of universal application forbidding segregation in public inns, restaurants, theaters, and the like. It has been suggested by several members of the Committee that this question may be considered under the Interstate Commerce Clause along with the right of citizens to freely travel through the respective States without hindrance or molestation either at the hands of officials or private citizens.

8. Police Brutality. A workday never fails to bring one or more complaints of mistreatment at the hands of policemen. Such complaints are by no means confined to purely rural towns and villages and other such areas. They very frequently come from large metropolitan centers as well. Occasionally a death case is presented. For the most part they involve beatings and rough treatment in general. We have an almost insurmountable difficulty in effectively and successfully prosecuting in the garden variety of police brutality cases. This is largely so because of the ruling in the Screws case. There the majority of the court held that the judge must charge the jury and the jury must find from the evidence that the punishment inflicted upon the victim by the police officer was for the clear purpose and specific intent of depriving the victim of the Federal civil right in question, for example, the right to receive a trial by jury and punishment imposed by the constituted authorities rather than at the hands of the policeman who undertook to hand out his own private punishment. The trouble here is (a) there is a good deal of jury resistance to these sort of cases because it is felt that the "Federal Government is meddling in police court matters"; and (b) most acts of police brutality are actually occasioned by and result from either a sudden burst of passion on the part of the police officer or secondly, because of some personal revenge or feelings between the police officer and the victim. We cannot seriously believe nor sincerely urge in most of these cases that the police officer in question was actually thinking about any Federal right or civil right the victim might have when he was hit with a billy. Most police officers have only a bare speaking acquaintance with the United States Constitution. Therefore, it is only in cases which are particularly and peculiarly reprehensible in nature that we can successfully prosecute. The Screws case involved a severe and prolonged beating. The victim's skull was broken and "the brains were running out". And in the Tom Crews case recently prosecuted successfully in Florida, we had the Town Constable riding the victim around during the night hours for a long period of time, administering beatings with a cow whip and with the butt of his pistol, finally forcing him into the Suwanee River where he drowned. These make good police brutality cases because the conduct of the officer and the very nature of the injuries inflicted speak louder than legalistic arguments that "the law" was actually bent upon"a trial by ordeal". The Isaac Woodard case, in South Carolina where the jury promptly acquitted the defendant police officer, presents another good illustration of the other side of the problem. There the policeman only delivered one or two or at the most three licks with a blackjack. Unfortunately for the victim the lick or licks in question struck him just over the eye, resulting in a massive hemorrhage which caused permanent blindness in both eyes. This case, it would seem, had enough "blood and gore" to have jury appeal but we have learned that the jury declined to convict under the necessary charge of the Court because they simply did not believe that the victim was injured because of any willful intent on the part of the police officer to subject him to a trial by ordeal or otherwise deprive him (the victim) of a right to a jury trial. The fact that there was evidence in the Woodard case that the victim had been drinking and was resisting arrest at the time he received his injuries added to the prosecutive difficulties. In effect, the Supreme Court's decision in the Screws case provides any local jury with an "out", where there is no real desire on the part of the jury to assess Federal punishment in what might well otherwise be a common everyday police court case for the sole consideration of local authorities.

* * * *

I have overlooked mentioning in the foregoing discussion (except as it is involved in the White Primary comments) the question of the Federal civil right of all qualified voters in America to cast their ballot for candidates for Federal office. This is one civil right which presents no practical legal or prosecutive difficulty. This type of prosecution is generally popular wherever it is brought. (I am not here referring to the right to be free from discrimination in the voting process but to the right of all citizens to freely participate in Federal elections). The civil rights law on this subject is comparatively clear. It is: Every qualified voter in every State of the Union has a Federally protected civil right to express his choice for Federal candidates in (a) casting his vote, (b) having his vote counted after it has been cast, (c) having it counted

for the candidate of his choice and not another, and (d) the right to have the integrity of the vote preserved and protected and free from the harmful effect of ballot stuffing. There is, of course, no question that this rule applies to every general election in which Federal candidates are being voted upon. There has been one U. S. Supreme Court ruling to date which holds that such a civil right is likewise protected in a primary; United States v. Classic, 313 U. S. 299. This is a Louisiana case which in effect held that where the primary was an integral part of the electoral procedure the voter for a Federal candidate in a primary had the same right to have his vote protected as in the case of general elections. The Department construes the Classic decision to be applicable to most States, since the primary system in most States is an integral part of the electoral process. Consequently we have not hesitated to intervene and did intervene in a number of Southern States and Midwestern States during the period of the primaries of 1946. Exhaustive investigations were undertaken in the alleged Kansas City Primary frauds of 1946; and even before the primaries were held in a number of Southern States such as Georgia and Mississippi, the Attorney General ordered agents in and investigation was begun upon the complaints by Negro citizens that they were being illegally removed from the registration list. (The right to vote, of course, presupposes the right to be placed upon the voters' roll). One final observation should be added here in order to make the distinction clear regarding the right to vote as such and who may violate this right. In the case of any person who is qualified and eligible to cast a ballot, no one either under color of law or by private action, may interfere with the act of casting the vote, or with the integrity of the vote once it has been cast. This rule, however, applies only to those seeking to cast a ballot for a candidate for some Federal office. On the other hand, the question of discrimination because of race or color in the right to vote presents an entirely different legal question. There only the act of the State in discriminating is penalized. (Private citizens may not be Federally prosecuted for any attempt to discriminate). Thus if the State discriminates against a class of voters because of race, color, or previous condition of servitude, the agents of the State so implicated may be Federally prosecuted irrespective of whether the election in question is a local, State or National election.

* * * *

The discussion of varied civil rights problems and questions could go on ad infinitum. I have here attempted to only highlight in everyday words some of the more pressing points which come to us for consideration as to criminal action.

President's Committee
on
Civil Rights

February 25, 1947

MEMORANDUM

TO: All Members of the President's Committee on Civil Rights

FROM: Robert K. Carr
Executive Secretary

SUBJECT: The positive employment of existing federal power in the struggle to make civil liberty in America more secure

Realizing that all of you will be thinking about the possibilities for action in connection with the lynching of Willie Earle, February 17, 1947, I venture to send you the attached pamphlet. It is a discussion of a Georgia police brutality case.

Significance of the Decision of the Supreme Court in Screws v. U. S.

This case provided the first opportunity to test the constitutionality of Section 52 of Title 18 of the United States Code. This is one of the two provisions of existing law in the civil rights field which were enacted during the Reconstruction era and which have survived both the adverse decisions of the Supreme Court and action of Congress.

The case is typical of one of the most serious threats to civil liberty in the courntry today - the contempt of many local law enforcement officers for the rights of weak and helpless members of minority groups.

The decision proves that the power can be found within the words of the Constitution enabling the national government to function as a positive instrumentality for the protection of civil liberty.

Screws v. U. S, concerned as it is with the right of due process of law in criminal proceedings, takes us to the very heart of the traditional body of civil liberties and reveals that certain of these liberties may properly be regarded as "federal rights" not only in the sense of rights that are protected against adverse action by the Federal Government, but rights that the Federal Government may under certain circumstances protect against encroachment from other directions, whether from agencies of state government or from private individuals.

The Possibilities of Further Use of Sections 51 and 52 are Wide.

Not the least interesting possibility is the use of these statutes in lynching cases. Federal prosecution of state officers who participate in a lynching must be based upon a holding that the due process clause of the Fourteenth Amendment establishes a federal right not to be lynched. The Screws decision comes very close to such a holding.

The use of Section 51 to prosecute private persons who have participated in a lynching is a much more uncertain thing because of the difficulty by private persons. The list of federal rights that may be protected in the federal courts against private encroachment is still a small one.

President's Committee
on
Civil Rights

Evaluation of Sections 51 and 52

These two statutory provisions are an imperfect base upon which to develope a program for Civil Rights. Should not Congress provide new legislation if the civil rights program of the Department of Justice is to develope in a normal and desirable way?

President's Committee
on
Civil Rights

M E M O R A N D U M

February 27, 1947

TO: President's Committee on Civil Rights

FROM: Maceo W. Hubbard
Civil Rights Section
Department of Justice

SUBJECT: Suggestions as to Legislation Concerning the Right of Suffrage

In dealing with the problem of assuring to all citizens the right to vote, it is suggested that the best approach is through legislation designed to secure an impartial application of state laws to all rather than by Federal regulation in detail. Federal legislation relating to the right to vote can be based upon Article I, Sections 2 and 4, of the Constitution and upon the Fourteenth (especially the equal protection clause), Fifteenth, Seventeenth and Nineteenth Amendments. However, it should be kept in mind that the Fifteenth Amendment relates only to the deprivation of the right to vote by a state (or by the Federal Government) on account of race or color, whereas the other constitutional provisions are sufficiently broad to cover all citizens.

It is suggested that any statute considered should include provisions to the following effect:

1.

(a) That if, under the constitution or laws of any state or territory, any act is or shall be required to bedone as a prerequisite or qualification for voting at any primary or general election and if, by such constitution or laws, persons or officers are charged with the duty of furnishing to citizens an opportunity to perform such prerequisite or to become qualified to vote, it shall be the duty of every such person and officer to accord all citizens the same or equal opportunity to perform such prerequisite and to become qualified to vote.

(b) That no such person or officer shall require or administer any provisions of a state constitution or law which requires that any act designated as a prerequisite or qualification for voting shall be performed to the satisfaction of such person or officer.

(c) Violations of the above should be punished by appropriate fine, or imprisonment, or both.

2.

That any election officer or any person acting under color of any law, statute, ordinance, or regulation who intimidates, or hinders, or prevents any qualified person, by threats of violence or other illegal means, from voting at any primary or general election shall be punished by fine, or imprisonment, or both.

3.

That, if any person, by force bribery, intimidation, threats of injury to person or property, or other unlawful means, shall hinder, obstruct, or prevent any citizen from voting at any primary or general election at which electors for President or Vice President or a member of the Congress of the United States is or shall be votedfor, chosen, nominated, or elected, he shall be punished by fine, or imprisonment, or both.

4.

That, if two or more persons conspire to prevent by force, intimidation, or threats of injury to peson or property any citizen from giving his support or advocacy in a lawful manner toward or in favor of the nomination, selection, or election of any person as an elector for President, or Vice President, or as a member of the Congress of the United States, they shall be punished by appropriate fine, imprisonment, or both.

5.

The term "primary" should be carefully defined. The definition should include:

(a) Any primary, regulated wholly or in part by the laws of the state or of the United States, the choice of which usually determines the result of a general election, or which is an integral part of an election or a step in the election process.

(b) Any primary held under the auspices of, or regulated wholly or in part by, a political party or other association or group, at which electors for President, or Vice President, or members of the Congress of the United States are nominated, and the nominees of which are entitled to participate under the laws of a state or of the United States as candidates in a general election and which is an integral part of an election or step in the election process or is usually determinative of a general election.

(c) Any other primary held under the auspices of, or regulated wholly or in part by, a political party or other association or group, the choice of which usually determines the result of a general election, or which is an integral part of an election or step in the election process and the nominees of which are entitled to participate under the laws of a state as candidates in a general election.

6.

A severability clause should be inserted providing that, if any provision, section, sub-section, etc., is held invalid, the remainder of the statute shall continue in full force and effect.

* * * *

Specific punishment for violation of the above provisions has not been suggested because the Committee may wish to consider punishment, as it relates to the protection of the right to vote, in connection with penalties imposed for violation of other civil rights.

In connection with the problem of enforcing a statute such as the above, it is believed that the Department of Justice should be given the authority, in appropriate cases, to initiate injunction proceedings and proceedings under the Declaratory Judgment Act. Heretofore, the Department has had to act after elections and then it could proceed only under available criminal statutes. If empowered to proceed by injunction or under the Declaratory Judgment Act in case of violations of rights secured by the Constitution and laws of the United States, it could act with greater effectiveness in advance of elections to prevent interference with registration, certain forms of intimidation, etc. It could also attack, in advance, such devices as the so-called white primary.

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President's Committee
on
Civil Rights

February 27, 1947

MEMORANDUM

TO: Members of the President's Committee on Civil Rights

FROM: Robert K. Carr

SUBJECT: We are reproducing below portions of an article from the New York Times (February 15, 1947), which we thought you would find interesting.

RUSSIA IN UNITED NATIONS
HITS PERSONAL LIBERTY

Also Opposes in Human Rights Bill
Prohibition of Slavery and Compulsory Labor.

Lake Success, New York, February 4 - Russian Communist, British Socialist and American democratic members of the United Nations Human Rights Commission today argued inconclusively which rights of man should be embodied in an international bill of rights.

Looking at the list V. T. Tepliakov of the Soviet Union urged deletion of all these concepts:

The rights of life, of personal liberty; prohibition of slavery and compulsory labor; right to petition national Governments and the United Nations; non-retroactivity of penal laws; right of property and prohibition of unlawful expropriation; freedom of movement (migration) and freedom to resist oppression.

.....

The proposal that drew the most fire was this four-point proposal from Dr. Charles Malik of Lebanon, rapporteur of the commission:

(1) That the "human person" is "prior" to any group to which he may belong - class or nation or race.

(2) That his "mind and conscience" are the "most sacred and inviolable thing about him."

(3) That any "social pressure" coming from any direction which determines his consent is wrong.

(4) That "The group can be wrong, just as the human person can be; in any case it is only the human person who is competent to judge."

Mr. Tepliakov of Russia immediately opposed this Lebanese concept.

"You can't divide the individual from society or the society from the individual", he said. "We're living as individuals ina community and society and we're working for the community and society and the community and society are providing materials for existence."

The Lebanese proposal would be all right only "if you put the human individual in a glass tower," the Russian went on. He related that "200,000,000 peoples of the Soviet Union are living and enjoying human rights as proclaimed in the Soviet Constitution."

.....

Mrs. Roosevlet, speaking as United States Delegate, discussed the Lebanese proposal thus:

"The rights of the individual are very important. It is not that you set the individual apart from society but that you recognize in any society that the individual must have rights that are guarded."

Charles Dukes of the United Kingdom, who is a vice cheirman of the British Trade Union Congress, had still another answer to the Lebanese proposal. Mr. Dukes said, "There is no such thing as complete personal freedom." He added:

"If freedom or complete detachment from society were possible it would provide a very poor life, indeed. We must all pay the price for advantages resulting from calling upon the state to safeguard our liberties both in the sense of personal freedoms and also in the direction of the minimum degree of economic security."

Mr. Dukes suggested that state and individual should integrate their rights, commenting that the "right to change the form of government" was one of the "highest" rights.

Replying to his critics, especially to Mr. Tepliakov of Russia, Mr. Malik of Lebanon said, "The human person who dares to say, 'not' to the social pressure should not be eliminated." He edded:

"The real danger is that social pressure is snuffing out the in dividual personality. I'm not arbitrarily setting the state against the individual or vice versa. But which, I ask, is for which? I say the state is for the individual."

Spontaneously a few spectators applauded.

President's Committee
on
Civil Rights

M E M O R A N D U M

March 17, 1947

TO: The President's Committee on Civil Rights

FROM: Robert K. Carr

SUBJECT: The McNear Case

News stories of the McNear Murder Case relating the activities of the FBI have failed to mention the civil rights aspect of the case or the fact that it is the Civil Rights Section rather than the FBI which is responsible for federal intervention.

George P. McNear, Jr., President of the strikebound Toledo, Peoria and Western Railway, was shot to death by an unknown killer near his home in Peoria, Illinois on March 10.

McNear had testified before the House Labor Committee two weeks before his death and it is the presumption that he was killed because of his testimony before this agency that provides the basis for federal investigatory activity. The legal justification for this action is twofold:

1. Section 241-a, of Title 18 of the United States Code,

"Section 241-a: Protection of witnesses appearing before agencies of the United States.

Whoever corruptly, or by threats or force, or by any threatening letter or communication, shall endeavor to influence, intimidate, or impede any witness in any proceeding pending before any department, independent establishment, board or commission or other agency of the United States, or in connection with any inquiry or investigation being held byeither House of any Committee of either House, or any joint committee of the Congress of the United States, or who corruptly or by threats or force, or by any threatening letter or communication shall influence, obstruct or impede, or endeavor to influence, obstruct or impede the due and proper administration of the law under which such proceeding is being had before such department, independent establishment, board,

> commission, or other agency of the United States or the due and proper exercise of the power of inquiry under which such inquiry or investigation is being had by either House, or any committee of either House or any joint committee of the Congress of the United States shall be fined not more than $1000.00 or imprisoned not more than one year, or both."
> (January 12, 1940, Ch. 1. 54 Stat. 13)

In other words, if evidence should show that McGear's killer did act because of McGear's appearance before Congress, he could be prosecuted in a Federal Court for violation of Section 241-a.

2. Section 51.

Among the undefined federal rights which this statute protects against private interference, the right of a witness to be protected in giving testimony before a federal tribunal has been specifically recognized by the courts, (Foss v. U.S. 266 Fed. 881(1920).

It is unfortunate that the Civil Rights Section is receiving no publicity in this case, for it would tend to offset the widespread tendency to regard the agency as one that is active only in the south.

MEMORANDUM

April 3, 1947

TO: The President's Committee on Civil Rights

FROM: Robert K. Carr
and
Milton D. Stewart

SUBJECT: The FREEDOM TRAIN Project

A major educational campaign in the field of civil rights is now being planned jointly by the Department of Justice and various private agencies. It is tentatively scheduled to begin next fall. The description of the campaign which follows is based on preliminary memoranda of the Department of Justice and the Advertising Council, as well as on discussions with responsible executives of those agencies. It must be stressed that all of this is still in a preliminary stage. The Committee can make use of the Attorney General's appearance before it to discuss any phase of the project with him. William A. Coblenz, the Department's ranking information specialist who has been handling the TRAIN project will accompany Mr. Clark.

A. THE PROPOSAL

A FREEDOM TRAIN will tour the nation for one year, making scheduled stops at a number of communities in each of the 48 states. The train will feature an impressive collection of historical American documents which are part of "Our American Heritage." The train will serve as a springboard for, and main event in, a broad educational campaign, utilizing all of the mass media.

B. HISTORY AND SPONSORSHIP

On April 20, 1946, President Truman sent a letter to the Attorney General approving the FREEDOM TRAIN project. After some Departmental preparation, the Attorney General held a "Bill of Rights Luncheon" eight months later. Attending that luncheon on December 11 were some forty top-drawer executives of the press, radio, and motion picture industries, leading lawyers, and government officials. This group constituted itself as a Committee of the Whole to undertake the planning of the campaign. A further organizational meeting was held in New York on January 7, 1947, and yet another luncheon on January 27. (Presided over by Winthrop Aldrich) A list of the people who attended one or more of these meetings is attached.

The plan now is to have the train and the campaign sponsored by a specially organized American Heritage Foundation. This Foundation will be "under the sponsorship and subject to the approval of Attorney General Clark."

The Advertising Council is instrumental in setting up the Foundation and planning the campaign. This organization grew out of the "War Advertising Council" which collaborated with the Office of War Information and other government agencies in a series of information programs designed to help mobilize American public opinion behind various essential wartime measures and policies. With the close of the war the advertising industry decided to continue its public service effort, and reorganized the WAC into the present Council. A Public Advisory Committee, headed by Evans Clark of the 20th Century Fund, approves all projects. Expert advertising agency people volunteer to handle the campaigns which are financed by public-minded private companies or interested organizations. It is estimated that their contribution and voluntary services to the FREEDOM TRAIN campaign will be worth ten million dollars.

The Advertising Council's February 1947 Bulletin reports the status of the campaign to be as follows:

> "The organization of the American Heritage Foundation, which will be the sponsor of the Freedom Train and of the national campaign, is still in process. Several conferences between D'Arcy Brophy, Louis Novins, (Assistant to the President, Paramount Pictures Corporation, on lend-lease to the American Heritage Foundation), T. S. Repplier, James W. Young and others interested in the campaign have been held in an effort to set up a copy platform and a campaign policy. Winthrop Aldrich, Chase National Bank, is actively engaged in securing funds for the campaign. A budget of $500,000 has been set up, half of which will probably be used by the Foundation and half by the Council. A more detailed report of the progress will be possible within a few weeks."

A major contribution to the campaign will be made by the Pennsylvania Railroad, which is contributing three cars and a baggage car for the duration of the tour. The cars will, of necessity, be redesigned for this purpose. The American Association of Railroads has undertaken to transport the train through the facilities of its members. This alone is estimated to be a contribution of $300,000.

C. COOPERATING GROUPS

Among the cooperating groups which have already pledged their support are: The Advertising Council, Inc.; The Association of American Railroads; The National Association of Manufacturers; the motion picture industry through The Motion Picture Producers Association; The American Theaters Association; and The Allied States Association of Motion Picture Exhibitors; The Periodical Publishers Association of America; The National Publishers Association; The United States Chamber of Commerce; The National Association of Broadcasters; The National Education Association; The American Bar Association; The American Bankers Association. Many other private agencies, including fraternal, social, trade union, veterans and patriotic groups have offered their assistance. State governors and city mayors will be asked to co-sponsor the train locally.

D. CONTENT OF THE CAMPAIGN

The actual content of the media campaign which will be built around the train has not yet been determined. Attorney General Clark has made the following statement about the documents to be exhibited on the train itself:

> "This collection would include sufficient basic and collateral documents to exemplify the development of American democracy as the fullest expression of individual freedom, human rights, and the dignity of man. We hope that such monumental landmarks in our history as the Bill of Rights, the Emancipation Proclamation, the Treaty of Paris that won this nation its independence and other treasured originals will be included and will make a powerfully dramatic presentation of the American heritage. In addition there would be dozens and dozens of fascinating bits of Americana like these:
>
> — notes of the proceedings leading to the Declaration of Independence which were taken down in the handwriting of Thomas Jefferson,
>
> — a letter from the King of Siam, dated in 1861, expressing his interest in the democratic ideals of the United States, and offering to lend elephants that might be used by the United States in its prosecution of the Civil War,
>
> — The Virginia Plan of the Constitution of the United States in the handwriting of Edmond Randolph introduced by him at the Constitutional Convention on May 29, 1787,
>
> — James Madison's manuscript notes of debates in the Federal Convention discussing the need for a Bill of Rights,
>
> — George Washington's first inaugural address,
>
> — and so many other treasures of our history.
>
> In addition to these American documents, it is proposed that there be a sufficient collection of contrasting original documents of Nazi totalitarianism depicting the destruction of human rights."

E. POSSIBLE LIMITATIONS

The members of the Committee have on several occasions expressed interest in government mass media campaigns to aid in the creation of a climate of public opinion favorable to civil rights. The FREEDOM TRAIN is an instance of such action. It seems likely that in view of its distinguished sponsorship and expert guidance, the Train will be a "success" in terms of the conventional goals of such a campaign. Many successful drives like it were run by the government and private groups during the war to get people to save fats, buy bonds, and contribute to scrap metal drives. There may be, however, some limitations on the use of this approach in the civil rights area which might make it much less useful than it has been in other cases. This is not to say that such efforts are undesirable or should not be undertaken on a large scale; only that their

usefulness may be limited. Some of the possible problems:

> Assuming that people are led to pay lip service to democratic ideals through such celebrations, does it change their attitudes or their behavior?
>
> Can this kind of effort be applied to contemporary problems, such as the President's Committee is dealing with?
>
> Will current material inevitably run into storms of controversy?

These questions are meant to be suggestive. An extended memorandum on the "Nature of Prejudice and Efforts to Overcome It" will be prepared by the staff. It will report research data on the successes and failures of the mass media and other approaches.

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HARRY S. TRUMAN LIBRARY

President's Committee on Civil Rights

APPENDIX

Peopole attending one or more meetings with the Attorney General on December 11, 1946, January 7, 1947, and January 27, 1947 in connection with FREEDOM TRAIN project:

Frank Abrems, Chairman,
Standard Oil Co. (New Jersey),
Represented by: John R. Suman,
Executive VP.

Winthrop W. Aldrich, Chairman,
Chase National Bank.

Earl D. Baker, Business Manager,
The Washington News.

Barney Balaban, President,
Paramount Pictures, Inc.

Chester I. Barnard, President,
New Jersey Bell Telephone Co.

Thomas H. Beck, Chairman,
Board of Directors,
Crowell Publishing Co.

Irving Berlin - Songwriter

Wilson Braden,
Nat'l Ass'n Mfgrs.

Frank Breucher, President,
Periodical Publishers Ass'n of Amer.

Edward H. Burdick, President,
Diorama Corporation of America.

Honorable Tom C. Clark,
Attorney General of the United States.

J. Luther Cleveland, President,
Guaranty Trust Company,
Represented by: William R. White, VP.

William A. Coblenz, Assistant Director,
Division of Public Information,
Department of Justice.

Robert Coyne,
American Theaters Association.

C. Donald Dallas, President,
Revere Copper & Brass Co., Inc.

Ned E. Depinet, President,
R.K.O. Theaters.

Irving Dollinger, Plaza Theater,
Allied States Association of
Motion Picture Exhibitors.

Simon H. Fabian, President,
Fabian Theaters.

Harvey S. Firestone, Jr., President,
Firestone Tire & Rubber Co.,
Represented by: Roger S. Firestone
President, Firestone
Rubber & Latex
Products Company.

Walter S. Gifford, Chairman,
Amer. Tel. & Tel. Company,
Represented by: John H. Ray,
VP & Gen. Coun.

Eric Johnston, President,
Motion Picture Producers Association,
Represented by: Francis S. Harmon.

Colonel Harry T. Klein,
The Texas Company.

Thomas P. Lamont,
John P. Morgan & Co.

Honorable Herbert H. Lehman,
Lehman Brothers,
Represented by: John M. Hancock,
Partner.

Col. Timothy A. McInerny, Director,
Division of Public Information,
Department of Justice.

Charles E. Merrill,
Merrill, Lynch, Pierce, Fenner &
Beane.
Represented by: Alpheus C. Beane.

Abram F. Myers, General Counsel,
Allied States Association of Motion
Picture Exhibitors.

Donald M. Nelson, President,
Society of Independent Motion
Picture Producers.

Louis A. Novins, former Assistant
Attorney General of Mass.

Dwight R. G. Palmer, President,
General Cable Corporation.

Robert Perkins, General Counsel,
Warner Brothers.

Allan M. Pope, President,
Commerce & Industry Assn. of N.Y.
(The First Boston Corp.)
Represented by: Henry Bruere, Pres.,
Bowery Savings Bank,
New York.

James H. Rand, President,
Remington-Rand Company.

Gordon S. Rentschler, Chairman,
National City Bank, New York,
Represented by: Victor Schoepperle.

Theodore Repplier, President,
National Advertising Council.

Stanley Resor, President,
J. Walter Thompson Company, New York.

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Carl B. Rix, President,
The American Bar Association.

Dr. A. S. W. Rosenbach,
famous antiquarian of Philadelphia.

Nicholas M. Schenck, President,
Loew's Inc.

Spyros P. Skouras, President,
20th Cnetury-Fox Film Corp.,
Represented by: William C. Michel.

Frank Stanton, President,
Columbia Broadcasting Company.

Thomas V. Sullivan,
Brown & Bigelow,
Saint Paul, Minn.

Gerard Swope,
General Electric Company.

Niles Trammell, President,
National Broadcasting Company.

Leroy A. Van Bomel, President,
National Dairy Products Company.

Frank C. Waldrop, editorial writer,
Times-Herald of Washington, D. C.

DeWitt Wallace, Editor,
The Readers Digest.

Thomas J. Watson, President,
International Business Machines Corp.

Edwin L. Weisl,
Simpson, Thatcher & Bartlett,
New York.

Allan M. Wilson,
Assistant to the President,
The Advertising Council, Inc.

Charles E. Wilson,
President,
General Electric Company.

Lyle C. Wilson, Director,
Washington Bureau,
United Press Association.

President's Committee
on
Civil Rights

April 16, 1947

MEMORANDUM

TO: Members of the President's Committee on Civil Rights

FROM: Robert K. Carr

SUBJECT: A Digest of Press Clippings in the Civil Rights Field Prepared by Herbert Kaufman and Joseph Murtha of the Staff.

1. The attached digest includes a summary of press clippings for the months of February and March. The clipping service has been supplied to us by the Office of Government Reports, United States Information Service, and covers 235 newspapers of which 226 are dailies and 9 are weeklies. Of these, 9 weekly and one daily constitute the Negro Press. This list represents a sample of the Nation's press as determined by the Information Service; it comprises papers in 169 cities.

2. No attempt has been made to evaluate the material or to weigh the amount of press coverage. The summaries are presented purely with a view towards outlining the facts. In many cases the same story has been repeated in the majority of papers throughout the country. In other cases the facts were reported only by the local press. Such variations in coverage have not been indicated.

Attachment

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President's Committee
on
Civil Rights

CONTENTS

I. DISCRIMINATION

A. Employment

1. Private

a. On February 13, Lovic Howell, Chairman of Local 465 of the Protective Order of Dining Car Waiters, accused the Union Pacific Railroad Company of barring Negroes from employment as dining car stewards.

b. On the same date, Ossie Long, Chairman of Local 370 of the Dining Car Waiters and Cooks Union, made the same charge against the Pennsylvania Railroad Company, and added that the Brotherhood of Railway Trainmen was collaborating with the company in discriminating against Negro employees.

c. On February 15, Joseph F. Albright, Special Assistant to General Omar Bradley, at present on tour through the Nation inspecting the Veterans Administration, said that employers and unions in the plumbing and construction industries were retarding Negro veterans in on-the-job training.

d. On February 15, Leroy Jeffries, Assistant Director of Industrial Relations for the National Urban League, reported that, "Negro workers are now employed in a greater variety of occupations than ever before in the history of the United States."

e. Earl Brown, Columnist for the Amsterdam Star-News, on March 8, reported that, "Although Negro auto workers are not yet promoted freely to skilled or even semiskilled jobs on the production line, many more of them hold such jobs in the auto industry than ever before. The chief reason for this is the auto workers union, UAW-CIO."

f. On March 8, the Urban League of Portland, Oregon, released its second annual report. It stated that racial discrimination against Negroes by labor unions, by employers, and, in housing, by the realty board were creating an artificial housing shortage and serious unemployment for the minority group. Only the school system was held to be free of discrimination. The report concluded that the greatly increased Negro population in Portland must either be hired or it will starve.

g. In a suit in the New York Supreme Court in Jamaica on March 14, the Strauss Stores Corporation sought to test whether a recent strike in its retail stores was justified or barred by a union contract. The company, in its brief, claimed that the union denied admittance to thirty-four employees because some of them were Negroes. The union, Local 830 of the CIO Retail and Wholesale Employees Union, countered with the argument that the thirty-four in issue were strikebreakers, and that Negroes were not only admitted to the union, but held office in it. The union also claimed that charges of discrimination were filed against the company before the State Commission against Discrimination. (No decision reported to date.)

h. During the week of March 22, the Public Utilities Commission of the District of Columbia, in a hearing on fare increases for the Capital Transit Company, heard the CTC reaffirm its intention not to hire Negroes as motormen or conductors. CTC President, E. D. Merrill pointed out that an experiment in training a Negro motorman resulted in a work stoppage by white operators.

A citizens' committee visited the CTC offices the same week to discover what efforts the company was making to upgrade Negro personnel. The spokesman for the company said that it intended to give courses for the white operators to prepare them to accept Negro streetcar operators and bus drivers, but that it couldn't make the men listen to the lectures.

i. The State Commissions against Discrimination of New York and New Jersey held joint meetings with the Hudson and Manhattan Railroad Company and eleven railroad unions having contracts with the company, the New York Post revealed on March 28. The Commissions expected to have a showdown meeting the following week on the question of union and company bans against employment of Negroes.

2. Public

a. On February 8, the Pittsburgh Courier published reports of a survey it conducted in the District of Columbia offices. The paper will report on the situation further in a series of weekly articles. An incomplete list alleged discrimination in twelve Government offices in the District of Columbia.

b. On February 22, a feature article in the Baltimore Afro-American pointed to discrimination by states in employment of Negro workers, particularly in the case of the Veterans Administration. The article pointed out that South Carolina employe six Negroes out of 1400 employees, Georgia - seven out of 5000, Louisiana - four out of 1500, etc. All in all, only .0002% of Negro veterans have found employment in the Veterans Administration in Southern States.

c. On February 22, the UPWA (CIO) released photostatic copies of concrete evidence showing discrimination by Government agencies in the hiring of Negro employees. The union has submitted this evidence to President Truman.

Government agencies were emphatic in their denial of a blanket charge by a National radio commentator that they are deliberately showing discrimination in the hiring of Negro workers left unemployed by the liquidation of wartime Government agencies.

d. On February 28, the Baltimore Evening Sun reported a bright spot in racial relations in the South in the growing tendency to hire Negro policemen for Negro districts.

In Atlanta, however, where Negroes are probably more active politically than in other southern cities, the question remains a sharp

issue, and the city hall was recently picketed by crowds chanting, "We want Negro police, give us Negro police."

e. On March 4, a score of machine-card punchers in the Internal Revenue Bureau's Statistical Section left their jobs and visited the Bureau's Personnel office after a Negro girl employee was moved to their section of the room from another section.

3. Fair Employment Practices Committee

a. Connecticut
On March 12, nearly 300 people testified at a three-hour hearing before the Judiciary Committee at Hartford. Not one opposed the legislation.

b. Illinois - Senate and House Judiciary Committee hearings on a State FEPC bill drew hundreds of witnesses on March 20.

The Chicago Sun on March 18, reported that the Illinois Chamber of Commerce has expressed opposition to legislation for an FEPC.

c. Michigan - An effort to put an FEPC bill for the State on the ballot failed when, on March 2, the State Supreme Court, ruling on a suit by three taxpayers, struck the bill from the ballot on the ground that it contained no title and was, therefore, not in the proper constitutional form. The initiating petition had been signed by more than 200,000 voters. The Michigan Council for Fair Employment Legislation has announced that it would renew its efforts to get immediate enactment of the legislation.

d. Minneapolis - The Minneapolis Minnesota City Council enacted a fair employment practices ordinance during the week of February 22. The Council went on record as favoring a State FEPC.

e. Minnesota - Jack Mackay, Associated Press Reporter, on March 22, declared that an FEPC bill which had been introduced in the State legislature was effectively stopped by the dilatory tactics of its opponents. Moreover, the bill did not have full public support; the State CIO characterized the measure under consideration as "too weak" and introduced a bill of its own. The legislation that was held up is regarded as the Governor's bill.

f. Missouri - The House Labor Committee held a two-hour hearing on March 12, regarding a proposed Fair Employment Practices Act. Many organizations were present to support it. The only opposition came from W. L. Roos, representing the Associated Industries of Missouri and C. O. Griffis of the Brotherhood of Locomotive Engineers.

g. New York - The "State Committee against Discrimination denied Columbia's (Columbia University) claim that the college employment office could go on asking students, alumni and others seeking outside jobs questions about their religion or nationality because the college was exempt from the provisions of the Ives-Quinn Law." (PM, New York, February 25): The decision apparently sets the precedent that all employment offices run by charitable and educational institutions must obey the Ives-Quinn Law.

The report of the SCAD was released on March 19. There were 752 cases involving allegations of bias in employment. Of these, 277 were withdrawn, found unmeritorious, or outside the commission's jurisdiction. In 290 cases of violations, however, the commission reached a settlement by conference. It has never resorted to the courts for enforcement, but has carried on an extensive educational campaign. (The report was very favorably received by the New York papers.)

h. Ohio - On March 11, hearings were held before the Senate Commerce and Labor Committee on two FEPC bills modelled on the New York and New Jersey prototypes. The room was crowded with witnesses and spectators who gave strong support to the measures. (Another hearing was scheduled for March 25, but no reports have appeared as yet.)

i. Pennsylvania - During the week of February 17, the Pittsburgh Post-Gazette reported that the Pennsylvania Committee for Fair Employment Practices was unable to find a sponsor for its FEPC bill in the House of Representatives.

However, on March 19, a fair employment practices bill was introduced in the legislature. It provides for a five-man commission to hear complaints against employers and unions, to encourage local advisory and conciliation councils, and to conduct an educational program. The commission would have power to impose penalties on violators.

j. Rhode Island - On March 19, hearings were held before the Senate Finance Committee on an FEPC bill. The legislation was endorsed by a score of witnesses in two hours, and it was asked that the measure be reported out to the Senate floor.

4. Labor Unions

a. A 125,000 dollar damage suit was filed on February 8, by Henry Benjamin, a Negro fireman, against the Brotherhood of Locomotive Firemen and Enginemen. Benjamin charged loss of seniority rights through discrimination, and sought to enjoin the union from acting as representative of all firemen on the Louisville and Nashville Railroad as long as it refused to represent Negro firemen fairly and in good faith.

b. David H. Hinton, a Negro fireman on the Seaboard Airline Railroad, filed suit on February 19 in the Federal District Court in Raleigh, North Carolina, against the Brotherhood of Locomotive Firemen and Enginemen. Mr. Hinton claimed that the union had been consistently hostile, disloyal and unfair. He said that he was removed from his job to make place for a white man with less seniority.

c. On February 20, the New York State Commission against Discrimination reported that the constitution of the Brotherhood of Locomotive Engineers contains a bar to Negro membership. The union failed to respond to requests to change the constitution, and the Commission may have to resort to penal sanctions to enforce compliance. Other

unions, however, it is said, have cooperated. (Editorial, Burlington, Vt., Free Press, March 18.)

d. A Federal District Court in Missouri issued an injunction on March 1 restraining the Missouri-Kansas-Texas Railroad from forcing Negro train porters from the head end of trains and substituting white brakemen. Pressure for discrimination came from the Brotherhood of Railway Trainmen, who have in their constitution a color ban excluding Negroes from membership.

e. Former Judge James A. Cobb, on March 22, urged Senate Labor Committee to bar the National Labor Relations Board from certifying any labor union that limits membership by race, color or creed.

f. Michael J. Quill, Transport Workers Union leader, for attacking the Association of Catholic Trade Unionists and the Crown Heights Labor School, was censured by a Bronx Council of the Knights of Columbus on March 30. Quill called the association a group of strikebreakers.

B. Education

1. California

On March 18, the Baltimore Evening Sun reported a demonstration of sign-carrying students at Fremont High School, protesting the presence of six Negro students in the institution.

On March 29, the Baltimore Afro-American commenting on the demonstration, cited the case of a similar outbreak in Los Angeles which resulted in severe penalties for the student participants and won the plaudits of the NAACP.

2. Indiana

The Educational Committee of the House of Representatives on February 21 heard several speakers justify racial segregation as providing equal rights and educational opportunities for all pupils. Opponents criticized Indianapolis as the only Northern city practicing segregation. Hearings were held in connection with a bill proposed to outlaw racial segregation and discrimination in all schools.

3. Maryland

(Baltimore Sun) A suit was filed on March 15, against the Maryland Institute of Art charging discrimination and violation of the Fourteenth Amendment by Leon A. Norris. The petition requested that the mayor and city council be enjoined from appropriating tax funds to the institution.

4. New Jersey

March 15 (New York Post)- Considerable attention was drawn to a sorority in Upsala College, East Orange, New Jersey, when its vice president and two other members resigned because the rest of the membership refused to pledge a Negro student. By March 26, Naomi Charner, one of the Upsala sorority members who resigned, was swamped with letters of support from all over the country and announced plans for a National sorority, free of racial or religious bars.

5. New York
The American Jewish Congress reported on March 8, that 19 out of 23 colleges in New York State are asking applicants for admission, questions designed to elicit information concerning their race religion or national background.

On March 14, the Student Council of the City College of New York requested the City Council Committee investigating discrimination in the city colleges, to investigate Professor William E. Knickerbocker, Chairman of the Romance Language Department, after a council subcommittee had charged him with anti-semitic statements. Dr. Knickerbocker had previously (1945) been charged with bias by four members of his department.

6. North Carolina
A bill was proposed in the House on March 11, recommending appropriations for the establishment of a two-year medical school for Negroes at the North Carolina College in Durham. Representative Burgin, who introduced the bill, pointed out, "If the State decides to build a four-year medical college at Chapel Hill, it will be compelled to admit Negro students or build a separate medical school." He favored the latter course. Currently, North Carolina and many other states send Negro students to out-of-state medical schools and pay the tuition.

During the week of February 22, the trustees of the University of North Carolina refused to bar Dr. G. B. Johnson, sociologist, from the staff because of his liberal views on the race question. They also refused to consider a resolution to reject Rosenwald Foundation grants to the University. Charges of excessive liberality were also aimed at Dr. Graham, President of the University. John W. Clark of Greensboro, introduced the resolutions; former Governor C. Morrison and Josephus Daniels, editor, led the fight against them.

7. Oklahoma
On March 12, the Tulsa, Oklahoma Tribune carried an editorial commenting on Texas appropriations to set up a separate Negro University and called upon a more enlightened stand from the citizens of Oklahoma. The Editor, however, followed the line of segregation by calling for a new Negro University; but as to medical or law training, he suggested that the "few" Negroes wanting such training should be allowed to attend the white graduate schools at Norman and Oklahoma City.

8. Pennsylvania
Student delegates from sixteen eastern colleges met at Swarthmore College on March 9 in the first Intercollegiate Race Relations Conference to discuss possibilities of prevailing upon their colleges to adopt more liberal policies on the admission of Negro and other minority groups.

9. Texas
An editorial in the Dallas News of February 16, suggested the use

of war training centers to give trade and industrial educations to Negro youth. "It would help southern communities to do more for their own Negro youth and thus would lessen the pressure for federal meddling in education."

In June, 1946, Herman Marion Sweatt sued in a Federal District Court for equal educational facilities for Negroes on the university level. At that time, the court gave the State six months in which to establish a law school for Negroes equal to that of the University of Texas. In December, the court ruled that a motion passed by the Texas A&M College Board of Directors setting up a law school at Houston, met the demand for equal educational facilities. Governor Jester approved, on March 3, a bill setting up a separate university as a branch of Texas A&M. As of March 18, the new law school, with three professors and eighty-nine books, still had not had an applicant. On March 19, an editorial in the Dallas News pointed out that the NAACP apparently puts acceptance of equality ahead of achievement of equality.

10. Virginia
A permanent injunction restraining the school board of Gloucester County and J. Walter Kenny, Division Superintendent of Schools, from denying Negro school children any of the educational opportunities offered to white children, purely on account of their race or color, was requested on February 26, in the Federal District Court. The action was brought by 40 Negro pupils suing by their parents or guardians. They charged discrimination in the use of school buildings, bus transportation and pay for teachers. Attorneys for the plaintiff pointed out that with the NAACP conducting surveys in school systems throughout the South, test cases may follow anywhere.

C. Juries, Courts, and Legal Proceedings

1. On February 22, the Mississippi Supreme Court, in upholding the death sentence for two Negroes convicted of murder by an all-white jury, ruled that Negroes did not have to be on the jury in this case because there were only 12 or 13 eligible Negro jurors as against 5,000 white jurors, or less than one chance in 400 that Negroes would be selected.

2. On March 15, James Lewis and Charles Trudell, 14 and 15 years old respectively, appealed to the U. S. Supreme Court through the NAACP to review their convictions for murder and death sentences by a Mississippi court. Counsel alleged that the only evidence against them was their confessions obtained under duress.

3. G. C. Moore and L.R. Haughton, Negroes of New York, argued that they were deprived of their rights because a list of prospective jurors included no women and no Negroes, the judge, on March 21, overruled them and ordered trial.

D. Suffrage and Elections
1. Alabama - In November, 1946, the State constitution was amended to

authorize local registrars to require that local voters be of "good character" and able "to understand and explain any Article of the Constitution." Governor James E. Folsom opposed the measure at that time. The Associated Negro Press, therefore, feels that he would veto a "white primary" bill if one were passed by the legislature. (Released March 15).

2. Florida - State Senator John E. Matthews in the chief sponsor of a "white primary bill" for Florida, Henning Heldt of the Miami Herald reported on March 21. The bill would repeal all state primary laws and make parties private, voluntary associations entitled to place names on the official election ballots. If passed, the measure would make it possible to prevent Negroes from voting without violating the Supreme Court decision that defines primaries governed by State law as part of the elective process and, therefore, within the meaning of the Fifteenth Amendment.

3. Georgia - The so-called "White Primary Bill," a measure to repeal all official state laws governing primaries and leave political parties in entire charge of primary machinery, was signed by H. Talmadge, acting Governor of Georgia, on February 20. The purpose of the bill was to evade the U. S. Supreme Court decision which defines primaries governed by law as elections and, therefore, within the scope of the Fifteenth Amendment.

Negroes were denied the right to testify or even sit in the galleries during consideration of the measure, but there was some opposition to the bill in the Senate from some legislators, from the Southern Conference on Human Welfare, from the Civic-Political League, and others. Meanwhile, the NAACP set out to raise $10,000 to fight the law in court.

On March 19, the Supreme Court of Georgia ruled that Talmadge was not the legal Governor and the Attorney General submitted an opinion that all laws signed by Talmadge were void and had to be resubmitted to Melvin E. Thompson, the legitimate Governor. Governor Thompson has endorsed the principle of white supremacy, but opposed the divorce of primaries from State control as the means to that end.

Another bill introduced in the legislature and passed by the House of Representatives proposed cancellation of all county voter registration lists and the creation of new ones. It is alleged that this would make possible the disenfranchisement of Negroes.

4. Mississippi - On March 4, Governor Fielding P. Wright submitted two measures to the legislature. The first would rescind all primary laws in order to remove primaries from State control. (See I,D,3 for the reason). The second measure would deprive Negro war veterans of exemption from the poll tax payments during the time they served in the armed forces.

On March 10, four more "white primary" bills were introduced.

On March 22, the legislature passed a "white primary bill." It permits the county executive committee to call for new registration of voters whenever it deems such action to be necessary, and provides that those who participate in the primaries must subscribe to party principles. (The Chicago Defender declared that the principles would be such that no Negro could subscribe to them.)

4. New York - Two bills introduced by Assemblyman George Archinal are under consideration. The first would bar from public office all members of "Un-American" organizations. The second bill would empower the attorney general to ban activities of organizations whose members take oaths and which do not file membership lists with the Secretary of State.

5. South Carolina - In 1944, the so-called "South Carolina" plan was enacted whereby all state laws governing primaries are repealed, thus removing primaries from the jurisdiction of the United States Government under the Fifteenth Amendment. The NAACP backed a suit to test the constitutionality of the law in the United States District Court on February 28. (No further newspaper reports.)

On March 15, however, the Associated Negro Press reported that local party officers were not satisfied that the repeal of primary laws would be enough to preserve white supremacy and observed that a move to return to the convention system was on foot.

6. Texas - Walter White, in an article in the New York Herald-Tribune on March 9, praised the Texas Junior Chamber of Commerce for a drive to abolish the poll tax.

7. Virginia - The United States Fourth Circuit Court of Appeals heard an appeal on March 11, from a Federal District Court order which would halt the collection of the poll tax. (No further newspaper reports.)

E. Hotels, Restaurants, Theatres, and other Places of Public Accommodation and Recreation

1. On February 8, in the District of Columbia, The Washington Committee for Racial Democracy brought suit against the National Theatre for refusing to admit Negroes holding tickets purchased for them by whites. The plaintiffs sued to recover the price of the tickets. The Theatre contended that the tickets were sold "subject to the known policy of the theatres" and that the individuals involved had violated the antitrust laws when they conspired to obtain the ticket for Negroes. At issue is the question of whether the Civil Rights Act of 1875, declared invalid within State boundaries in the Civil Rights Cases of 1883, is still in effect in the District of Columbia.

2. On February 16, Federal Circuit Court Judge Alvin C. Reis, in a Wisconsin case, upheld the constitutionality of the State civil rights statute. Judge Reis ruled that the law had been violated by a barber who charged a Negro patron more for a haircut than he normally charged white customers. "Private property rights," the Judge said, "must yield to the public policy demands against race discrimination. Judges should not be blind to the trends of the times."

3. At Williams College, Massachusetts, a Negro student brought suit against a barber who charged him triple the normal fee for a haircut. On February 16, wide press attention was given to the decision of a State court which fined the barber $50 for violating an 1865 statute. The case has been appealed.

4. On February 22, Alderman Walter Lows, a Negro member of the St. Louis Board of Alderman, introduced a bill to fine theatres for segregating Negroes.

As a result of the segregation of Negro customers for a performance of "Carmen Jones," the American Theatre in St. Louis has been picketed by the NAACP and the Civil Rights Congress.

5. On February 22, the Citizens Committee for Justice and the NAACP received the cooperation of Fowler Hocker of the American League for a Free Palestine in forcing the defeat of segregation at the Maryland Theatre's presentation of, "A Flag is Born."

6. On February 22, Ira Latimer, of the Chicago Civil Liberties Committee, asked Governor Thye to investigate discrimination against Negroes in Minnesota summer resorts, and to invoke the Minnesota civil rights statutes to prevent it.

7. On February 22, the Board of Trustees of George Washington University's Lisner Auditorium decided that there would be no more discrimination in the sale of seats when the hall is rented out for public affairs. The decision followed a concerted drive throughout the country to eliminate racial segregation on both sides of the footlights in which the Theatre Chapter of the AVC was particularly active.

8. According to the Pittsburgh Courier of February 22, the problem of who will administer the sports and athletic program of the District of Columbia's twenty-million dollar National Guard Armory is causing some concern to Negro groups in that city. The Armory was recently turned over to the District after housing wartime FBI activities. The article said that the D. C. Recreation Board, which is jockeying for control of the project, has doggedly resisted all attempts to alter its maintenance of the dual recreation policy and program, claiming that it follows the pattern of D. C. public schools.

9. On March 8, a New York restaurant was fined a total of $600 for g violating the State civil rights statute by barring Negro patrons. A similar case was pending in Pennsylvania, where a tavern owner was held for violation of the equal rights law.

10. On March 13, Representative Adam C. Powell requested the House Committee on Labor and Education to investigate discrimination in restaurants and cafeterias in public buildings.

11. On March 16, delegates to a CIO conference in Columbus, Ohio, staged an all-day "sit-down strike" in their Hotel cafeteria when waitresses

refused to serve Negro delegates. Representative Helen Gahagan Douglas joined the group until the time of her train departure. Conference spokesmen claimed that the hotel management had promised in advance that there would be no discrimination.

12. On March 22, Mrs. Helen Latimer pointed to discrimination in Washington as barring thousands of Negro children from seeing productions of the Children's Theatre of New York.

13. The Washington Bar Association, on March 22, requested representation of the colored bar on the recently appointed Home Rule Charter Commission and appointed another committee to investigate discrimination by restaurants in and around Judiciary Square against Negro lawyers.

14. U. S. Senator Langer, predicting the end of discrimination in the District of Columbia, went on record on the radio in favor of a civil rights law for the District of Columbia on March 22.

15. On March 27, Dartmouth College cancelled a scheduled tennis match with William and Mary College in Williamsburgh, Virginia, rather than leave behind C. T. Duncan, Negro star of the team.

F. Transportation

1. On January 30, a Richmond, Virginia court overruled a fine imposed on S, W. Tucker for refusing to move to the rear of a bus. The Company cited the case of Mrs. L. Taylor whose conviction for the same offense was upheld last year, and will continue to hold to a policy of segregation until the conflict is resolved.

2. On February 8, J.W. Reigns, Negro, was awarded damaged by an all-white jury for arrest caused by a bus driver when Reigns refused to move to the rear of a bus. This decision was reached in spite of the company's defense that the driver merely executed the State's segregation policy.

3. Leon A. Ransom, Chairman of the Committee for Racial Democracy, brought suit on February 8, against the Southern Railway Company for refusing to accommodate him after he had made a telephone reservation.

February 4 - 15: (Items 4 to 7 inclusive).

4. Gloster Williams, of the NAACP in Toledo, Ohio, protested to the New York Central Railroad against discrimination by waiters in the Union Depot Restaurant.

5. Rev. Charles Byrd, acting through the NAACP, filed suit with the Interstate Commerce Commission against the Seaboard Airline for refusing to sell him a lower berth from Tampa, Florida, to New York City.

6. Three women, through the NAACP, brought suit against the Southern Railway before the Interstate Commerce Commission for damage to

health as a result of being compelled to move to an inferior car enroute from New Jersey to Georgia.

7. J. E. Stamps and E. L. Powell filed suit with the Interstate Commerce Commission against the Louisville and Nashville Railroad to get an order ending discrimination. Curtains were drawn around the plaintiffs when they sat down in the dining car and abusive language was used.

8. On February 13, the Maryland Senate passed a bill to repeal the Maryland law requiring segregation on railroads and steamboats. On March 20, the bill died in the House of Delegates after an unfavorable report by the House Judiciary Committee.

9. Isaac Woodard brought suit against the Greyhound Bus Company on February 15. Woodard was put off a bus in South Carolina last year, arrested, beaten and lost his sight as a result. The NAACP will try to prove that there was no valid reason for his ejection.

10. On February 18, Charles Royal was refused an appeal to the Arkansas Supreme Court for failure to file a bill of exceptions. Royal appealed for a reversal of a fine imposed on him by the Van Buren Municipal Court for refusing to move to a special coach for Negroes on a Missouri Pacific Railroad train. He contended that the segregation law of the State didn't affect him because he was an interstate passenger.

11. During the first week in March, the NAACP defended Miss B. M. Watkins, who was arrested in Florida for refusing to move to a segregated car while traveling from New York to Florida. The NAACP bases its case on the U. S. Supreme Court decision that interstate passengers are not bound by local segregation statutes.

12. During the first week in March, the Pennsylvania Railroad continued to defend, on grounds of convenience, its policy of segregating Negroes on trains bound for the South from New York.

13. Mrs. L. P. Jackson and Gordon B. Hancock, in hearings before the Interstate Commerce Commission in March, 1947, charged that the Seaboar Airline Railroad refused them dining car service in 1944. A decision is expected in the Spring.

14. On March 29, the Afro-American, Negro newspaper of Baltimore, Maryland, charged that the United Fruit Company's Great White Fleet segregates Negro passengers.

G. Housing - Restrictive Covenants

1. A proposal to outlaw discrimination in mortgage financing because of race, color or creed, was put before the New York State Legislature on February 10. (No further newspaper reports.)

2. On February 14, a case involving restrictive covenants was bound for the U.S. Supreme Court after the New York State Supreme Court upheld

the legality of a covenant in the case of a home sold to Samuel Richardson, colored merchant in Queens. The Court granted a permanent injunction from sale, saying that there is not in existence legislation forbidding this type of discrimination and the Court could not judicially legislate.

A similar case was decided in West Hollywood against an American Indian. The Court upheld the legality of restrictive covenants and the case will be prepared for the U.S. Supreme Court.

3. On March 13, the New York City Housing Authority refused to permit four Negro families to occupy apartments they had rented and, thus, set off a five-hour demonstration in the Authority's offices. Chairman Butler later explained that occupancy had been temporarily held up pending investigation of the report that a subordinate had planned to make the project an all-Negro settlement. It is against Housing authority's policy to set up any segregation.

4. On March 29, an Amendment to the Taft-Ellender Wagner Housing bill to keep redevelopment from becoming an instrument for spreading residential segregation was proposed to the Senate Banking and Currency Committee by the American Council for Race Relations. It recommended that an existing provision in the Federal Civil Rights law be written into the housing bill to give all citizens right to acquire real estate and personal property.

5. There have also been a number of articles pointing to discrimination in real estate advertising. In some of these cases newspapers were charged with being in alliance with local real estate groups.

H. Hospitals

1. The Los Angeles News Editorial of March 8 observed that the campaign to set up a private, non-sectarian, interracial hospital is a progressive step to counter the discriminatory practices of local hospitals.

2. On March 22, the NAACP protested construction of a separate hospital for Negroes at Mound Bayou, Mississippi, claiming that since segregation had not been found necessary in veterans' hospitals during the war, it was not necessary now.

I. Licenses - No newspaper clippings received.

J. Armed Forces

1. On February 15, the NAACP sent a protest to Governor Warren on discrimination in the National Guard.

2. On February 17, a War Department's spokesman said that the Army has no policy respecting the enlistment of colored men in the National Guard.

3. On February 22, General Clay denied that he specified racial requirements for a position with the American Military Government.

4. On February 22, Veterans' Administration officials were uncertain about the operation of a new hospital in Arlington. Final decision on segregation rested with the Deputy Administrator of the branch office. Dr. Cook, Veterans Administration's Deputy Medical Director stated Veterans Administration policy has been to adhere to the social pattern of the community.

5. On March 1, Governor McConaughy of Connecticut, criticized discrimination in the National Guard and sent telegrams to the governors of Massachusetts, Rhode Island and Vermont decrying segregation.

6. On March 1, the Justice Department prepared to defend a suit filed in Pittsburgh to enjoin the War Department from enforcing the regulation which sets up different racial standards for enlistment in the Army. In July, the War Department decided that no more non-whites would be accepted for induction or enlistment into the Army until each group's strength in the Army was reduced in proportion to the group's ratio to the population in the United States.

7. On March 5, action was taken in New Jersey against setting up a separate Negro unit in the National Guard.

K. Mails and Communications

The Manchester Guardian of March 14, reported receipt of an envelope, postmarked New York, bearing the stamp: "Censored by the Jewish Press." The possibility that it may be an attempt to spread anti-semitism through the mails was suggested by the newspaper.

L. National and State Capitols

1. National

a. Thomas Thornton, Senate Building post-office employee was told to leave the luncheonette of the Senate Office Building after purchasing his lunch there. He was ordered out by Edward F. McGinnis, sergeant at arms. Later, Thornton was called into Mr. McGinnis' office and told not to eat there or in any "similar" places in the future. As a result, Representative Adam C. Powell, on March 15, introduced a resolution, directing the House Labor and Education Committee to investigate discrimination in eating places in Government buildings.

b. Raising the issue of whether the Senate Rules Committee now plans to run the Senate press gallery, the standing committee of correspondents on March 19, issued a card for both House and Senate press galleries to Louis R. Lautier, first Negro admitted to membership since 1871. This, culminated a story that was carried widely in both the Negro and white press. His entrance had previously been denied by a 4 to 1 vote of the committee on the grounds that Mr. Lautier represented only weeklies; but the Rules Committee ruled that he be admitted. The case has led to a discussion concerning the revision of the present press gallery rules.

2. State:

The Missouri House voted on March 19, to end discrimination at privately operated public lunch stands in the State Capitol.

M. Other

On March 10, the Christian Science Monitor requested a court case iinvolving Indian claims to land. Indian tribes in California were to be payed for land when moved to reservations under old treaties.

II. VIOLENCE

A. Involuntary Servitude and Peonage

1. On February 25, Mr. and Mrs. A.W. Ingalls were arraigned in Los Angeles on charges of holding Dora Jones, Negro, in involuntary servitude in violation of the Thirteenth Amendment. On March 5, investigations were begun by a Federal grand jury with the aid of the FBI. On March 19, indictments were returned against both the accused. (Press notices were very heavy in this case.)

2. On March 22, the NAACP in El Paso, Texas, uncovered the case of Elizabeth Cooker, alleged to have been held in slavery since 1938 by Mr. and Mrs. P.R. Franklin. The FBI is investigating.

B. Lynching

1. The Willie Earle Case

a. On February 16, Willie Earle, Negro, was jailed in the Pickens County, South Carolina jail, suspected of stabbing and robbing a Greenville, South Carolina, taxi driver. A coroner's jury investigated and held that Earle was responsible. On February 17, twenty or twenty-five unmasked, armed men forced the jailer to release Earle to them. They drove him away in a motor caravan. His body, stabbed and shot, was found on a highway two hours later. His death occurred before any legal charge had been filed.

(South Carolina law provided that counties are responsible for lynchings which take place within their borders; the state has, on occasion, punished responsible officers and collected fines from offending local governments.)

b. On February 20, the sheriff announced that he had signed admissions from eleven Greenville taxi drivers that they had participated in the lynching. By February 24, there were 26 admissions obtained with the aid of the State and city police and the FBI. By February 25, thirty-one men were served warrants and bail was set for thirty of them. On March 1, a coroner's inquest concluded that Earle was lynched, but could not agree on the specific list of names to be included in the indictment to be sent to the grand jury. Nevertheless, State Solicitor, R. T. Ashmore pressed for the indictment of the thirty-one accused, and on March 20, all were indicted on four counts by a state grand jury. R.C. Hurd was named as the man who actually fired the fatal shot.

$2,000 was raised by J.D. Roberson to defend the accused.

(Press reaction was very heavy. The case was picked up by the wire services and received a good deal of play from the very first. The Negro press in particular followed the case closely and called

for indictments. The speedy results were praised by most of the South Carolina press, and lynching was deplored by all who picked up the case, including the non-Negro, Southern press.)

2. Monroe, Georgia Case
   a. On February 20, James B. and Tom G. Verner, of Monroe, Georgia, were indicted on charges of assulting a Federal witness. G. L. Howard, Negro, testified at the grand jury investigation of the lynching of four Negroes last summer. On January 1, the Verners beat him when he refused to disclose his testimony to them, and Howard complained to the FBI.

   b. James Verner was tried by the State of Georgia in the same case in February and found not guilty of charges of assault and battery. Both brothers, however, are still awaiting trial in a Federal Court.

3. Minden, Louisiana Case
   a. Albert Harris and John Jones, Negroes, were arrested on July 31, 1946, for attempted rape. On August 8 they were released, rearrested, and taken from the Minden jail by a crowd. Both were beaten and multilated, but Harris survived and later escaped with the aid of the NAACP.

   b. Five white men were accused of the crime and indicted on charges of violating the Federal Civil Rights Statute. From a panel of eighty prospective jurors, six of whom were Negroes, an all-white jury was chosen. On March 1, all five accused were acquitted. Nevertheless, on March 3, Representative Overton Brooks of Louisiana accused the FBI of totalitarian tactics in securing witnesses for the prosecution.

   c. On March 4, Walter White issued a statement for the NAACP declaring that the acquittal put every Negro in the South at the mercy of white supremacist lynchers.

   (This case brought relatively little editorial comment from white papers. The Negro press generally condemned the subversion of Justice.)

4. Trueblood Case
   On February 22, Wyart Trueblood, Negro Sharecropper, was shot to death in Florida by Keth and Ben Bryant. The sheriff declared the killing self-defense and reported an inquest unnecessary. The NAACP asked for a State investigation. (No further newspaper reports. This story carried only by the Chicago Defender.)

C. Police Brutality
   1. On February 21, Sheriff J.L. Picket of Montgomery, Alabama, and four deputies were indicted on charges of violating the Fourteenth Amendment. They were accused of unlawfully arresting Mrs. M.K. McMillan, Negro, and beating her while attempting to force a confession to theft.

2. On March 6, Town Marshall L.P. Bourque and his deputy, H. Young, of Gonzales, Louisiana, were indicted by a Federal grand jury in New Orleans on charges of violating the U.S. Civil Rights Law for the arbitrary and unlawful arrest and beating of Dr. F.E. Baker on June 6, 1946.

3. The Chicago Defender, on March 22, reported the fatal shooting of Adolf Jones, Negro, in Shreveport, Louisiana, by Policeman J. E. Petty. Jones walked in front of a bus at the bus terminal to be sure of a seat on the remainder of his trip from Mississippi to Texas. The policeman claimed self-defense.

4. Two Birmingham, Alabama police officers were reported in the Daily Worker of March 28, to have beaten Joseph Kirk, Negro, so severely that his right eye had to be removed. He had been arrested by the policemen on charges of disorderly conduct. The Southern Negro Youth Congress organized a Citizens Committee for the Defense of Joseph Kirk.

D. Intimidation of Witnesses
See the Monroe, Georgia Case, II,A.,2.

III. ORGANIZATIONS

A. Hate Groups

1. The Chronicle, of Augusta, Georgia, on March 5 ran an editorial criticizing Thurman Sensing, Director of Research of the Southern States Industrial Council, for suggesting that the Columbians were unimportant and deserved little play in the press. The editor condemned the Columbians as incipient fascism and argued that publicity and action are needed to stop such groups. "To regard them with indifference is to encourage their spread."

2. The Savannah, Georgia News, on March 12, pointed out editorially that the Ku Klux Klan operates in the North, and cited an advertisement in the Waynesboro, Pennsylvania Herald-Tribune, placed by the Klan, to prove its point. The KKK was condemned by the editor, but Northerners were invited to inspect their own region before criticizing the South.

3. The Journal and Guide, Negro newspaper of Norfolk, Virginia, on March 22, reported that a new "organization of intolerance" known as the American Shore Patrol (No connection with the U.S. Navy) had incorporated in Richmond, Virginia, in 1944, and is now seeking to increase its membership.

4. Stetson Kennedy, author of Southern Exposure, revealed on March 24 that a rival, opposition group to the Columbians has been operating in Atlanta, Georgia. The head of it holds a card in the Ku Klux Klan. The organization, known as the West End Cooperative Corporation, has devised technically legal means to achieve racial zoning (through restrictive covenants written into property deeds.) Joseph M. Wallace, head of the group, used "applied psychology" to force Negroes to sell property they have acquired in white neighborhoods,

and hopes to finance a profit-making scheme for a housing project for Negroes.

5. Homer L. Loomis, Secretary Organizer of the Columbians, was convicted on March 26, in the Georgia SuperiorCourt of usurpation of police powers. He was sentenced, on March 27, to 30 months imprisonment. This was in addition to a previous one-year sentence for riot. E. C. Burke President of the Columbians, was sentenced to three years on similar charges on February 21, Both have appealed.

   Judge Almand, who pronounced sentence, denounced the Columbian plan to destroy the Bill of Rights.

6. The Norfolk, Virginia Journal and Guide, reported the burning of two crosses on the night of March 18, in front of the homes of Negro families in High Point, North Carolina. Similar burnings were reported on September 6, 1946, and on February 10, 1947. Police are investigating.

7. Sentinel (Negro) reported hate literature "flooding" Louisiana and Mississippi. It is aimed particularly at Negro, Semitic and Labor groups. (February 13.)

B. Significant Work in Civil Rights

1. A one-day civil rights conference sponsored by the National Lawyers Guild, the National Bar Association and the National Legal Committee of the NAACP, met at Howard University in Washington, D.C., on February 8. Three hundred legal leaders attended and proposed a strongly-worded Federal anti-lynching bill. The weakness of the Attorney General's position as a result of inadequate statutory authority was pointed out, but it was alleged that the Justice Department had failed to prosecute vigorously under its present powers.

   On February 14, a continuing committee set up at the conference reported that it expected to have legislation drafted by February 15, and that the American Jewish Congress had been asked to help.

2. The Tuskegee Institute was attacked editorially on February 8, by the Houston, Texas Informer, a Negro paper. The editorial charged that the 1946 report of the Institute was inaccurate and recommended that its reports be discontinued.

3. Racial discrimination and segregation in Washington, D. C. will be investigated by a committee sponsored by the Rosenwald Fund on the Howard University Campus, "informed" sources reported. (Chicago Defender, February 8.)

4. On February 9, the Central Conference issued a statement entitled, "Race Hatred is Blasphemy," condemning discrimination and calling for Federal legislation to outlaw lynching, abolish the poll tax, establish a permanent FEPC, and for other purposes.

5. The Federal Council of Churches issued a proclamation denouncing segregation on February 9.

6. Ellis W. Arnall, speaking in Salt Lake City on February 12, stated that, "Equalization of economic opportunity is the formula by which racial and minority problems ultimately will be solved."

7. The week of February 15, was designated Brotherhood Week, sponsored by the National Conference of Christians and Jews. The organization hopes to raise ten million dollars during the year to be used for research and education on group relations.

8. On February 16, The Rev. Joseph A. Raburn, of McRae, Georgia, attacked the White Supremacy Bill from his pulpit as being un-Christian. He received support from all over the country and at last report was awaiting the action of the congregation on his offer to resign.

9. The National Conference of Christians and Jews and the Community Race Relations Institute sponsored a conference on brotherhood in St. Louis, on February 19. Four-hundred students from 23 public, private and parochial high schools voted to meet again in three months instead of in a year as originally planned, to discuss further questions of prejudice, race relations and brotherhood.

10. W.N. Elam of the U.S. Office of Education criticized on February 20, the failure to reach Negro farm boys in the South who want and need farmer training.

11. A group of six students, of diverse racial and religious backgrounds from the University of Southern California in Los Angeles, is touring the country under the sponsorship of the University Religious Conference. The purpose of the tour is to better racial relations. The students, known as the Panel of Americans, were guests of the Intercultural Committee of the United Nations Council at a Philadelphia luncheon on February 22.

12. On February 26, D. H. Finck, Chairman of the Essex County, (New Jersey) Council against Discrimination, speaking at a meeting of Jewish leaders convened by the Division against Discrimination of the New Jersey Department of Education, suggested that group relations might be improved if organizations fighting discrimination made it fashionable for employers to have all races and creeds working in their firms.

13. Tom C. Clerk, U. S. Attorney General, on February 27, told the North Carolina Conference of Christians and Jews that race hatred, discrimination and defamation led to increased lawlessness. Mr. Clark praised Dr. Frank P. Graham, President of the University of North Carolina, for his work in improving conditions in this field, and attacked communist and fascist elements.

Dr. Graham was awarded the Carolina Israelite Award for distinguished service in furthering human rights.

14. The Christian Science Monitor, on March 4, reported a movement to revive the Association of Southern Women for the Prevention of Lynching, headed by Mrs. M.E. Tilly, Field Secretary of the Southern Regional Council.

15. A 38-page study of race relations, entitled "Pattern of Action on Race Relations," was released on March 4, by the Presbytery of Chicago. It calls on Presbyterians to support legislation to eliminate discrimination and restrictive covenants in residential areas.

16. In Pittsburgh, the Division of Civil Unity was set up as a bureau of local government by the city council. It is similar to race relations units in Cleveland, Buffalo and Toledo. In Chicago, Detroit, Milwaukee and Cambridge, Massachusetts, race relations units have been set up by the mayors with the city councils appropriating funds.

17. John P. McArdle, Chairman of the Catholic Interests Committee of the Knights of Columbus, speaking on March 18, before the Institute for Interracial Justice in the fifth of a series of six lectures sponsored by the Brooklyn Catholic Interracial Council, condemned objections to Negro and white families occupying adjoining homes.

18. E. S. Lewis, Executive Director of the Urban League of Greater New York, speaking at a conference on Intercultural and Interracial programs in Recreation sponsored by the Welfare Council of New York on March 21, assailed organizations with interracial policies which fail to implement those policies. He took issue with Dr. G. K. Hunton of the Catholic Interracial Council of New York who advocated the neighborhood approach to the solution of Interracial problems. Mr. Lewis favored an overall approach to the problem and urged the creation of a human relations bureau in the Board of Education as a start.

Dr. Dan W. Dodson, Executive Director of the Mayor's Committee on Unity, presided.

19. At the annual conference of the National Vocational Guidance Association at Howard University in Washington, D. C., on March 22, Dr. L. Granger, Executive Secretary of the National Urgan League closed the conference with a plea that chruches, civic and fraternal organizations unite to give young people of minority groups a feeling of security and confidence by fighting to open job security to them.

20. On March 23, the NAACP opened its annual membership drive to secure ten thousand new members.

C. Presidential Commissions and Committees

No clippings received.

D. The President's Committee on Civil Rights

1. An article in the Topeka, Kansas "Capital" on Protection of Civil Rights, on February 7, described the Committee's purpose as the framing of legislation for Congress to expand Federal power to deal with violations of civil rights.

2. On February 8, the Chicago Defender reports expected appointment of Dr. Robert K. Carr as executive Secretary of the Committee by Mr. Charles Wilson, Chairman of the Committee.

3. On February 10, the El Paso Times ran an editorial apparently supporting legislation on civil rights. The editorial cited President Truman's approval of this idea in the appointment of his Committee on Civil Rights.

4. On February 12, the Daily World (Atlanta) reported the results of the first Committee meeting. Subcommittee assignments and the appointment of Dr. Carr were announced.

5. On February 12, the National Negro Press of America reported a letter to Mr. Wilson, Chairman of the Committee, from Thomas Richardson, Vice-President of the UFWA (CIO), urging immediate investigation and action to end alleged discrimination in employment by nine Federal agencies and the International Bank. The agencies charged, denied the accusations.

6. On February 13, the Shreveport, Louisiana Times, editorially attacked the President's Committee on Civil Rights as a device to perpetuate the FEPC. The editorial was rather vehement and individual members of the Committee were singled out for attack.

7. On February 15, the Chicago Defender ran an item under the head, "Truman Group Appoints Carr; Plans Mammoth 'Rights' Probe." The article deals with Dr. Carr's background, the subcommittee assignments, and Mr. Roosevelt's proposal that legislation be put before Congress by April 1, in an effort to get action prior to adjournment on August 1.

8. On February 23, the Atlanta Daily World reported that Mr. Charles Wilson had received a telegram from Walter White concerning the Willie Earle case. Mr. Wilson replied to Mr. White that the Committee was "deeply concerned" about the incident.

9. On February 23, an editorial in the Tampa, Florida Tribune asserted that the need for expansion of Federal Civil Rights legislation is necessary, but that legislation proposed by the President's Committee on Civil Rights should respect states' rights and avoid radical action in view of the declining activity of hate groups.

10. On March 1, the Baltimore Afro-American reported that Dr. Carr will try to make the first report to the President in two months.

11. On March 2, the ANP reported the addition of Miss Frances Williams to the staff of the Committee on Civil Rights.

12. On March 18, the ANP reported the third meeting of the Committee and summarized subcommittee assignments.

13. On March 25, A Washington Post editorial urged the holding of public hearings by the Committee. While the need for speed and brevity was recognized, the educational value of such hearings in helping to eliminate bigotry and "fascist thinking" would be great.

E. United Nations Commission on Human Rights

1. The United Nations Commission on Human Rights held its first meeting to draft an international bill of rights on February 7. It also created a subcommittee on the prevention of discrimination and protection of minorities.

2. On February 10, the National Catholic Welfare Council submitted to the United Nations Commission on Human Rights a list of eighteen unalienable rights.

3. On February 21, the NAACP, through Dr. W.E.B. DuBois, presented the case of American Negroes to the Commission. The report contained an introduction on denial of legal rights to American Negroes from 1787 to 1914, and sections on discrimination from World War I, to date, the present legal and social status of the Negro, patterns of discrimination, and a review of the United Nations Charter and steps taken under it to protect human rights.

F. Communism and Civil Rights Groups

1. On March 15 (New York World-Telegram) Fannie Hurst withdrew as speaker at the National Negro Congress. She claimed that the Congress is a Communist-front organization.

2. On March 20, an editorial in the San Francisco Chronicle attacked Communist propaganda that race prejudice is a manifestation of capitalism.

IV. LEGISLATION AND ADMINISTRATIVE ORDERS

A. National

1. On January 13, Representative A.G. Klein introduced a bill to empower the Veterans Administration to hold hearings on charges that any school charged with racial or religious discrimination against veterans, and to stop payments to the school if conciliation and mediation fail.

2. On February 8, Representative Adam C.Powell urged the House Interstate Commerce Committee to consider his bill to halt segregation in interstate commerce.

3. On February 22, the American Committee for the Protection of the Foreign Born, through its Executive Secretary, Mr. Abner Green, urged passage of three measures to relax immigration laws so that three million people, allegedly facing deportation under the present statutes, can get their citizenship papers. Those affected are West Indians admitted under war regulations and alien seamen. Representative Vito Marcantonio has introduced a measure in this Congress to prevent discrimination because of race, color, creed or national origin in granting citizenship. Two bills were introduced in the Senate

in the last Congress to aid alien sailors, but they were never enacted

4. On March 12, the House passed a bill giving permanent commissioned status and officers' pay and privileges to Army and Navy nurses, but defeated by a vote of 187 to 47 an amendment offered by Representative Adam C. Powell to prohibit discrimination in the Nurse Corps. Powell assailed the Republican Party for failing to make good their campaign promises on minority rights.

5. On March 15, the Washington Bureau of the NAACP called for early public hearings on the Powell Anti-Jim Crow Travel Bill. The bill was held up because of a heavy calendar.

6. On March 21, the American Civil Liberties Union urged legislation to prevent deportation of 200 Japanese aliens, claiming discrimination merely because of race.

7. Senator Ives of New York introduced into the Senate on March 27, legislation directed against discrimination in employment based on race, religion, color, national origin, or ancestry. The bill would create a seven-member commission against discrimination in employment which would be authorized to file charges, hold hearings, and issue cease-and-desist orders subject to judicial review. Senator Ives, however, stressed the fact that this is not an FEPC bill. Seven Senators of both parties joined as co-authors.

B. State

1. Austin-Mahoney Bill (New York)

a. Stories dating from February 27, from all sources traced discussion of the educational anti-discrimination bill. As introduced last year, the bill placed tax exemption penalties on any educational institution practicing discrimination. This year, the bill was changed to eliminate sectarian schools but Catholic groups still objected on the grounds of legislative findings which stated that education is a function of the state, while Catholic philosophy holds this to be a function of the family.

On March 3, new amendments were proposed restating this premise.

At the same time, the Association of Colleges and 59 college heads opposed the legislation, stating that the bill was premature. The American Jewish Congress went on record for it.

b. On March 4, Mahoney announced withdrawal of his support of the bill on the grounds that action on the bill should be deferred for a year.

c. At last report, the bill seemed destined to die in the Committee when Austin bowed to opposition and said he would carry the measure no further. There was a very strong reaction in the Negro press.

2. Bills in State Legislatures

a. On March 1, at Indianapolis, Ihdiana, Governor Gates signed a

bill here outlawing the Ku Klux Klan and other hate groups in the State. The measure has "real teeth" in it, carrying fines up to $10,000, two years imprisonment and suspension for ten years of the right to hold public office. The law makes it "illegal to conspire, organize or associate for the purpose of spreading malicious hatred against those of any race, creed or color."

Similar bills are under consideration in Pennsylvania, California and Wisconsin.

b. The Archinal bill designed to abolish or expose oath taking left wing groups, went to Governor Dewey of New York on March 19. The bill passed unanimously in the Senate; it broadens the old Walker Act of 1926; originally passed as an attack against the KKK, It provided that all oath administering organizations other than fraternal must register with the Secretary of State.

c. On March 26, an anti-hate bill was introduced in the House of Representatives in Pennsylvania, establishing as a criminal offense the preaching of malicious doctrines concerning race, color or creed.

C. Municipal, County or other Local Units

No newspaper clippings received.

President's Committee
on
Civil Rights

MEMORANDUM

April 24, 1947

TO: The President's Committee on Civil Rights

FROM: Robert K. Carr

SUBJECT: Background Statement of Civil Rights in the District of Columbia, prepared by Milton Stewart and Rachel Sady.

The civil rights problems which are unique to the District of Columbia stem from two roots. First, the fact that the nation's capital is not self-governing, that its citizens do not vote nor are they represented in Congress. Second, in its race relations practices, Washington is almost a southern city; Negro citizens live in a segregated society, and do not have equal access to various public services and facilities. The civil rights situation here is of special importance to the Committee for several reasons. As the nation's capital Washington is now a symbol of a failure in democracy. The fact that Washington's one "industry" is the federal government means that the policies of the executive branch are uniquely crucial in setting the pattern for the whole community. Because it is a border city in which the patterns of the North and South meet, what finally emerges in Washington will be of major significance in any attempt to rebuild the structure of group relations throughout the nation.

It is too obvious to require elaboration that the District of Columbia is the federal government's show case, both for Americans and for the representatives of the other countries of the world.

Absence of Self-Government in the District

The situation:

The Constitution provides Congress with exclusive legislative powers in the District. Congress has complete control over the District government, and may institute any form of local government it thinks best. It cannot allow participation in Presidential elections or voting representation in Congress, however, For this an amendment of the Constitution is necessary.

From 1801 to 1871 Congress delegated some of its governing powers to a municipal government elected by popular vote. From 1871 to 1874 the District was governed as a territory with an appointed governor and an elected legislative assembly. Congress had the power to repeal or annul any laws passed by the assembly. All legislative powers were reassumed by Congress in 1874 when the present commission form of government was established. At the time Negroes constituted one-fourth of the population and some have held that it is "reasonably certain" that this influenced the disenfranchisement.

The District is now administered as a municipal corporation with limited powers. Three Commissioners are appointed by the President as officers of the corporation. Various boards and commissions, created by Congress, manage certain municipal affairs. The Commissioners and some of these agencies have very limited power to make regulations. Certain agencies are completely under the jurisdiction of the Commissioners; others have varying degrees of independence.

Other District affairs are administered by federal agencies, such as the National Capital Park and Planning Commission and the National Capital Parks, and still others are contracted for from federal agencies. A recently prepared report by Legislative Reference Service describes the situation:

> The large number of District and Federal agencies, the multiplicity of independent or quasi-independent boards, commissions, or other units, the lack of centralized control or administrative responsibility for District affairs, -- all result in a complex, confused situation which is difficult to classify.

Congress exercises such powers with respect to the District as it has not conferred on these other agencies. At times it also legislates on matters within the ordinance-making powers of the Commissioners. Consequently congressional committees, such as the District and appropriations committees in both houses, have great influence in District affairs. The chairmen of these committees have frequently risen to seniority through repeated return to Congress by the "solid South."

Local opinion about District government is effective only insofar as it can influence Congress, the Commissioners, and the board members of the other administrative agencies, through neighborhood organizations and publicity.

Efforts to secure self-government:

Many local organizations are intensely interested in securing self-government and the suffrage for the District. The Central Suffrage Conference was organized both as a regular membership group and as a coordinating agency for the efforts of local groups affiliated with it. The Legislative Council also serves local organizations as a clearing house on information about all legislation affecting the District.

A 1946 Election Day poll on local self-government and representation in Congress resulted in a majority in favor of both (7 to 3 on the former, 6 to 1 on the latter).

Recently the Senate District Committee voted to set up a charter commission of eleven local residents to report in a year on a recommended type of local government.

Civil Rights of Negroes

Congress has not enacted special legislation protecting civil rights in the District. In one or two areas it has enacted legislation which assumes or provides for segregation. District practice has developed out of the "border area" culture, congressional and organized local pressures, and administrative decisions made by the municipal government. Areas in which the civil rights of Negroes are violated in the District are education, employment, housing, welfare, health, recreation and public accommodation. In 1940 Negroes constituted 28.2 percent of the District population. Of the native white population approximately 34 percent were born in the District, 33 percent in the South and 33 percent in other areas. Of the native non-white population (preponderantly Negro) approximately 40 percent were born in the District, 56 percent in the South, and 4 percent in other areas.

Education:

The organic act of 1906 and its amendments under which the public schools operate assume segregation of the school system in various organizational provisions. (See attachments) The superintendent of schools heads a dual system, with the program of schools for Negro children carried on under the supervision of a Negro assistant superintendent, completely distinct from the program of the schools for white children. (The legislation providing for a Negro assistant superintendent was enacted at the instance of Negro leaders who felt that their schools were suffering from "white interference".)

This segregation of education has worked directly to the detriment of Negro children in the District. The Social Survey of the Council of Social Agencies (a study of social problems in Washington) states:

> "Not only are Negro school facilities uniformly inferior to those of white schools but the history of segregated schools indicates that inequalities between the two systems are inevitable under such an arrangement. Without taking into consideration the socio-psychological effects on those persons laboring under an artificially created situation, the colored schools bear the brunt of deficiencies in school planning, financing and other inequities which are inherent in a dual organization."

Legislation requires that appropriations be allocated Negro schools in proportion to their enrollment, but this has not always been the case. For example:

> In 1927-28 Negro students made up 35.9 percent of the school enrollment and received only 15.5 percent of the funds.
>
> In 1936-37 Negro students were 36.4 percent, and received only 21.8 percent.

In 1940 Negro students were 32.4 percent, and received only 18 percent of 1941 funds.

This situation exists in spite of the fact that the social and educational needs of the Negro population, with its overweight of underprivileged families, are greater than are the needs of the more favorably situated white students. Negro schools are inferior to white schools in building facilities, equipment, and recreational provisions.

Negro grade schools are conveniently located in various Negro neighborhoods, but the high schools are all grouped within a few blocks of each other. Consequently many high school students have to travel long distances to get to their segregated school, sometimes passing several white high schools on their way.

Some Negro opinion favors the segregated school system on the ground that it provides jobs for Negro teachers who might otherwise be discriminated against in public school employment. A change might be opposed by many Negroes unless it guaranteed equal employment rights.

The National Training School for Girls (a reform school) is the only institution or facility in the District in which segregation has a definite statutory basis. The legislation setting up the schools assumes a segregated system, but it does not explicity provide for it. The schools, however, set the pattern for segregation in other areas. They have especially influenced the pattern in the universities. George Washington University admits no Negro students, and American University admits them to evening courses but not to the liberal arts courses during the day. Catholic University has recently begun to admit Negroes. The president of one of the universities told a Social Survey interviewer that Negroes were not admitted to his school because of the precedent established in the public school system.

The presence of Howard University in Washington, originally intended for both Negro and white students but now predominantly Negro, alleviates the problem of college education for Negroes but also makes possible continuance of the segregated system.

Employment:

Approximately one-third of the employment opportunities in Washington are with the federal government. The policies and practices of government agencies in employing Negroes are, therefore, very important. Personnel practices of government agencies vary considerably depending on the discretion and leadership of top administrators, and the implementation of their policies at lower levels. A recent article on The Nation's Capital advises:

> "Contrast the personnel practice of the Department of the Interior under Harold L. Ickes, or OPA under Leon Henderson and Chester Bowles, with the racialism of the tradition-bound Department of State, or with the paternalistic Department of Agriculture -- and you will find that a large area of administrative discretion actually exists."

In many government offices employment and advancement of Negroes is sharply limited. They are usually found in the least skilled and lower paying jobs, and there is still some segregation in service facilities. In the decade before the war some Negroes entered public service as advisers on Negro affairs and contributed to opening up federal employment. The Department of Interior led the way in equalizing treatment of its employees. The biggest strides, however, were made dueing the war. Employment of Negroes in clerical jobs was fostered by war agencies. With the temporary agencies now dissolving and the old agencies retrenching, Negroes, new in public service and lacking tenure, are threatened with the loss of much of their wartime gain.

In general there is a small proportion of Negroes in the municipal service, and most of them are confined to unskilled and menial jobs. The Police Department and the Fire Service are exceptions to this, as is the school system with its segregated staff. There is one Negro municipal court judge.

In private employment, including the public utilities, Negroes have always had the poorest paid and least skilled jobs. There were gains during war years, because of the manpower shortage, but they were in the traditional kinds of jobs, not in new fields. The biggest wartime drive for Negro hiring was on the Capital Transit's discriminatory hiring policy. It failed.

Housing:

Originally, the Negro population was fairly widely distributed, but the trends have been toward greater concentration and shrinkage of Negro neighborhoods. Most of these neighborhoods are overcrowded and substandard. The principal slum area of the District houses about 15 percent of the whole population, but nearly 30 percent of the Negro population. Certain sections of the Southwest with 90 percent or more concentration of Negroes have slum characteristics. Southeast sections with the highest rate of crowding are occupied by low income Negro families. Northeast Negro neighborhoods are largely occupied by middle class families. The district with the greatest number of Negroes in proportion to white residents (97 percent) is the area from New York Avenue to Florida, and from 7th Street to New Jersey Avenue.

Although housing conditions are bad for District residents in general, they are much worse for Negroes. In 1940 Negroes constituted 28.2 percent of the population and occupied 22.8 percent of the dwellings, and needed repair and plumbing statistics show these to have been in much the worst condition.

The processes of concentration and shrinkage of Negro neighborhoods have developed from poor city development plans and the use of restrictive covenants and other discriminatory devices to keep Negroes out of white residential areas. In eliminating substandard areas, such as the alley dwellings, Negro houses have been condemned but no provisions

made for housing the displaced persons. Plans made by the National Capital Park and Planning Commission for highways, parks and public buildings are also displacing and threatening to displace Negro neighborhoods; the Pentagon area, for example, was at one time a Negro district.

Restrictive covenants came into fashion after the Supreme Court invalidated racial zoning in 1917. With the growth of Washington, they have been extended to keep Negroes forced out of condemned neighborhoods from moving into white areas. New land and many of the old white neighborhoods are now covenanted. In some cases Jews, Syrians, Armenians, and others suspected of being "Semitic" are being included in the covenants.

Negroes are discouraged from moving into white neighborhoods, even those not covered by covenants, by mortgage companies and banks. They have a policy not to make loans for such purposes. Real estate agents have a "code of ethics" which prohibits dealing with such clients. Title companies will sometimes refuse to clear purchases by Negroes in white areas, or else they report them to the Real Estate Board. This Board is a powerful pressure group in the District closely affiliated with mortgage and loan people, and with the Board of Trade. The Federal Housing Authority's underwriters manual for 1938 included the statement that changing neighborhoods are bad risks and this also operated to hinder Negroes from getting loans. FHA and GI loans are all made by local banks which follow the policy of viewing Negroes as poor risks. There are no Negro building and loan associations in the District, and only two banks and one title company.

The National Capital Park and Planning Commission and the Real Estate Board have complementing policies which affect District housing for Negroes adversely.

The National Capital Housing Authority has done a fair amount of building for Negroes. All public housing projects, however, are segregated since the policy is to follow the "community pattern."

Welfare:

Public and private agency services are available to Negroes as well as to white residents, although the need for foster homes is more critical for Negro children than for white. Institutional care (transient homes, homes for the aged, for unmarried mothers, correctional institutions, social settlements, etc.) for Negroes is not equal to that for whites and is on a segregated basis where it does exist. The Social Survey concludes:

> "Private philanthropy has never provided adequate institutional resources for Negroes, while publicly financed institutions which would be available to Negroes have not been promoted effectively to date in most areas of need."

Many welfare agencies have Negroes on their boards and on their staffs, although the latter are used almost exclusively with Negro cases.

The number to date does not correspond with the proportion of Negroes served.

Health:

The greatest inequality is evident in Negro and white resident health levels. Negro life expectancy is approximately eleven years less that white; Negro mortality is 150 percent higher than the rate for whites. These facts are true partly because the economic level of Negroes is lower than whites; partly because of the segregation and discrimination against Negroes in the District's hospitals and public health facilities. The Metropolitan Health Survey of the District, made in 1946, points to many specific inequalities in the treatment of Negroes. A high maternal mortality rate among Negroes is du to inadequate medical care of unmarried Negro mothers. Five of the nine general hospitals in the District do not admit Negro in-patients. They do provide segregated clinics, although the George Washington University Hospital admits Negroes to its clinic only for birth control advice. Negro doctors cannot practice at any hospital except Freedman's and two small private hospitals for Negroes. The Gallinger Municipal Hospital has 70 percent Negro patients, but no Negro doctors may attend them there.

Recreation:

The segregation policy has resulted in a poverty of community and commercial recreation services for Negroes in the District. The situation has gotten worse instead of better in recent years with the creation by Congress in 1942 of the District Board of Recreation. It is composed of one representative each from the Board of Commissioners and the Board of Education, the superintendent of the National Capital Parks, and one citizens' representative, at present, a Negro housewife. The Board has exercised its administrative discretion to segregate all the major play areas in the District on a racial basis. In cases where Negroes and white residents had been playing together harmoniously in unsupervised areas, segregation was introduced and enforced by the Board when it assumed jurisdiction. An old pattern of public recreation without regard to race is disappearing. One Social Survey informant said:

> "White and colored boys and men played baseball together on the vacant lots and on park areas south of the White House. All of us swam in the Potomac and Rock Creek. As late as 1906 colored citizens attended any downtown theatre."

Under the segregation policy, seven out of twenty-six public recreation facilities are available to Negroes. These areas are geographically determined and Negroes living outside of the seven areas allotted them do not have access to any. The same is true of white children living in areas with Negro playgrounds.

The Board of Recreation reiterated its segregation policy in June, 1945, when it passed a motion restricting the use of parks to racial groups.

The Social Survey documents one result:

> "An interesting incident growing out of this ruling was that of the Rose Park tennis courts at 27th and P Streets, N.W., where, until the superintendent of recreation forbade white citizens its use, whites and Negroes played on the courts together. After this action was taken white residents petitioned the board to change the ruling as it was an unnecessary hardship for them to have to go to distant courts. They petitioned in vain."

Recreation areas under the jurisdiction of the Department of Interior for the federal government are operated on a non-segregation basis. Concessionaires within these areas are obliged to observe this policy. (The restaurants on federal property at the Zoo and the Airport do not, however, serve Negroes.) Some of these federal areas, such as the Hains Point swimming pool, are under local jurisdiction and discrimination occurs. The federal government was reported by the Social Survey to be considering withdrawing some of these areas from local jurisdiction.

School recreation facilities follow the same segregated pattern that exists in the whole school system, and interracial competition in any field is the rare exception.

The local branch of the Amateur Athletic Union does not allow competition between Negroes and whites. For example, no Negro is allowed to enter the Golden Gloves tournaments in Washington although Negroes do compete in the national tournaments. The Social Survey indicates the lengths to which this policy goes:

> "So effectively does the segregated policy of the local AAU operate that it even bars Negro aspirants for honors in marble games. The game of marbles has become a national pastime, and any American boy within the age limits may aspire to honors in keeping with his ability. In Washington, however, elimination tournaments for Negro and white youths are conducted on a parallel basis until two city-wide champions have been determined. Then, without any further ado, the white boy is automatically selected as the local representative in the national championship. Yet, Negro youths representing other communities have won national championships."

A few amateur competitions on an interracial basis have been held successfully by some local groups.

Professional athletics are not locally segregated. Mixed baseball and football teams have played before mixed audiences.

Public accommodation:

Discrimination in public accommodation is a focal point of Negro resentment. Commercial recreation is rigidly segregated except for most professional sports events. The one legitimate theatre is open to whites only, and all of the downtown and white neighborhood movies are open only to whites. The Negro theatres are third-rate houses since the lack of competition assures them of patronage.

Most sports events are open to Negroes, but the Ice Show is not. Bowling alleys, and other commercial sports spots are open to whites only.

Negroes may eat in Government cafeterias, the Union Station restaurant and the Y.W.C.A cafeteria, and can eat standing up in some ten cent stores (but not at the counter with seats). But the overwhelming majority of other restaurants in downtown areas are closed to them, as are the hotels. There is also discrimination against Negroes in certain department stores.

Negroes may ride without discrimination on the District buses and streetcars, although they cannot be hired to work on them. Virginia buses operating in the District "segregate" their passengers.

Summary:

The Social Survey concludes that there is insecurity among both white and Negro residents in their relations with each other. The main areas of Negro resentment are their lack of representation on policy-making boards (such as the Commissioners, National Capital Housing, Real Estate, and the Boxing Commission); discrimination in places of public accommodation; and the discriminatory employment policies of certain public service organizations and the public utilities. The Survey concludes:

> "Through the lack of association or personal relationships between the White and Negro sections of the community, the social organization is permitted to remain divided and as a consequence is different for each section of the community. This process has the end result of making the two parts of the community uninformed, fearful, distrustful, and suspicious of each other. Such a situation is the breeding ground of racial illwill, misunderstanding and hate. As long as it is permitted to continue, tension between groups continues to mount."

Efforts to insure civil rights

There is little information available on the effect of the non-discriminatory policies in hiring and service facilities of federal government agencies in other areas of Washington life. Its

effect on individual attitudes has probably been significant but it has not yet appreciably modified existing patterns. In fact, it has far to go in becoming unquestioned practice within the government agencies themselves.

Periodically Congress has considered a civil rights law providing for non-discrimination in public accommodation, with no success. The Dawson and Powell bills are currently under consideration in the House.

In the municipal government the police and the courts are acting constructively. Negroes are employed by the police in comparatively good proportion, and District police training courses include some material on race relations and the handling of civil disturbances. No discrimination has been noted in the courts.

There are more than fifty private organizations in the District concerned with unequal treatment of Negro residents, although many of them are only indirectly concerned and many others are only headquarters units for national organizations. There has been little cooperation or coordination among these groups. The Committee for Racial Democracy, attempting to act in a coordinating capacity, has concentrated on the discriminatory policy of the National Theatre.

Many of these organizations and individuals feel that a primary step in guaranteeing civil rights in the District is to achieve self-government. Washington residents might then have the interest, the responsibility, and the opportunity to correct wrongs which now exist.

The Social Survey of the Council of Social Agencies, quoted from extensively above, is a study of social problems in the community made by a technical staff. On the basis of it, a series of recommendations were made by citizens' committees. The recommendations in the race relations field are that segregation be ended in all areas of life, including housing, health, employment, education, recreation, and welfare. Specific legislative proposals cover the prohibition of restrictive covenants, permanent prohibitions against segregation and discrimination in the titles of all publicly owned or financed projects or land, a fair employment practices act for the District, a civil rights law covering public accommodation, and self-government for the District. The local response to these recommendations is controversial. Most of the civic associations, which are voluntary neighborhood organizations, oppose them.

The National Committee on Segregation in the Nation's Capital is trying on a national scale to do what local efforts have failed to accomplish in changing the District pattern. A thorough study is being made by a technical staff on segregation and discrimination in the District, and how and why it operates in specific areas. This detailed information is designed to produce, not only recommendations, but practical steps in their implementation.

Sources: The Social Survey of the Council of Social Agencies, Race Relations Report.

Lohman, J. and Embree, E. "The Nation's Capital," in Survey Graphic, January, 1947.

Interviews with staff members of the National Committee on Segregation in the Nation's Capital.

District of Columbia Code
"The Organization of Agencies Providing Governmental Services to the District of Columbia", Legislative Reference study, Library of Congress.

APPENDIX

Sections of the Code for the District of Columbia which Assume (but do not explicitly order) Segregation.

§ 31-109 /7:41/. Assistant superintendents of schools--Duties.
(D.C. Code)

There shall be two first assistant superintendents of schools, one white first assistant superintendent for the white schools who, under the direction of the superintendent of schools, shall have general supervision over the white schools; and one colored first assistant superintendent for the colored schools who, under the direction of the superintendent of schools, shall have sole charge of all employees, classes, and schools in which colored children are taught. The first assistant superintendent shall perform such other duties as may be prescribed by the superintendent of schools. (June 4, 1924, 43 Stat. 374, ch. 250, § 12.)

Compiler's Note

Title 7, §§ 7 and 8 of the 1929 code consisting of § 3 of the act of June 20, 1906, 34 Stat. 317, ch. 3446, in part, have been largely superseded by the above section. Said sections 7 and 8 of the 1929 Code are set out here as a note so as to make available those portions that have not been superseded. They read as follows:

7. Assistant superintendents of white and colored schools--Appointment--duties of assistant superintendent of white schools.--The board, upon the written recommendation of the superintendent of schools, shall also appoint one white assistant superintendent for the white schools and one colored assistant superintendent for the colored schools. The white assistant superintendent, under the direction of the superintendent of schools, shall have general supervision over the white schools, and is specificially charged, under the direction of the superintendent, with the unification, as far as may be practicable, of the educational work of the white schools and of all academic and scientific subjects in the McKinley Manual Training School and Business High School. (June 20, 1906, 34 Stat. 317, ch. 3446, § 3.)

8. Colored assistant superintendent --Duties--The colored assistant superintendent, under the direction of the superintendent of schools, shall have sole charge of all teachers, classes, and schools in which colored children are taught. And he is specifically charged, under the direction of the superintendent, with the unification, so far as may be practicable, of the educational work of the colored high schools, and of all the academic and scientific subjects of the Armstrong Manual Training School. And he also shall be charged specifically, under the direction of the superintendent, with the unification of the educational work of the intermediate grades of the colored schools. (June 20, 1906, 34 Stat. 317, ch. 3446, § 3.)

§ 31-115 /7:14/. Principals of schools--Duties.
(D.C. Code)

Principals of normal, high, and manual training schools shall each have entire control of his school, both executive and educational, subject only in authority to the superintendent of schools for the white schools and to the colored first assistant superintendent for the colored schools, to whom in each case

he shall be directly responsible. (June 20, 1906, 34 Stat. 320, ch. 3446, § 7; June 4, 1924, 43 Stat. 370, ch. 250, art. 3.)

Compiler's Note

Act of June 4, 1924, does not amend act of June 20, 1906, but places various teachers and principals in salary classes.
Word "first" inserted by compiler on authority of §31-109.

§ 31-602 /7:43/. Chief examiners - Appointment - Compensation.
(D.C. Code)

There shall be appointed by the Board of Education, on the recommendation of the superintendent of schools, a chief examiner for the board of examiners for white schools: Provided, That an assistant superintendent in the colored schools shall be designated by the superintendent of schools as chief examiner for the board of examiners for the colored schools: Provided further, That, except as herein otherwise provided, all members of the respective boards of examiners shall serve without additional compensation. (June 20, 1906, 34 Stat. 319, ch. 3446, § 6; June 4, 1924, 43 Stat. 374, ch. 250, § 14.)

Amendment

Although the 1924 act purports to amend the act of 1906, no provisions similar to this section were contained in the earlier act.

§ 31-1109 /7:248/. Board of Education may accept and apply donations for colored schools--Accounting.
(D.C. Code)

The Board of Education is authorized to receive any donations or contributions that may be made for the benefit of the schools for colored children by persons disposed to aid in the elevation of the colored population in the District, and to apply the same in such manner as in their opinion shall be best calculated to effect the object of the donors; the board of education to account for all funds so received. (R.S., D.C., § 283; June 20, 1906, 34 Stat. 316, ch. 3446, § 2.)

§ 31-1110 /7:249/. Education of colored children.
(D.C. Code)

It shall be the duty of the Board of Education to provide suitable and convenient houses or rooms for holding schools for colored children, to employ and examine teachers therefor, and to appropriate a proportion of the schools funds to be determined upon number of white and colored children, between the ages of 6 and 17 years, to the payment of teachers' wages, to the building or renting of schoolrooms, and other necessary expenses pertaining to said schools, to exercise a general supervision over them, to establish proper discipline, and to endeavor to promote a thorough, equitable and practical education of colored children in the District of Columbia. (R.S., D.C. § 281; June 11, 1878, 20 Stat. 107, ch. 180, § 6; June 20, 1906, 34 Stat. 316, ch. 3446, § 2.)

Amendments

Act of 1878 abolished the board of school trustees and transferred the powers

and duties to the Commissioners of the District.

Act of 1906 gave control of the public schools of the District to the board of education appointed by Supreme (now District) Court Judges.

§ 31-1111 [7:250]. Placement of Children in schools.
(D.C. Code)

Any white resident shall be privileged to place his or her child or ward at any one of the schoold provided for the education of white children in the District of Columbia he or she may think proper to select, with the consent of the Board of Education; and any colored resident shall have the same rights with respect to colored schools. (R.S., D.C. § 282; June 11, 1878, 20 Stat. 107, ch. 180, § 6; June 20, 1906, 34 Stat. 316, ch. 3446, § 2.)

Amendments

Act of June 11, 1878, abolished the board of school trustees and transferred the powers and duties to the Commissioners of the District.

Act of June 20, 1906, gave control of the public schools of the District to the board of education appointed by Supreme (now District) Court Judges.

§ 31-1112 [7:251]. Proportionate amount of school moneys to be set apart for colored schools.
(D.C. Code)

It shall be the duty of the proper authorities of the District to set apart each year from the whole fund received from all sources by such authorities applicable to purposes of public education in the District of Columbia, such a proportionate part of all moneys received or expended for school or educational purposes, including the cost of sites, buildings, improvements, furniture and books, and all other expenditures on account of schools, as the colored children between the ages of 6 and 17 years bear to the whole number of children, white and colored, between the same ages, for the purpose of establishing and sustaining public schools for the education of colored children; and such proportion shall be ascertained by the last report census of the population made prior to such appertionment, and shall be regulated at all times thereby. (R.S., D.C., § 306; June 11, 1878, 20 Stat. 107, ch. 180, § 6; June 20, 1906, 34 Stat. 316, ch. 3446, § 2.)

Amendments

Act of June 11, 1878, abolished the board of school trustees and transferred the powers and duties to the Commissioners of the District.

Act of June 20, 1906, gave control of the public schools of the District to the board of education appointed by Supreme (now District) Court Judges.

§ 31-1113 [7:252]. Facilities for educating colored children to be provided.
(D.C. Code)

It is the duty of the Board of Education to provide suitable rooms and teachers for such a number of schools in the District of Columbia as, in its opinion, will best accommodate the colored children in the District of Columbia. (R.S., D.C., § 310; June 11, 1878, 20 Stat., 107, ch. 180, § 6; June 20, 1906, 34 Stat. 316, ch. 3446, § 2.)

Amendments

Act of June 11, 1878, abolished the board of school trustees and transferred

the powers and duties to the Commissioners of the District.

Act of June 20, 1906, gave control of the public schools of the District to the Board of Education appointed by Supreme (now District) Court Judges.

Section of the Code for the District of Columbia
which Orders Segregation

Title 32, Chapter 9.--NATIONAL TRAINING SCHOOL FOR GIRLS

§ 32-906 /8:216/. Control over inmates--Segregation of white and colored.

The Board of Public Welfare shall have the same power and authority over such girls during the period of their commitment to the school, or while they are being conducted to or from said school, as they possess over such girls within the limits of the District of Columbia. When the buildings authorized to be constructed shall be in readiness to receive girls committed to said school, it shall not be lawful to keep white and colored girls on the same reservations under the control of the Board of Public Welfare as the legal successor to the board of trustees of said school. (Feb. 28, 1923, 42 Stat. 1358, ch. 148, § 1; Mar. 16, 1926, 44 Stat. 208, ch. 58.)

Amendment

The act of 1926 substituted Board of Public Welfare as successor to the trustees of the National Training School.

* * * * * *

President's Committee
on
Civil Rights

April 25, 1947

MEMORANDUM

TO: Members of the President's Committee on Civil Rights

FROM: Robert K. Carr

SUBJECT: Digest of Organization Mail Prepared by Herbert Kaufman and Joseph Murtha of the Staff

1. Attached is a digest of the letters received from organizations in reply to a request for specific information by the President's Committee on Civil Rights. A copy of the letter soliciting the information is also attached.

2. This digest is intended to reflect only the opinions expressed in mail received by the Committee. It has been provided for the sole purpose of acquainting members of the Committee with the character of the information furnished to date by the organizations active or interested in the field. It is not a thorough canvass of prevailing professional opinion because:

a. No attempt was made to evaluate or prorate the responding organizations. Consequently, some of the local ones which replied in detail were given as much attention as national agencies which often seem to rely on reputation or to assume an opportunity to testify at hearings.

b. Neither programs nor recommendations have been evaluated; they are summarized as presented.

c. Many organizations acknowledged receipt of the Committee's request but postponed their replies until a later date.

d. A number of organizations failed even to acknowledge the request for information.

3. Quotations were selected for the accuracy with which they portray the substance of each individual letter. Their length and position do not indicate any priority or evaluation of the relative significance of any one letter vis-a-vis the others.

Attachments

HARRY S. TRUMAN LIBRARY

President's Committee
on
Civil Rights

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I. PROGRAMS AND PROJECTS CONDUCTED BY ORGANIZATIONS

A. Ethnic Organizations

1. Institute of Ethnic Affairs
The Institute conducts a program intended to stimulate the interest of the American people in the civil rights of the off-shore possessions of The United States. It is alleged that the naval administration there has ignored the civil rights of the native peoples.

2. Japanese American Citizens League, Anti-Discrimination Committee
"Our program of activity in the civil rights field is concentrated on those persons of Japanese ancestry in the United States, although we have expanded our field increasingly to include those of other minority groups.... With the ending of the war and the outstanding record of Japanese-American troops in action overseas most of our civil liberties have been restored to us. The outstanding remaining problem has to do with the alien land law."

3. National Association for the Advancement of Colored People
"The National Association for the Advancement of Colored People was founded in 1909, for the purpose of defending the rights of Negroes throughout the country against mob violence and brutal lynchings. Since then, we have expanded our work to also include health, travel, education, the franchise, employment and police brutality. In many instances these matters have been handled successfully on local and state wide bases. At other times we have had to take them to the Supreme Court. From 1915 to the present time we have been to the Court on twenty-three occasions and have been successful in twenty-two of these cases."

B. Sectarian Organizations

1. Methodist Church, Women's Division of Christian Service of the Board of Missions and Church Extension
As part of a larger program of furthering the ideals of a Christian world, the organization "seeks ways of removing ...discriminations... and...the removal of so called 'Jim Crow' laws that violate the basic human rights as embodied in the Constitution of the United States." It makes recommendations on the national, state and local levels for programs to be conducted by the Methodist Churches, ranging from civil rights to courses in courtship and marriage.

2. National Conference of Christians and Jews
The Conference does not engage in any activities to promote the passage of legislation. It conducts a program in the field of education generally and broadly defined.

3. National Council of Jewish Women
As an organization, it is not involved directly in taking action against specific violations of civil rights. However, "Through educational and legislative programs, we support federal and state measures designed to bring about fuller civil rights for all people..../W/e have concentrated our efforts largely in trying to secure the passage of FEPC legislation both nationally and in the states."

4. Presbyterian Church in the United States, Board of Christian Education
As part of a broad program ranging from the family to international relations, the organization has in its platform planks supporting civil liberties and civil rights. Of special interest to the President's Committee on Civil Rights is a special study undertaken by the Presbyterian Department of Social Action and Education last fall on racial and cultural minority groups. While the study is to be inclusive, it will stress Negro-white and Christian-Jewish relations.

5. United Council of Church Women
The Council conducts a Christian Social Relations Program which is essentially educational. In the area of civil rights, most of their efforts have been toward the education of public opinion and toward the support of constructive social legislation.

6. YWCA, National Board, Public Affairs Committee
The general purpose of the organization includes upholding the freedoms guaranteed by the Constitution, and elimination of the poll tax, white primaries, lynching and mob violence. Since May, 1943, the National Board has been working for the establishment of a permanent FEPC. It operates through an educational program conducted by Leadership Groups and conventions.

C. Professional Organizations

1. American Bar Association
"Our function as set by the House of Delegates of the American Bar Association is:

a. "to investigate substantial violations or threatened violations of the Bill of Rights whether by legislative or administrative action and to make public our conclusions;

b. "to take such steps as we deem proper in defence of such rights which otherwise might go undefended and to appear as amicus curiae in which vital issues of civil liberty are deemed to be involved;

c. "to disseminate information generally concerning our constitutional liberties so that violations may be better recognized and prevented.

d. "...our Committee...intervened on the successful, albeit unpopular, side in the Hague case, Gobitis case and the Esquire case and various proceedings not so well known."

2. American Library Association - Committee on Intellectual Freedom
The general purpose of the organization is "...to recommend such steps as may be necessary to safeguard the rights of library users in accordance with the Bill of Rights of the United States and the Library's Bill of Rights as adopted by the Council."

"Up to the present time, its work has largely been to stand ready to help out any public library whose clientele attempts to censor its selection of books." This service has not been very widely used, and the Committee is attempting to work out a statement of policy on censorship to bring before the American Library Association Council."

3. National Medical Society
"We are primarily interested in preserving and promoting the healing arts which are suppressed, and the practitioners thereof persecuted, by organized medicine.../We have made/ numerous reports and findings where transgression of civil rights were and still are being inflicted upon practitioners who do not conform to the dictates and policies of the medical trust."

D. Labor Organizations
1. Jewish Labor Committee
The Organization describes its purpose as "...educational activities in the trade union movement, directed against racial or religious bigotry in American life...We have the approval and endorsement of the leaders of the American Federation of Labor and the Congress of Industrial Organizations."

The Jewish Labor Committee operates at national, state and local levels through the media of literature, posters, films, radio, speakers bureaus, schools, and institutions for combating prejudice in unions, national conventions, community groups, other operating agencies, and legislative activities, etc.

2. League for Industrial Democracy
The League provides, "education in behalf of increasing democracy in our economic, political and cultural life." (However, "we are not specializing in civil liberties.")

"Among other things, the Student League for Industrial Democracy is endeavoring to fight discrimination through their chapters in the colleges of the country..."

The League is also "cooperating with various groups who are trying to maintain labor's rights and to eliminate racial discrimination."

3. National Women's Trade Union League of America
"The National League has a section in its legislative program on 'civil political rights'. We cooperate with local and national unions, and other organizations on civil liberty violations. Some of our most recent calls have come from unions in Southern states".

4. Workers Defense League
The League which describes itself as "The Non-partisan Defense Agency of the Labor Movement", has a staff of lawyers analyzing, "inadequate laws to cover admitted violations of fundamental civil liberties, inadequate or improper investigative procedures for support or supplement of the evidence produced, conflict of interest between various divisions of the Department of Justice, or inadequate presentation of the evidence to the Grand Jury or Court."

The League's own investigators "have repeatedly produced evidence for the use of the Department of Justice..."

E. Business, Trade and Industrial Organizations
1. National Association of Manufacturers
"...I am pleased to advise that the NAM has consistently taken the

position that it is opposed to any arbitrary discrimination in employment based on sex, race, color, religious belief or membership or non-membership in any labor organization."

F. Veterans' Organizations

1. American Legion

The National constitution of the American Legion requires the Organization "...to see that the provisions of the Bill of Rights of the Constitution are protected, observed and enforced, /and/....to combat the autocracy of the classes and the masses." Three resolutions carrying out this policy have been adopted by National conventions over the years."

2. American Veterans Committee

In order "to achieve a more democratic and prosperous America and a more stable world, the organization has sponsored a program including the following activities:

a. "...conferences with other organizations on the problems of minority veterans on a National level..."

b. "...a race relations clinic at Berkeley, California, assistance to the victims of the Columbia, Tennessee riots, placement of minority veterans in employment normally closed to them..."

c. refusal to tolerate "any segregation based on race, creed, or color. We have implemented this constitutional provision increasingly by insisting that our chapters in the South have no color lines. We have successfully built up chapters in many Southern cities..."

d. several special projects such as the raising of funds for Isaac Woodward, blinded Negro veteran, and a number of studies on minority veterans."

3. American Veterans of World War II

With regard to civil rights, the organization adopted a resolution to the effect that, "....we....denounce any and all acts, by whomever done, ...which deny or tend to deny freedom, equal rights and justice to all citizens, with regard to race, or color, creed or affiliation."

G. Community Service Organizations

1. Association of the Junior Leagues of America

The Association is more interested in social welfare than in civil right It has a National coordinator of 164 individual Junior Leagues. However its constituent organizations have undertaken some special projects relating to the field of civil rights. For example:

The Junior League sponsored a five-week course on the studies of race relations in its community; the new Junior League devoted its entire 1946 program to the four freedoms; the League in Alabama is making tentative plans for setting up an institution to be run in cooperation with the National Conference of Christians and Jews; another League is paying a salary of a Negro social worker at the YWCA; and still another is working on the problem of achieving the direct primary in its state.

2. Council Against Intolerance in America

The Council is, "....an organization to combat prejudice in America...

/t/hrough rallies, celebrations and other public ceremonies, it calls attention to American ideals, to American heroes, to American traditions -- and publicizes the danger to National unity of intolerance within our border.../i/t conducts an educational program which, through teachers, administrators, and others in educational work, reaches the young people of America."

The Council maintains a collection of film strips and photograph exhibits to illustrate stories about all groups in the Nation and to suggest what to do about discrimination. It has also distributed a number of publications against discrimination and promoting unity.

3. The Council of Social Agencies of the District of Columbia and Vicinity
"....The Council of Social Agencies....undertook the sponsorship of a comprehensive study of social problems, needs and facilities in post-war Washington in an effort to find a basis for intelligent planning for their community's health and welfare."

"To date, the following parts of the survey have been reported: public welfare, religious relations, labor-management relations, race relations, vocational adjustment, care of the aged, recreation and corrections."

4. League for Fair Play
The League has undertaken, "....initiation of community programs for the schools and the adult community of the type known as the Strong Plan. These programs cover the entire range of democratic living, including civil rights."

The League maintains, "....the lecture bureau service which provides speakers to community organizations on a wide range of subjects, many of which have a bearing on civil rights.".

H. The Press
1. The Nation
A member of the staff is planning to write an article on the President's Committee on Civil Rights which will contain criticism and analysis of the Committee's work.

I. Organizations Interested in the Protection of Civil Liberties
1. American Civil Liberties Union
"We have taken or assisted in dozens of cases in the Supreme Court involving civil rights. With the exception of four cases in the last ten years, the courts have sustained the views we presented. The exceptions were: (1) the evacuation on racial grounds of the Japanese population from the Pacific coast in war-time; (2) the refusal to review a conviction under the 1940 sedition act making mere utterances a crime; (3) the denial of a license to practice law to a conscientious objector in Illinois, and (4) the recent decision upholding the use of public moneys for private school purposes. Two of these cases involve federal jurisdiction, the other two state.

"Generally speaking, we feel that the expansions of federal protection in the last fifteen years have aided the protection of civil rights."

2. The American Law Institute
This organization, which conducts "projects for the improvement of law

and administration", appointed a committee "to ascertain how far the representatives of the world would unite in a Statement of Essential Human Rights." The committee worked for two years and submitted a report which was widely circulated and copies of which were given to the United Nations.

3. Committee for Amnesty
"The amnesty which our committee seeks would not only free men still imprisoned under the Selective Service Act but also restore to them and to the others already released the civil rights which they lost upon their conviction in most states."

4. Friends of Democracy
"...(W)e are primarily concerned with the documentation and exposing of anti-democratic activities. We have specialized in those individuals who are propagating an ideology more consistent with fascism."

5. General Federation of Women's Clubs
"The Federation's most active program in the field of civil rights is support of the Equal Rights Amendment..."

6. The International League for the Rights of Man
This organization is "...primarily concerned with the protection and advance of international civil liberties, and, as an organization, has very little to do with Civil Liberties in the U.S...We feel that our position on national civil liberties is very adequately covered by organizations like the American Civil Liberties Union."

7. National Commission for the Defense of Democracy through Education
"...(O)ur Commission is very much interested in protecting the civil rights of members of the teaching profession. We are also very much concerned with the better observance of civil rights of all citizens because of the effect on education for tolerance. We have made a number of investigations of cases where teachers' civil rights have been ignored and have had some success in securing better conditions.

"At present, we are promoting a program of intercultural education in our public schools."

8. National Service Board for Religious Objectors
"The National Service Board for Religious Objectors works with all problems of the conscientious objector. We try to inform the conscientious objector of his rights and privileges under the law. We assist with appeal cases where such are necessary, present the cases to National Service and Training Act to secure the proper trial and give what assistance we can in parole and release from prison."

9. National Urban League
Materials on program and recommendations of the League have already been digested and submitted to the Committee and will not be included in this report.

10. Southern Conference for Human Welfare
"Since the time of the formation of our Conference in 1938, the protection and extension of civil rights in the South has been one of our

principal interests. This has been reflected in our bi-ennial conventions, in our published programs, in our journal "The Southern Patriot" and, perhaps most significantly, in repeated campaigns by our members, in various Southern states and communities, in calling public attention to specific violations of civil rights and in conducting constructive campaigns for legal measures for their protection.

"Our major interests and campaigns, at the present time, in this connection, are:
(1) Passage of federal and state legislation to outlaw, and impose severe penalties upon, lynching.
(2) Abolition of the poll tax
(3) Close federal supervision of primary and other state election procedures.
(4) Passage of legislation like the FEPC.

"On the general basis of the above, our activity takes several forms:
(1) The National Committee to Abolish the Poll Tax is now an affiliated movement of the Conference.
(2) State Committees in seven Southern states, and local chapters in several others, conduct public interpretation programs for passage of civil rights legislation, strong enforcement of legislation on the books, and citizen vigilance against potential violations of civil rights.
(3) Our Conference and all of its local units cooperate closely with all organizations dedicated to the protection of civil rights...."

10. Southern Regional Council

"As a liberal agency in the field of race relations, we are pledged to work for equal justice and equal opportunities for all...As a non-political agency, our work is naturally more along the line of investigation, popular education, and indirect pressure than along the line of direct political action. We investigate racial disturbances, lynchings, and other civil rights matters in so far as our resources permit, and we take whatever steps we can to help obtain justice. For example, we made a rather thorough investigation of the Columbia, Tennessee, affair last yea and published a report which was generally regarded as the best report that was made on that disturbance...We gave a more detailed confidentia report to the U.S. Department of Justice, and we have been told that it was of considerable help to them.

"We get occasional requests from Negroes who believe they have been wronged, and we handle these as best we can...

"One of our major interests at present is the field of law enforcement and its human relations aspects, and particularly the relation of the police to Negroes. We encourage the use of Negro police in Southern cities...We are also currently working on a manual for training police in human relations...

"Two years ago the Council made a study of the so-called 'separate-but-equal' transportation facilities in Atlanta...Of course, we found what we already knew, that there are gross inequalities in facilities and services, but perhaps it was worth while to document it.

11. War Resisters League

"Our activity in civil rights matters is generally limited to problems of conscientious objectors. During the war, we dealt with the need for legal and procedural advice under the Selective Service Act, both by counseling individuals and by referral to lawyers and advisory agencies. Among the latter, we helped to initiate the Metropolitan Board for Conscientious Objectors (New York) and the Legal Service for Conscientious Objectors (Washington)...

"Although the War Resisters League did not participate in the administration of the Civilian Public Service Camps, to which men with IV-E classifications were assigned, we have taken a keen interest in their treatment and the problems which arose...The War Resisters League has made frequent representations to the administrative authorities protesting the inequities of Civilian Public Service.

"Conscientious Objectors who went to prison enlisted our support in their applications for parole as well as in regard to difficulties encountered within the prison system....

"Our long-range program includes steadfast opposition to all conscription which, aside from its relation to war and militarism, we consider an intolerable infringement of the rights of the individual. The right of conscientious objection must be recognized, and this can only be done by providing for total exemption of all objectors."

J. Miscellaneous

1. Citizens Committee for the Job Security of Bronx Internal Revenue Bureau Employees.

Organized to bring "an end to the discriminatory practices followed in this government agency," this committee has a program calling for protection of job gains of Negro workers, removal of the head of the office (Mr. Ernest Campbell) for discrimination in selections from civil service registers, and protection of wage scales and veterans' rights.

2. Dade County Civil Rights Council

The Council "....is composed of representatives of various civic, religious, fraternal, veteran, labor and community organizations in the Dade County, Florida area." It was incorporated in 1946, for three purposes:

"(1) The defense and protection of civil rights as granted by the Constitution of the United States and amendments thereto.

"(2) The development and projection of a broad range constructive educational program working towards...the prevention of prejudice, discrimination and occurrence of incidents in which civil and/or human rights are invaded....

"Action already taken...has included petitioning by resolution Florida state officials to institute immediate action to revoke the charter of the Ku Klux Klan in Florida and protesting the recent cancellation of a scheduled football game between the University of Miami and Penn State College because of the inclusion of Negroes on PennState's roster."

3. The National Council for a Permanent FEPC

"The National Council for a Permanent FEPC was established four years ago for the purpose of promoting enactment of a federal law for a Permanent Fair Employment Practices Commission, continuing in peace time the

the wartime policy of insuring fair employment without discrimination because of race, religion, color, national origin, or ancestry. The Council has been assisted in this effort by affiliated and cooperating organizations whose membership, after allowing for duplication, totals approximately 60 million persons...

"The National Council for a Permanent FEPC has had a legal committee at work for months on a thorough re-draft of S.101 of the 79th Congress... The National Council has reason to believe that such a bill with minor changes will be introduced in the Senate with impressive bi-partisan sponsorship, and that hearings may be had thereon without delay." (Letter is dated February 28).

II. RECOMMENDATIONS

A. Areas for Investigation

1. American Civil Liberties Union

A letter of February 26, indicated the following areas as requiring investigation: what possibilities exist -

"...to abolish the poll tax in federal elections in the seven southern states requiring payment of the tax as a condition of voting.
"...to establish a federal fair employment commission similar to that set up during the war.
"...to make lynching a federal crime subject to action by U.S. authorities where state officials fail to act.
"...to prohibit racial segregation in interstate busses, trains, and airplanes.
"...to provide equal pay for equal work for women engaged in industries in interstate commerce.
"...to repeal the Oriental Exclusion Act of 1924 which has already been modified to exempt Chinese, Filipinos and East Indians.
"...to provide for a vote by the people of Puerto Rico on their future political status in relation to the United States.
"...to establish a commission to investigate claims for damages by American Citizens of Japanese extraction evacuated during the war from the west coast.
"...to provide civil rather than naval government for the native people of Pacific islands under U.S. control."

A letter of April 10, added the following subjects for study:

"...A program to break up bottle-necks and monopolies in communications field.
"...Repeal of Discriminatory provisions in the naturalization and immigration laws. The United States is the only country which has racial barriers in its naturalization laws.
"...Commitments to and releases from mental institutions...A beginning has been made to study the means by which persons may lose their liberty by commitment to mental institutions. Laws vary from state to state and many of them do not even provide the elementary right of a fair hearing.'

2. American Council on Race Relations

"One of the most crucial topics which it seems to me would fall directly into the province of your Committee is the analysis of the civil

civil rights provisions in the State constitutions and statutes together with the court decisions bearing upon these constitutional provisions and statutes...I take it for granted...that the President's Committee will make an analysis of the Federal constitutional statutory provisions, together with the court decisions bearing upon them.

"A second major contribution which I believe the President's Committee could make is to analyze federal administrative practices bearing upon civil rights, especially with reference to race relations and minority problems.

"A third feature of your Committee's activities might well be to follow up the suggestions contained in the Final Report of the Fair Employment Practices Committee, dated June 28, 1946, in which that Committee recommended to the President the adoption of fair employment practice legislation by the Congress which would guarantee equal job opportunity to all workers without discrimination because of race, color, religious belief, or national origin; and in which that Committee further recommended that the federal government take steps not only to promulgate its fair employment practice policy more widely but to enforce it as well; and be instructed to include statistics on the handicaps which minority-group workers encounter in view of the incomplete reporting on employment and unemployment by race and by sex within industries and occupations.

"Another subject matter which your Committee might well take into account is the denial of civil rights and the discrimination against minority groups in the important field of housing. Here again, it might be well to start with the policies of the federal government itself. This particularly refers to the existence of directives and manuals published by federal agencies which have in the past supported such discrimination. Similar scrutiny is needed regarding the efforts that the federal government is making through its lending and insurance functions and other forms of subsidy to guard public funds against discriminatory use in housing.

"What applies to housing applies to other public services or other forms of public aid, such as health, education and welfare. In these fields, too, federal funds are used...

"I assume...that your Committee will investigate the safeguarding of civil rights of minorities in respect to acts of violence, terror, intimidation, the use of the franchise, freedom to move, to acquire and to enjoy the rights of citizenship irrespective of race, creed or national origin, and the equal protection of the law.

"...I would like to suggest that the President's Committee concern itself with the problem of mass communication and the molding of public opinion...The instrumentalities through which personal attitudes and public opinion are molded--aside from the school and the church---are principally the mass media of communication, such as the films, the radio, the press and popular literature.

"...I am sure you will wish, as a major part of your undertaking, to inquire into the extent to which and the manner in which existing laws,

whether federal, state or local, have been enforced and to make known the facts with respect to non-enforcement and mal-enforcement to the detriment of minorities."

2. American Veterans Committee
"An investigation should be made of the employment opportunities, educational facilities, political franchise, housing facilities, and governmental services available to this minority group (the Negro). This study should not be confined to the South alone, but should include the highly industrialized states of the North."

By telegram, the AVC added, "We particularly urge a thorough review of the Washington scene. Distrimination and segregation in hotels, schoc in employment, in cultural areas as practiced in the District of Columbia...encourage the entire country in practices which are dangerous to our democratic system."

3. Chicago Council Against Racial and Religious Discrimination
"I do not believe too much investigation is needed at this time. Myrda made a pretty good study."

4. The Chicago Defender
"Areas for Study - 17 Southern states, the District of Columbia and one or two Northern states where restrictive covenants are in force...There are, we feel, six fields in which discriminatory practices exist that should be investigated:
(1) jobs
(2) education -(quota system, segregated schools, etc.)
(3) politics -(poll tax, and other methods of denial of ballot)
(4) public services -(travel, hotels, places of amusement)
(5) restrictive covenants
(6) civil liberties -(illegal arrests, peonage)
"We feel that any program for strengthening civil rights legislation must logically take into account ways and means of enforcement."

5. Civil Liberties Union of Massachusetts
"We believe that the two most critical issues in the field of civil rights today are the drive against labor and the drive against the Communists." In addition, the organization recommends study of the House Committee to Investigate Un-American Activities, denial of citizenship, the Church-State issue, police brutality, and Sections 51 and 52 of the United States Code.

6. Civil Rights Congress
"The recent all-out attack on the civil rights of labor should not fail to receive the fullest study by your Committee."

7. Committee for the Nation's Health
"The civil rights of.... physicians and institutions have been restricted by actions of state or county medical societies. We believe that this group of infringements upon civil rights should be investigated by the President's Committee.

"...A typical instance is the expulsion of a physician from a county medical society because this physician has become associated with, or

renders professional service to a group clinic or a voluntary health insurance plan, which is disliked or disapproved by the majority of the medical society. This act of discipline or expulsion is based on economic grounds having nothing to do with the physicians personal or professional competence...This deprivation is a serious one for any physician. In the case of surgeons and some other specialists, it practically amounts to the destruction of all or most of the physician's practice.

"The obverse of this picture is also important. The rights of patients - or potential patients - to make their own arrangements for medical care are interfered with by such medical society action."

8. Coronet Magazine
The letter cites an article in the May issue of Coronet in which Author Charles Harris; "Explains that the Supreme Court does not have the jurisdictional right to overrule any State law with the jurisdiction in that State, and since known corrupt practices exist within that State and in some cases the State refuses to take action, the Supreme Court should have the right to step in to guarantee and protect the individual freedom and liberty of its citizens."

9. Friends of Democracy
"...What to us is by far the most important consideration in the field of civil liberties /is/ the necessity for bringing about a proper balance between all mediums of expression so that there can never be a stifling of expression merely on the basis that one large segment of our citizenry may be falsely convinced that a particular viewpoint is false, or 'smearing.' We feel that this is the area in which your Committee can make its greatest immediate strides...Immediately this calls for thorough studies of the present day use of radio for propaganda purposes and the use of mass circulation of the printed word without providing for a balance of viewpoints."

10. Institute of Ethnic Affairs
"It would seem desirable that conditions in Guam and Samoa which negate the civil rights guarantees of the Constitution might be investigated by the Committee. Collection of available data and testimony of various informal, qualified individuals would net such information. A survey by staff members of the Committee might be conducted on the islands with considerable success and many revelations."

11. Japanese-American Citizens League, Anti-Discrimination Committee, Inc.
"We believe that the Committee should explore the entire field of civil and minority rights. Nothing has ever been done before by the Federal Government in this field and with rising race and economic tensions we believe that your Committee can be most useful in preventing possible situations wherein the rights of minorities may be violated. The field of federal legislation is one which should be studied thoroughly, we believe, with a view to strengthening our federal civil rights statutes to protect minority peoples in those areas in which legal enforcement is weak."

12. The League for Fair Play
"We recommend that the Committee, recognizing that legislation is fully effective only when it has the backing of public opinion, should study

the type of program which will best lead to the creation of a body of informed and active public opinion in supporting the maintenance of civil rights through legislation and otherwise...We urge the Committee to study the public mental health approach on which we are now concentrating. This involves a campaign in the field of public mental health similar to those in the field of public physical health...Propaganda analysis, we have found, is one of the most effective means of informing people how these mental plagues are disseminated."

13. Methodist Church, Women's Division of Christian Service of the Board of Missions and Church Extension
The organization recommends for investigation "segregation in housing, transportation, hotels, amusement and other public services."

14. National Association for the Advancement of Colored People
"The Committee should study educational, health and recreational facilities available throughout the South to determine whether there are adequate facilities for all people and should study the discrimination which Negroes are experiencing in these facilities which personally are most inadequate for all, both Negroes and whites.

"We also suggest that the Committee study the problem of discrimination with regard to governmental employment.

"Certainly this Committee should study the extent of segregation in public and quasi-public housing. It should further study the question of facilities in government-financed housing available to Negroes particularly. It is further suggested that if it studies FHA and GI loans for the purpose of buying property, it will find that those loans are being refused to Negroes, Jews and Japanese, where the property in question is covered by restrictive covenants of one sort or another.

"It is also suggested that it study the problem of discrimination and segregation in the armed forces and in the national guard units."

15. National Committee for the Defense of Democracy through Education
"We recommend that your Committee give careful consideration to: (1) needed legal protection for the teaching profession against infringement of their citizenship rights; (2) a study of means whereby the schools may create a better appreciation of American civil rights and a more complete implementation of them among all of our future citizens in the schools."

16. National Medical Society
"We propose...an investigation of the medical practice acts throughout the various states and particularly in those states which restrain and suppress members of the healing arts outside the fold of organized medicine from practicing their profession and exercising their civil rights."

17. National Service Board for Religious Objectors
"We recommend that some study be made of the attitude and conduct of local boards as they administered under the Selective Service and Training Act. It would also be good to look into the field of the

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motives and influences affecting the FBI and its investigation of conscientious objectors."

18. National Urban League
Materials on program and recommendations of the League have already been digested and submitted to the Committee and will not be included in this report.

19. Southern Conference for Human Welfare
"We believe that the flood of anti-labor legislation being introduced in the State, as well as the Federal legislature, should be closely examined as to: (1) its constitutionality; (2) its origin and the financial sources of its backers; (3) its probable results in terms of civil strife."

20. Southern Regional Council, Inc.
"I hope you will explore the possibility of a satisfactory federal statute on lynching...

"Police brutality is so common in the South that many people think it is a necessary part of law enforcement. Could Federal laws help the situation? Could the FBI be asked to broaden its police training courses to cover the relations of the police to minority groups?...

"Under existing legislation and judicial interpretation there seems to be relatively little that the Department of Justice can do to punish violations of civil rights...Could the Federal laws be strengthened with or without an amendment to the Constitution"?

"Is there any way in which they (hate organizations) can be controlled or made so expensive that they can not become popular?"

21. Tuskegee Institute
"I am sure the field of education from the elementary through the college level in the South will prove a fruitful area of study for members of your Committee."

22. United Office and Professional Workers of America
"It is our recommendation that the President's Committee should make an exhaustive study of violation of civil rights, particularly in the South but also throughout the country, particularly as evidenced in the attacks on minority groups and organized labor. You should hold hearings in all communities and invite all interested parties to testify and make public your findings."

23. War Resisters League
"Employment rights of conscientious objectors should be carefully investigated...

"There are conditions in the Federal prisons which might well merit scrutiny from the civil rights points of view."

SUMMARY STATEMENT OF AREAS REQUIRING INVESTIGATION

The following summary lists the principal topics recommended by various

organizations for investigation by the President's Committee on Civil Rights They are arranged in roughly the order of incidence of recommendations, i.e. those suggested most frequently appear at the head of the list.

1. Relationship of Federal to state and local power in civil rights cases, with an eye to expanding federal power to prevent or punish discrimination or violence. This type of recommendation generally includes specific comment on the need for studying housing, public and private employment, education, transportation, health, suffrage and elections, public accommodations, legal proceedings, and the effectiveness of enforcement of constitutional and statutory provisions for civil rights in these areas.

2. Current Federal, state and local laws, administrative regulations, orders and practices, and court decisions affecting civil rights.

3. Acts of violence: police brutality, lynching, etc.

4. Attitudes that cause violence.

5. Investigation of race relations and the status of civil rights in Washington, D. C.

6. Discrimination in the armed forces.

7. Investigation of anti-labor and anti-communist legislation and activities with a view towards protecting the civil rights of these minorities.

8. Denial of citizenship on the basis of race or color.

9. Denial of civil or political rights to peoples in the territories, possessions or dependencies of the United States.

10. Denial of citizenship on the basis of race or color.

11. Means of attacking prejudice, such as the "mental health approach" (see recommendations of the League for Fair Play) or the use of schools to create a better appreciation of civil rights.

12. Infringement of the civil rights of Conscientious Objectors, including the attitudes and conduct of local boards and the FBI in administering the Selective Service and Training Act.

13. Infringement of civil rights of doctors by medical societies. Refers to alleged discrimination against physicians affiliated with various voluntary health insurance systems and against practitioners of the healing arts outside the field of organized medicine.

14. Infringement of the civil rights of members of the teaching profession.

15. Investigation of Federal prisons.

16. Use of Negro and other minority personnel in the Department of Justice and the FBI.

17. Study of the increasing violations of the principle of separation of church and state.

18. Violations of the civil rights of library users.

B. Action to be taken by the President's Committee on Civil Rights

1. American Jewish Committee
In a personal interview, Mr. Marcus Cohn, of this Organization, suggested that the President's Committee secure publicity all along the way to build up public interest prior to the issuance of their report. TIME and LIFE, for example, might be requested to feature stories on the Committee's activities.

2. American Library Association, Committee on Intercultural Freedom
"...My one suggestion to your Committee is that you promote more general discussion of our Constitutional Bill of Rights and urge people to examine their state and local laws for infringements of their civil rights."

3. American Veterans Committee
"...The Committee should concentrate on two phases of action the federal government can take: first, it should carefully appraise what legislation is needed; secondly...,it should ascertain what federal executive measures are necessary to implement a policy of non-discrimination. Perhaps a Minorities' Bill of Rights could first be issued by the Committee, and then an action program for the Legislative and Executive branches could be drafted."

4. Bureau of Advertising
"The real effectiveness of your program will rest on the degree to which you can get it into the hands of local communities. The ways in which this is done, through groups and maybe even schools, colleges and churches, are well known to you. The importance of getting it through at that level, however, and getting it talked about is of greatest moment."

5. Chicago Council Against Racial and Religious Discrimination
"What is needed is specific recommendations for the Congress to adopt. Personally, I am inclined to favor a bureau or division on intercultural relations in some governmental department...This would not segregate this area of concern from other governmental departments, but would help point up a strong educational and enforcement program."

6. Citizens Committee for the Job Security of Bronx Internal Revenue Employees
"The Citizens Committee for the Job Security of Bronx Internal Revenue Employees calls upon your Committee to recommend that an Executive Order be issued immediately establishing a Fair Employment Practices Committee in the Government service."

7. Civil Liberties Union of Massachusetts
"We feel that a statement by the President's Committee on Civil Rights would help to clarify and make less arbitrary the bases on which citizenship is granted...
"We hope that the President's Committee on Civil Rights would undertake an educational campaign, with suggestions and literature for state and local committees and law-enforcement agencies, for the protection

of racial, religious and political minorities."

8. Civil Rights Congress
"We assume that the Committee will make recommendations for outlawing the Klan and similar fascist organizations, for facilitating prosecution and effective punishment of members of lynch mobs; for abolishing the poll tax and establishing a peacetime fair employment practices committee; for outlawing anti-semitism and for strengthening the present civil rights statutes."

9. Committee for Amnesty
"The restoration of civil rights to conscientious objectors would require neither federal nor state legislation, but could be effected simply by a proclamation by President Truman. We hope that the President's Committee on Civil Rights will recommend such an amnesty proclamation."

10. Coronet Magazine
"It occurred to us that here is a possibility to do something about this problem by working together. We would like to spread the word about this piece /An article by Cnarles Harris on Civil Rights in the May issue of Coronet/ as far and wide as possible, and we felt that, with your finger on the pulse of the problem, you would advise us on promoting this pertinent piece."

11. General Federation of Women's Clubs
"...I feel that we need the help of the President's Committee on Civil Rights to help secure passage of this simple Amendment, which will be the first step in removing legal discriminations in many states against women."

12. Japanese-American Citizens League, Anti-Discrimination Committee, Inc.
"...Model civil rights bills for the several states should be drafted and every attempt made to have them passed by the various legislatures."

13. League for Fair Play
We recommend "orientation of civilians in this field paralleling the best orientation work of the armed forces."

14. Methodist Church, Women's Division of Christian Service of the Board of Missions and Church Extension
"Can your Committee do such practical things as the following:
"(1) recommend the extension of some kind of Civil Service program that will mean a compulsory training requirement in basic human relations for all policemen and law enforcement officers, bus drivers and operators of public conveyances of all types?
"(2) a similar requirement for teachers in all public schools, making clearly defined study of an entire intercultural and interracial relations in the context of human relations, a basis for employment?
"(3) a. give us a clear and simple interpretation of 'civil rights' as they relate to the State and the United States;
b. by what possible measure can a 'Jim Crow' bill be deemed 'constitutional' under the Bill of Rights of the United States?
"(4) ...A Committee like yours can map out a program that all groups can unite on - Jews, Protestants, Catholics and other groups."

15. National Association for the Advancement of Colored People
"The Congress under its power to control interstate commerce may by statute declare the practices of segregation in any form on interstate carriers invalid...I think that we should suggest that the Committee sponsor such legislation and urge the administration to support the same."

"...If it (the Committee) is to get more than an academic picture of the problem arising from the denial of civil rights to individuals in the United States should go en masse to a place like Greenville, South Carolina where the recent lynching of a Negro occurred, to see what it can find out from the attitude of the various people in the community toward atrocities such as this and to see whether or not they will be able to from such testimony make some determination as to causes and reasons for this type of violence."

"It should further hold hearings in our larger cities in the North...as well as several rural areas in the South so that it can get a feel of the corrosive effect of racism on the whole community."

"With regard to methods I think it should have its own paid staff which will investigate and find out from first hand the actual situations as they exist in regard to the denial of civil rights."

"It should recommend certainly the unrestricted usage of qualified Negroes and members of other minority groups in active positions in the Department of Justice and FBI."

16. National Community Relations Advisory Council
"...Resolved that the National Community Relations Advisory Council urges the speedy enactment of legislation prohibiting the practice of such discrimination in employment and providing the establishment of a federal commission with power to issue orders enforceable in the courts."

17. National Council for a Permanent FEPC
"We recommend:
(1) that your Committee obtain from all sources, both governmental and private agencies, all available up-to-date information on the extent and character of discrimination in employment and such estimates as to the cost in dollars and in domestic international strength and health as may be obtained.
(2) that your Committee hold hearings in Washington and the major cities for the purpose of receiving testimony regarding denial of civil rights, particularly discrimination in employment with opportunity for such organizations as the National Council and cooperating organizations to present facts and recommendations.
(3) that you make findings and recommendations as to denial of civil rights including discrimination in employment, the recommendations to set forth positive, practical acts that can be taken to insure full exercise of civil rights by all in the field of employment and elsewhere.
(4) that you rate the various types of injustice now prevalent in the field.
(5) finally, instead of generalizing conclusions and recommendatiohs, that your Committee specifically and in the strongest terms, endorse the federal bill for a permanent FEPC and urge upon the President and Congress its enactment at the earliest possible date."

18. Southern Conference for Human Welfare
"We believe that your Committee's investigations should be as concrete and as local as possible. Field representatives should confer with those whose civil rights have been violated, with local representatives -of organizations which have defended or sought to defend them; and with civil authorities whose duty it is to protect them."

"We also hope that your Committee will make available to the peoples of the United States...news, views, and graphic material which will be useful in doing a preventive educational job in this whole area."

"Your Committee can play a vitally important part, we are confident, in the launching of such an educational and action program."

19. Southern Regional Council, Inc.
"I am convinced that there is a great need for a system of free or inexpensive legal service for the poor or ignorant who legally or illegally, frequently get deprived of their personal or property rights...it is probable that strong recommendations on this subject from your Committee might move the American Bar Association and the State Bar Associations, to take voluntary action toward remedying the situation."

"It (the Committee) might well consider the advisability of holding a series of regional hearings."

"If the Supreme Court does not throw out the South Carolina and Georgia white primary arrangements...I hope it is not too far fetched to suggest a Federal amendment saying that no political party which offers candidates for state and national offices shall make race, creed or color a condition of party membership."

20. United Public Workers of America
"...that a central hiring register be established immediately for the recruiting of temporary workers.
"...that there be created immediately by executive order a fair employment practices committee for government hiring.
"...that War Service workers who take and pass the coming Civil Service examinations for permanent jobs be given preference over all applicants from the outside except for veterans."

21. National Urban League
Materials on program and recommendations of the League have already been digested and submitted to the Committee and will not be included in this report.

22. War Resisters League
"We believe that military conscription must be opposed if the adequate preservation of civil liberties is to be insured.
"An immediate amnesty should be granted to all violators of the Selective Service Training and Service Act of 1940.
"We are concerned about military prisoners, especially those who violate regulations for reasons of conscience. We would also urge amelioration of the situation whereby a dishonorable discharge, once given, can not be revoked."

23. Workers Defense League
The League recommends:
(a) "public hearings throughout the country to determine the extent and manner in which persons are being deprived of their civil liberties.
(b) "immediate changes in the existing law to make the acts prohibited prima facie evidence of the intent rather than requiring the positive proof of wilful intent to violate the law.
(c) "strengthening of the Civil Rights Section of the Department of Justice by increasing its legal staff and giving it its own staff of investigators...
(d) "the assigning of special prosecutors in all civil liberties cases regardless of the supposed enthusiasm of the local U.S. Attorney.
(e) "giving the Civil Rights Section the right and duty to investigate and report upon general situations where the violation of basic rights is suspected, independent of specific complaints or violations of specific sections of the law."
(f) "removing the responsibility for upholding civil rights from the Department of Justice and placing it in an independent agency of Government.
(g) "endorsement of such elementary pending legislation as the anti-poll tax, anti-lynching and fair employment practices bills."

PRIMARY RECOMMENDATIONS FOR FEDERAL ACTION

1. The passage of:
   (a) Anti-poll tax legislation
   (b) Anti-lynching legislation (with a general strengthening of Sections 51 and 52)
   (c) FEPC law (supplement by an executive order setting up an FEPC for the Federal service)
   (d) Legislation forbidding segregation in interstate commerce
2. National and local public hearings
3. The promotion of an educational campaign to encourage more general discussion of civil rights in the State and Nation as a whole.

SECONDARY RECOMMENDATIONS

1. Administrative and Legislative Action
   a. Change existing law to make acts prohibited prima facie evidence of intent when committed rather than requiring positive proof of wilfulness.
   b. Strengthen the Civil Right's Section of the Department of Justice by increasing its legal staff and giving it its own investigators.
   c. Recommend the assignment of special prosecutors in all civil rights cases regardless of the "supposed enthusiasm" of the U.S. Attorney.
   d. Give the Civil Rights Section power to investigate and report where violation of the law is suspected.
   e. Place responsibility for the defense of civil rights in an independent agency of government rather than in the Department of Justice.
   f. Give the Supreme Court power to overrule any State law where civil rights are involved.
   g. Draft model civil rights statutes for States.
   h. Establish compulsory training requirements in basic human relations for law enforcement officers, bus drivers, teachers, etc.
   i. Oppose passage of the military conscription act.
   j. Establish bureau of intercultural relations in one of the Government departments.

2. Possessions and Territories
   a. Establish civil government for Pacific island possessions.
   b. Give self-determination to Puerto Rico.
   c. Establish popular election by Virgin islands of their Goverhor and resident commissioner
   d. Give freedom to our colonial dependencies.

3. Labor
   a. "Promote democracy in trade unions by providing administrative relief for members aggrieved by autocratic practices in their unions."
   b. Uphold the right of unions to call on individuals to go on strike.

4. Violations of Rights
   a. Establish a Commission to investigate claims for damages by American citizens of Japanese extraction evacuated from the west coast during the war.
   b. Preserve the rights of minor political groups, including communists.
   c. Outlaw the KKK and similar groups.
   d. Issue Presidential proclamation giving amnesty to conscientious objectors.
   e. Give legal aid to people deprived of civil rights because they can not afford counsel.

5. Citizenship
   a. Remove all racial bars to citizenship.
   b. Issue a statement clarifying bases for citizenship.

6. Education and Communication
   a. Establish a program to break up bottlenecks and monopolies in the communications field.
   b. Send out organizational questionnaires on civil rights.

C. Hearings
   1. Organizations Urging Hearings
      Bureau of Advertising
      Chicago Council against Racial and Religious Discrimination
      The Chicago Defender
      Civil Rights Congress
      Institute of Ethnic Affairs
      National Association for the Advancement of Colored People
      The Nation
      National Council for a Permanent FEPC
      National Conference of Christians and Jews
      Southern Regional Council

   2. Organizations Requesting Opportunity to Appear
      Workers Defense League
      National Home and Property Owners Foundation
      Japanese-American Citizens League, Anti-Discrimination Committee
      League for Fair Play

III. OTHER COMMUNICATIONS

A. Organizations which Deferred Recommendations

1. Afro-American Newspapers
2. Americans United for World Government
3. Anti-Defamation League of B'nai B'rith
4. Committee to Abolish Discrimination
5. Council for Inter-American Cooperation
6. Council on African Affairs
7. *Illinois Interracial Commission
8. Jewish War Veterans of the United States
9. National Urban League
10. United Automobile Workers-CIO
11. United Service for New Americans
12. YWCA, National Board, Public Affairs Committee

B. Organizations Making no Specific Recommendations

1. American Cancer Society
2. American Institute of Public Opinion
3. American Jewish Congress
4. American Law Institute
5. American Red Cross
6. Associated Negro Press
7. Chamber of Commerce of the United States
8. *Chicago Civil Liberties Committee
9. *Citizens Council for Democracy
10. Council of Social Agencies of the District of Columbia & Vicinity
11. *Council on Veterans' Affairs
12. Federation of American Scientists
13. *Fisk University Social Science Institute
14. International League for the Rights of Man
15. Jewish Labor Committee
16. League of Women Voters
17. League for Industrial Democracy
18. Marine Corps Fathers Association
19. The Nation
20. World Mission Crusade of the National Baptist Convention
21. *New Harlem Tenant's League
22. National Association of Manufacturers
23. National Association of Real Estate Boards
24. National Catholic Welfare Conference
25. *National Conference of Christians and Jews
26. National Council of Jewish Women
27. National Women's Trade Union League of America
28. National Opinion Research Center
29. *National Home and Property Owners' Foundation
30. New Republic
31. Post-War World Council
32. Rockefeller Foundation
33. Russel Sage Foundation
34. General Education Board
35. St. Paul Branch, NAACP
36. Time Magazine

*These organizations specifically requested such things as: to be put on mailing lists, that Committee members appear at gatherings, intervention in specific cases, etc.

37. United Council of Church Women
38. World Fellowship, Inc.

STATISTICAL SUMMARY

Letters sent by President's Committee on Civil Rights		190
Total replies received	103	
No answers	87	
Of 103 letters received:		
Replies deferred	12	
No information nor recommendations	38	
Total letters briefed	53	
		103

President's Committee
on
Civil Rights

May 14, 1947

MEMORANDUM

TO: Members of the President's Committee on Civil Rights

FROM: Robert K. Carr

SUBJECT: Use of Federal Grants-in-Aid as a Device for Preventing Discrimination in the Providing of Public Services - a Statement by V. O. Key.

The following is a statement by Professor V. O. Key of the Department of Political Science at the Johns Hopkins University. Professor Key is perhaps the foremost authority in the country on the federal grant-in-aid program. He was asked to prepare this statement by the staff. It is a wise, careful analysis of some of the difficulties that would be encountered in attempting to get at discrimination through the device of the grant-in-aid.

"1. Your Committee may need to have explained to it the general nature of the federal grant system before it can consider the system in ralation to their problem. Perhaps about all that they need to know for that purpose is that in a variety of governmental activities, federal funds are made available to state governments for the accomplishment of specific purposes. Usually, these funds must be matched with moneys from state and local sources, and a federal administrative agency has the responsibility of seeing that the state authority spends the grants and the state matching money in accordance with the conditions of federal legislation. The nature of these conditions differs, of course, from adtivity to activity. The Federal Aid Highway Act of 1921, for example, provided that funds would be made available to 'expedite the completion of a system of interstate roads.' The Agricultural Extension Act provided for grants for 'practical instruction' to farmers. The Social Security Act provided funds for assistance to the 'needy aged.' The Vocational Education Act made funds available for training 'to fit for useful employment.' In the application of these and other acts the problem of federal administration is to make sure that funds are utilized by the states for the purpose and in the manner specified by statute and regulation, and not otherwise.

"2. It may be relevant for your Committee to keep in mind something about the nature and evolution of the conditions attached to existing federal grants. Generally, these conditions have not been forced upon the states by the federal government. In the development of the grant legislation there was substantial support from state governmental agencies and groups of citizens within the states for the accomplishment of the policy ultimately laid down in the federal statute. Groups of citizens and officials within the states sought congressional financial support, but they also sought the support of Congress in the achievement of a policy in which they were interested. In the application of these laws there has, of course, been friction between federal administrators and state administrators but, by and large, this friction has been with 'backward' states, and the efforts of federal authorities to maintain the standards of a program in such states

have been applauded by officials of the other states. State officials often regard their federal colleagues as friends who can help them when they get into political difficulties in their own localities. The point of all this is that the federal grant system has not been used as a means of coercion.

"3. Another characteristic of the workings of the federal grant system may have some relevance to the thinking of your Committee. That characteristic is that in dealing with state authorities, federal agencies have in general followed a policy of gradualism in bringing about changes in state administration and state policy. They have, of course, usually abided by the letter of the federal statute, but the letter is ordinarily vague. They have tended to look to the long pull to raise the level of performance of state administration and have not expected to remake the world in a day. My own inclination is to suspect that the problems with which you are dealing will yield only to the same type of treatment and that this will color any kind of recommendation that you make on the subject. The attachment of anti-discrimination clauses to federal aid statutes will not bring quick change.

"4. From what has been said, it is clearly possible to attach anti-discrimination clauses to legislation providing for federal grants to states. The expediency of so doing, however, is a matter about which I am not able to make up my mind. Presumably the Committee is interested in bringing about some actual change in the state of affairs, and not in making quixotic gestures. It is difficult enough to alleviate discrimination by direct action. When you attempt to minimise discrimination by acting upon the states you add to the ordinary difficulty the resistance that is justified in the name of states' rights. It may be that the threat of federal action is more efficacious than the action itself. At any rate, the fundamental question you have is this matter of the results that may be expected to flow from a policy, rather than the particular techniques by which the policy against discrimination will be attached to existing federal legislation.

"5. Another general problem that may be well to call to your attention is that of obtaining legislative enactment. Your Committee is doubtless keenly aware of the difficulty of obtaining congressional action on almost any sort of anti-discrimination bill. It will be useful for them to keep in mind that, if such conditions are attached to federal grants, it is necessary also to obtain state legislative action acquiescing in the federal policy. In some areas this consent might be a little difficult to obtain.

"6. You will want to point out to your Committee that the problems that could be reached through federal grants-in-aid are limited to those state activities aided by the federal government. In some of these activities, such as highway construction, I do not suppose that any real question of discrimination arises. If you have the staff, it might be useful for you to attempt to collect data on the degree of discrimination by state departments in the administration of functions presently federally aided.

"7. If the federal aid device appeals to your Committee, you will want to give some attention to the problem of administration from the federal side. At the present time, there is no single agency for the federal government concerned in general with relations with the states. Separate agencies

handle these federal-state relations arising from each federal aid statute. It is safe to predict that under present arrangements an anti-discrimination policy would be administered quite unevenly by the different federal offices and bureaus. I am not suggesting that all federal grants should be handled by a single federal bureau, but there may be some intermediate arrangement that could be devised for whatever policy you arrive at, if any. For example, an obligation might be imposed upon the President to make an annual report to Congress on the progress achieved in removing discrimination. He would, in turn, have to call on each agency to maintain appropriate records and report to him.

"8. Another problem is whether you attack this matter by a general statute applying to all activities federally aided, or by a series of specific statutes each amending existing legislation in a particular field. The Hatch Act contains a provision applying to all federally aided programs that is designed to limit partisan activity by state employees whose salaries come in part from federal funds. This is, in so far as I know, the only across-the-board statute on federal aid programs. Attack by a single statute would not involve the same legislative difficulties that would arise if a series of bills were introduced to amend each federal aid act. However, a general statute could express only the most general kind of policy. It may be that quite as much could be accomplished in this way as by specific amendments in which conditions and requirements could be tailored to the peculiar characteristics of each added function.

"9. The preceding remarks suggest that it will by no means be easy to formulate standards of non-discrimination. Would you propose, for example, that federal funds for vocational education be divided among schools for Negroes and whites in the same proportion that these two groups were in the population of a state? A statement of this kind might superficially look like non-discrimination, but on the other hand it might actually be discrimination against whites rather than blacks, or vice versa. You could make a similar proposition with respect to the agricultural extension service, but I am not sure that it would remove discrimination. State bureaucracies, like any other, are quite difficult to push around. It was necessary, for example, to establish a new organization to serve poor white farmers because of the traditions of the extension service. The point that I am trying to make is, that when you deal in concrete cases, the possibilities of eliminating discrimination through modification of policies of existing agencies become narrower than they may appear at first blush.

"10. Another matter that you need to keep in mind is that of finance. In some activities I suspect that the reduction of discrimination would result in an absolute reduction of the level of service to the dominant group of a community. The fiscal resources are just not adequate to bring up the level of governmental service to all groups to that enjoyed by the dominant group. Quite apart from the fact that such a leveling down would create a terrific political reaction, when you talk of raising the level of services you become involved in the whole problem of federal-state fiscal relations. It might be that if your Committee had the time, it could make analyses of specific federal programs and it could formulate definite proposals for additional grants to raise the standard of federally aided services to

depressed groups. Your terms of reference may not be that broad. I am at any rate doubtful of the desirability of earmarking grants for, say, vocational schools for Negroes. But in any activity funds conditioned upon removal of inequalities in a governmental service would redound to the advantage of those groups with which you are concerned. Furthermore, the statement of a policy in such generalized terms might be wiser from a strategic standpoint than the statement of a policy in terms of the interest of a particular religious or racial group.

"11. It might be all to the good to have some formal federal statutory anti-discrimination policy applicable to federal grants, but your Committee ought not to be led to believe that such a statutory policy will necessarily produce results. The enforcement of such a policy will inevitably bring headaches and unless impelling pressures exist most administrators will be quite satisfied with a pro forma adherence to a stated policy of this kind. The nature of the federal policy will depend in large measure on the general political orientation of the party in power.

HARRY S. TRUMAN LIBRARY

President's Committee
on
Civil Rights

MEMORANDUM

May 13, 1947

TO: Members of The President's Committee on Civil Rights

FROM: Robert K. Carr

SUBJECT: Racial Discrimination in organized baseball.

The following news item from the Washington Post, Friday, May 9, 1947, is self-explanatory:

"FRICK HEADS OFF STRIKE ON ROBINSON
By Stanley Woodward
Copyright by New York Tribune, Inc.

New York, May 8.--A National League players' strike, instigated by some of the St. Louis Cardinals, against the presence in the league of Jackie Robinson, Brooklyn's Negro first baseman, has been averted temporarily and perhaps permanently quashed.

In recent days Ford Frick, president of the National League, and Sam Breadon, president of the St. Louis Club, have been conferring with St. Louis players in the Hotel New Yorker.

Breadon flew east when he heard of the projected strike. The story that he came to consult with Eddie Dyer, manager, about the lowly state of the St. Louis Club was fictitious. He came on a much more serious errand.

The strike plan, formulated by certain St. Louis players, was instigated by a member of the Brooklyn Dodgers who has since recanted. The original plan was for a St. Louis Club strike on the occasion of the first game in Brooklyn May 6.

Subsequently the St. Louis players conceived the idea of a general strike within the National League on a certain date. That is what Frick and Breadon have been combating in the past few days.

It is understood that Frick addressed the players, in effect, as follows:

> If you do this you will be suspended from the league. You will find that the friends you think you have in the press box will not support you, that you will be outcasts. I do not care if half the league strikes. Those who do it will encounter quick retribution. All will be suspended and I don't care if it wrecks the National League for five years. This is the United States of America and one citizen has as much right to play as another.
>
> The National League will go down the line with Robinson whatever the consequences. You will find if you go through with your intention that you have been guilty of complete madness."

President's Committee
on
Civil Rights

May 15, 1947.

MEMORANDUM

TO: Members of The President's Committee on Civil Rights

FROM: Robert K. Carr

SUBJECT: Digest of Personal Communications prepared by John L. Vandegrift

Attached is a digest prepared from letters received from outstanding individuals in the field of civil rights. These letters were received in reply to a request from the Executive Secretary for information, opinions and recommendations on this broad field. A copy of the soliciting letter is also attached.

The letters cited are but a small portion of the opinions solicited. As more replies are forthcoming they will be presented to the Committee.

The purpose of this digest is to place before the Committee the most noteworthy portions of the letters received so that the members may become acquainted with the general character of the replies. Quotations have been selected to this end and do not, either by their priority in the digest or by their length, seek to evaluate any one letter vis-a-vis the others.

Attachments (2)

President's Committee
on
Civil Rights

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

February 26, 1947

The secretariat of the President's Committee on Civil Rights has now been organized and offices have been established at the address given above. The Committee hopes to make rapid progress with its studies and would like to report to the President at an early date. At present, the major work is being done by subcommittees. One of these is conducting a study of existing laws for the protection of civil rights, and is considering the desirability of strengthening this legislation. Another subcommittee is concerned with the economic, social and educational aspects of the civil rights problem in America, and hopes to be able to recommend a program of action in this direction. A third subcommittee is examining the nature and work of private organizations which are in any way related to the civil rights problem.

I am taking the liberty of writing you at this early stage in the Committee's work to seek your cooperation. The Committee looks upon you as an individual who has devoted a great deal of time and thought to the problem of civil rights, and, accordingly it would be interested in hearing from you with respect to such matters as the following:

(a) What recommendations do you have to offer the Committee concerning the areas it should study, or the methods it should employ in making its investigations?
(b) Do you have any reports or specific findings that you would like to bring to the Committee's attention?

At a later date we may well wish to call upon you for additional help or suggestions. No decision has yet been made concerning public hearings. It is quite possible that the Committee will decide at a later date to hold such hearings and to give interested persons and organizations an opportunity to appear. I will be glad to notify you of such a decision when made, if you so desire.

Sincerely yours,

Robert K. Carr

President's Committee
on
Civil Rights

May 15, 1947.

DIGEST OF PERSONAL COMMUNICATIONS RECEIVED
BY THE PRESIDENT'S COMMITTEE ON CIVIL RIGHTS

Edward L. Bernays,
Public Relations Counsel, New York City, N. Y.

...

"It seems to me that fear induced by the unstabilized conditions of civil rights among certain groups of the population plays a part in group fears, which may affect the economic situation adversely. In other words, individuals who suffer from civil disabilities are apt to be an unstabilizing factor in the market place.

"I should think that emphasis on this idea in any educational work you would undertake would enlist for your point of view the support of that very important sector of the population, the business group. The methods of studying this aspect of the civil rights situation may well be to inquire of key business organizations, just what false rumors they have been exposed to in the past few years that might act as a deterrent to sales. I think you might find that most rumors are spread by the psychologically insecure groups of the population and these are the groups who have civil disabilities."

Chester Bowles,
Essex, Conn.

...

"Unfortunately for the respect for American democracy throughout the world, the Russians have done a better job than we in the whole field of racial equality. This, in turn, means to tens and tens of millions of people that the Russian brand of 'democracy' has a more basic appeal than our own. Of course this hits us in the area where we should be strongest and, as I see it, it points up one of the major responsibilities of the Committee on Civil Rights...America will continue to work at a considerable disadvantage in the whole field of international relations as long as racial segregation is accepted in a wide area of our country, including the Federal government.

"I hope that the Committee will spell out whatever legislation is needed to eliminate the white primary, the poll tax and, as rapidly as possible, the inequality of treatment in education and health. I believe the Committee should also strongly recommend the repeal of the Japanese and Chinese Exclusion Act... Our record in the whole field of racial relations is a miserably bad record, and as it stands it represents a real danger to the prestige of our nation in world affairs and as a moral force in the United Nations."

Langston Hughes,
Visiting Professor of Creative Writing, Atlanta University, Atlanta, Georgia.

...

"Certainly one thing which amazes me here in the South is the lack of decent traveling accommodations in so far as Negro citizens are concerned, and I am continually surprised at the discourteous and uncivilized treatment which Negro travelers are accorded at terminals and on trains and buses in this section of our country. The whole situation seems to me entirely absurd, antiquated, and stupid, and I see no reason why it should exist in its present state in a supposedly democratic and civilized part of the world. I very much hope your committee is taking up this matter of civil rights in relation to travel in those states of our country where Jim-Crow laws exist and where the provision for equal treatment is entirely disregarded."

Harold L. Ickes,
Washington, D. C.

...

"The only suggestion that I have concerning the methods that the Committee might use is a negative one. Just avoid the methods used by the Dies Committee, and, of course, I am sure that you will.

"As to the areas of civil rights with which the Committee should concern itself, I am convinced that one of the most fertile fields for investigation would be that of race relations and race discrimination. It seems to me that we can no longer hold up our heads as a Democracy if we continue to permit the kind of discrimination against Negroes, Jews and a dozen other

minorities which now exist in this country. I suggest that the Committee examine very carefully the feasibility of additional Federal legislation to curb these evils. Another area in which the President's Committee might do effective work concerns the problem of what should be done with parties or movements with ideologies foreign to this country or that are sponsored by foreign governments. I may say, in this connection, that I think that the rash of recent bills to outlaw the communists politically would only result in harm.

"I know of no reports or specific findings that I should like to bring to the Committee's attention except that I might point out that no serious friction developed in the Interior Department lunch rooms when I ordered the end of racial segregation there."

Alfred McClung Lee,
Chairman of the Department of Sociology and Anthropology, Wayne University, Detroit, Michigan

"In answer to your questions, I would especially like to call your attention to these problem areas:

1. Developments are taking place in the fields of church and state which require most urgently the attention of people interested in the maintenance of freedom of conscience and religion. As many writers have pointed out recently, including certain justices of the United States Supreme Court, the separation of church and state is gradually being whittled away by incidents, by legislation, and by judicial pronouncements. Bishop Bromley Oxnam of the Methodist church and other outstanding religious leaders have been this danger clearly and are devoting considerable time to the creation of sentiment concerning it.

2. The principles underlying the relationships between press and radio have not been thoroughly thought out. As a result, as I indicated in surveys I prepared for the Federal Communications Commission, and as other investigators indicated, there is a strong

tendency toward the development of local press-radio monopolies in city after city in the United States. This tendency, regardless of intent, has the effect of dissipating fundamental American rights of free speech and free expression in print, and such tendencies endanger our democratic processes.

3. Accurate statistics upon trends in the daily newspaper field indicate that small dailies are in jeopardy because of many factors including the availability of newsprint. They also indicate that many conditions of operation in the newspaper field artificially make for the elimination of competition. As a result, fewer and fewer American cities offer any daily newspaper or any newspaper competition. Since democracy can scarcely survive without a competition of ideas, this is a matter of grave national importance."

..."If it is appropriate, I would also be glad to furnish you with a bibliography of my reports and articles and books on the last two items mentioned."

Herbert H. Lehman,
New York City, N. Y.

...

"I appreciate the invitation very much indeed. I feel however that it is not necessary for me to make suggestions to this very excellent Committee, as I am sure that they will fully and conscientiously cover the entire field of civil rights. If there is any way of which I can be of assistance to you later, I hope that you will not hesitate to call on me."

Henry R. Luce,
Time, Inc., New York, N.Y.

...

"As to the subject of civil rights, it is so vast and fundamental that one can either speak of it in a sentence or an encyclopedia. For the moment I shall spare you the triteness of a one sentence opinion, and I shall obviously also have to deny myself the pleasure of writing on the subject at any length.

"Later on, as your committee sifts this great moral and practical subject, I should be glad to consider any particular phase of your research you care to bring to my attention. And, of course, I shall also follow the press reports of the committee's actions with the greatest interest."

Carey McWilliams,
Los Angeles, California

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"I think that in certain areas directly bearing upon federal rights, such, for example, as the right of free movement, the right to vote in federal elections without fear or intimidation or vexatious restrictions, the right of free and equal access to federal programs and to federally sponsored services, the right to a fair trial, the matter of the selection of juries, the equal enforcement of the law, etc., that your committee should make detailed, first-hand, thorough-going investigations in the South and elsewhere. I would recommend, for example, that some attention be devoted to these same issues as they involve Americans of Mexican descent in the fifty or so southernmost counties in Texas, parts of New Mexico and Arizona, Colorado, and California. Much of the material already exists: in the records of the LaFollette and Tolan investigations; in the reports of the NLRB and the War Labor Board, and other agencies, both public and private. I would suggest that the committee sift all of the complaints which the Department of Justice has received of recent years bearing on alleged violations of civil rights. What percentage of these complaints were investigated and with what results? It seems to me, also, that the six lynchings reported in 1946 should be investigated and that the obvious failure of law enforcement agencies to conduct successful prosecutions in these cases should receive special attention.

"On the score of recommendations, I would like to suggest that the committee give careful consideration to the following proposals: (a) for the enactment of a new federal civil rights act, broadly conceived, enforced by modern administrative techniques; (b) to the possibility of enforcing the Second Section of the Fourteenth Amendment by reducing the representation of those states that discriminate in the exercise of the franchise; and (c) to the amendment of existing

federal statutes so as to make it a felony for two or more persons to conspire to violate the civil rights of a citizen of the United States, whether the conspiracy is carried out under color of a state law or otherwise.

"The burden of everything that I have written about racial minorities is simply this: that it has been the failure of the federal government to act, or its omission to act, that has made possible the existing pattern of discrimination in the United States today. I entertain not the slightest doubt that the present Supreme Court would uphold a new federal civil rights act; nor have I the slightest doubts about the ability of the federal government to enforce such an act. I am convinced on the basis of latterday research into the origin, meaning, and purpose of the Fourteenth amendment that such decisions as Plessy vs. Ferguson would today be overruled; but, without waiting for this to happen, I think a new federal civil rights act should be enacted. By the failure of the federal government to act, I mean the failure to implement the Civil War amendments by appropriate legislation, - legislation which was obviously contemplated when the amendments were adopted as a reading of the final section in each will clearly demonstrate."

T. Gillis Nutter,
Attorney at Law,
Charleston, West Virginia

...

"In the 1945 session of the West Virginia Legislature, among other bills introduced, were the Fair Employment Bill and the Civil Rights Bill, both of which died in the committees to which they were referred. We have had to make a fight over a period of years to get a Negro on the State Board of Education. The Advisory Council to the State Board of Education was established by the 1919 session of the legislature. Later this Advisory Council was superseded by the Negro State Board of Education, with no increased power. At the 1947 session of the legislature the State Board of Education was reorganized with ten members constituting the Board and provided that, at least, one of whom should be a member of the Negro race. This will take effect 90 days from its passage.

The Negro State Board of Education was abolished by that bill.

"As to your inquiry indicated by (a) and (b) in your letter, I wish to reply as follows:

(a) I recommend that the areas of Charleston, Beckley, Bluefield and Wheeling should be studied. I think special attention should be given to the Bluefield area as there seems to be more discrimination there than in any other place in the state. I believe that President H. L. Dickason of Bluefield State College could be of assistance to you in your investigation of the Bluefield area.

(b) My observations above as to the F.E.P.C., Civil Rights and Educational Bills may be regarded as specific findings that I should like to bring to the Committees attention."

G. Bromley Oxnam,
Bishop of the Methodist Church, the New York Area, New York City, N. Y.

...

"I do think some attention should be given the question of attacking an individual's reputation by members of congressional committees who seek to use Committee hearings for ulterior ends. I am thinking of Senator McKellar's attack upon David Lilienthal. I think, too, of the activities of the former Dies Committee and of the action of some employees of its successor wherein the Secretary of the Committee, in response to an inquiry, will inform the inquirer that an individual is a dangerous radical, or is Communistically inclined or lacks in patriotism, when all the information he may have is either hearsay or propaganda. Nevertheless, the statement goes out on the letterhead of a Congressional committee and is damaging...This may appear a small matter, but it is certainly one that ought to be considered by a Committee dealing with civil rights."

Charles H. Thompson,
Dean of the Graduate School, Howard University,
Washington, D. C.

...

"I might state, also, that I am very happy to note that one of the studies you are now conducting has to do 'with existing laws for the protection of civil rights' and the desirability of strengthening the legislature...

"I think this is a very important study, particularly in those states where civil rights legislation is ignored. It would be very interesting to me to know... why such legislation cannot be made effective. I had in mind such states as Illinois and parts of Pennsylvania, etc. where even separate schools are maintained in spite of the law to the contrary.

"I would like to call to your attention the Journal of Negro Education which has included a number of studies in certain aspects of this field, particularly the 1935 summer issue."

W. J. Walls,
Bishop presiding, Second Episcopal District, A.M.E.,
Zion Church, Chicago, Illinois

...

"For instance; I find that in the city of Washington there exist the most persistent segregation and discrimination against peoples of color. It is getting difficult to find a white taxi driver at the Union Station who will take colored persons willingly in his car; and they persist in ignoring them while cruising about the streets. I recently had one to ask me out of his car at the Union Station.

"In the dining room there is a determination to set people of color up against the kitchen invariably, and a down right refusal to permit them to use booths. You already know about the theatre and the bathing pool situation and the segregation in the wash rooms and of the departments. It is also terrifically sad that in downtown lunch rooms, hotel dining rooms, department stores, lunch counters and any other kind of place, will not serve a man of color in the Capitol City of the nation...

"It is well to clean up Germany and Japan. It is also well to clean up America and especially America's Capitol City. I can share with President Hutchins' thinking thoroughly in the following; '... World state demands a world community, a world community demands a world revolution, moral, intellectual and spiritual. World government is not a gadget which in one easy motion will preserve mankind. It can live and last only as it institutionalizes the brotherhood of man.'"

HARRY S. TRUMAN LIBRARY

President's Committee
on
Civil Rights

May 19, 1947

MEMORANDUM

TO: The President's Committee on Civil Rights

FROM: Robert K. Carr

SUBJECT: "The Civil Rights of Japanese Americans," prepared by Milton D. Stewart and Rachel Sady

(This is the first of a series of staff memoranda on the civil rights problems of the various minority groups)

The Japanese Americans are a comparatively small minority group in the United States. In many ways discrimination against them has been patterned after discrimination against other minority groups. Their case does, however, have unique features of particular interest to the Committee. Because Japan was our enemy during the war, a series of wartime restrictions and violations of their civil rights unparalled in the history of our country was visited upon the Americans of Japanese descent. Wrongs stemming from their wartime treatment and from the naturalization laws discriminating against Japanese present serious civil rights problems today.

The People - 1940

In 1940, 126,947 persons of Japanese descent were living in the United States. The great bulk of these, approximately 110,000, were living in California and the costal areas of Washington, Oregon and Arizona. There were small groups in other parts of the country, particularly in Colorado and New York. Hawaii's large Japanese American population and Alaska's few individuals are not treated here, since their special status as residents of dependent areas introduces other problems.

One-third of the mainland Japanese American population are Issei, Japanese immigrants who came to America largely between 1890 and 1924. Two-thirds are their children and grand-children - the Nisei and Sansei. Although the Issei cannot become citizens of the United States, their children, born in the United States, are citizens. The population trend (see accompanying table) will continue to show a decline in the number of aliens and an increase in the number of citizens since Japanese immigration to this country has been banned since 1924.

Some of the Japanese immigrants settled in the coastal valleys, laying the foundation for their later reputations

THE CHANGING OF JAPANESE POPULATION IN THE CONTINENTAL UNITED STATES,
HAWAII AND ALASKA, 1900 - 1940.
(U.S. Census)

	CONTINENTAL UNITED STATES			TERRITORY OF HAWAII			TERRITORY OF ALASKA		
Year	Total	Alien	Citizen	Total	Alien	Citizen	Total	Alien	Citizen
1900	24,326	24,057	269	61,111	.....*		279	.....*	
1910	72,157	67,655	4,502	79,675	59,786	19,889	913	895	18
1920	111,010	81,338	29,672	109,274	60,618	48,658	312	270	42
1930	138,834	70,477	68,357	139,631	48,446	91,185	278	205	73
1940	126,947	47,305	79,642	157,905	37,353	120,552	263	114	149#

*No breakdown into alien and citizen groups was made in 1900 in Hawaii or Alaska.

#In Alaska the census enumeration was made in 1939 instead of in 1940.

From "Wartime Exile", WRA Report.

as agricultural wizards. Others flocked to the cities - Los Angeles, San Francisco, Oakland, Sacramento, Portland and Seattle. They started work as railroad section hands, domestics, and harvesters in the orchards and fields. Some acquired land, entered wholesale or retail marketing of farm products; in the cities others started small businesses or entered professions to service their communities. In 1940 approximately 29 percent of the Japanese American working population were engaged in agricultural and fishery work; 12 percent in clerical and sales work; 11 percent in professional, technical and managerial work and 10 percent in service work.

The Japanese Americans were assimilated into American life in varying degrees, and the trend was toward more complete integration. Those in the northern coastal cities were better assimilated than those in the southern California valleys. Japanese communities differed in many other ways from locality to locality and between generations. They shared certain features however: common use by the Issei and not so common use by the Nisei of the Japanese language, respect for age and family ties, a taste for Japanese foods, a few other old country customs, and, for the Issei much more than the Nisei, the feeling of being a minority group which must take care of itself in a hostile milieu. To do this almost every community formed Japanese associations to protect its members. These associations served as intermediaries with the rest of the country and as social service agencies for their people (Japanese were conspicuously absent from the relief rolls before the war, partly because the Issei feared deportation as indigent aliens if they applied). They also functioned as economic and agricultural coordinators, as chambers of commerce, and in general provided leadership for the group.

Of the population later evacuated from the Coast approximately 55 percent recorded themselves as Buddhists, 29 percent as Protestant and 2 percent as Catholic. Most of the others gave no religious preference, and a few stated membership in popular Shinto cults (distinct from State Shinto involving worship of the Emperor), and in Seicho No Iye, a sect with Christian Science elements in its teachings.

Status of the Group

The status in this country of persons of Japanese descent in the light of United States law and United States public opinion raises numerous civil rights problems. The first Japanese who came to this country were not discriminated against in law or in fact. From 1638 to 1884 Japan had a strict prohibition against emigration, and only a few of her nationals reached America. The scattered Japanese who applied for naturalization were granted it. This was true even after the 1790 naturalization act had been amended after the Civil

War, so that "free white persons" and Negroes could become citizens. There were 80 Japanese in California when, in response to pleas from Hawaiian sugar planters for labor, mass emigration was permitted from Japan. These were mostly of the educated and upper classes and public sentiment toward them was good. The majority of the immigrants came in after 1895, following the trail blazed by the more venturesome. They helped pioneer the West Coast and were welcomed by the white landowners as cheap labor. The Issei were ambitious to get out of this category, however, and when they succeeded there were serious repercussions. "California farmers resented having their harvest hands suddenly become competing farm operators." The Japanese soon became the butt of the same kind of organized anti-Asiatic campaigns which had already achieved the Chinese exclusion legislation.

In 1908 the Gentlemen's Agreement placed the responsibility for limiting Japanese immigration to the United States on the Japanese government. This did not satisfy the West Coast racists who wanted total exclusion adopted on the initiative of this country. During the first World War these people were relatively inactive since the United States was at war and Japan was an ally. Immediately after the war, however, the campaign was taken up with renewed vigor and with ultimate success.

The Supreme Court in 1922, sitting on a case testing the right of an Issei to become a citizen of the United States, interpreted the naturalization laws to exclude Japanese immigrants from citizenship. A rider was attached to the Immigration Bill of 1924, denying admission to the United States of all immigrants ineligible to citizenship. This applied to the Japanese, as well as to Mongolians, Polynesians, and the races indigenous to the Western Hemisphere. The Gentlemen's Agreement was annulled and Japanese immigration stopped.

The disadvantages for the Issei in being "ineligible for citizenship" have been serious. The only exceptions to this ineligibility are Issei veterans of the World War who took advantage of legislation permitting all alien veterans to become naturalized citizens. Springing from ineligibility for citizenship are the state licensing prohibitions and alien land laws. The Civil Rights Statute of California protects only citizens. Anti-Japanese public opinion and pressure affected the Issei in countless ways. It forestalled greater integration into American life and forced them back into their own communities for economic and social satisfactions. Where prejudice had not yielded to legal discrimination there was always the possibility that it would. A WRA report described the situation:

> "The Issei have never been permitted to forget that they are not American citizens and are not eligible to become American citizens. Reminders face them

at every turn--in the law courts, at city hall license windows, in real estate offices, and at the polls.

"Each new discriminatory law or wave of discrimination in the three Coastal States forced them to halt and review the paradox. They had to reconsider their involuntary dilemna between protecting their legal status in Japan and making secure their American home and the country of their children. Every time that their American roots were threatened, their legal insecurity in the United States was driven home to them afresh. Their sense of being a minority group was sharpened." (Impounded People, p. 28)

The California alien land laws served as the pattern for other western states. The first of these laws, enacted in 1913, made it illegal for aliens ineligible for citizenship to buy agricultural land or to lease it for a period exceeding three years. In 1920 this law was tightened by entirely prohibiting leasing, the holding of stock in any organization owning or leasing land, and the appointment of aliens as guardians of minor children owning land. In 1923 sharecropping was prohibited. These laws were not retroactive. Their constitutionality was affirmed by the Supreme Court in the case of Terrance vs. Thompson. They were not rigidly enforced, however, partly became it was often to the advantage of white Californians to lease or sell land to Japanese and partly because of loopholes in the laws. Amendments proposed to make the laws more stringent did not succeed in passing until the second World War.

In spite of legal and nonlegal discrimination, Issei stayed in the United States. Until Japan invaded Manchuria there was some hope that the quota system of immigration would be extended to Japan and other equalizing steps be taken. The chief hope, however, lay in the citizenship of their children. The great majority of these children were educated in American schools, frequently with supplementary schooling in the Japanese language outside the public school. Under 12 percent were sent to Japan for all or part of their education, for sentimental or economic reasons. The parents hoped that the Nisei would serve as a bridge of understanding between them and the rest of the country.

Although the Nisei were not subject to those legal discriminations to which their parents were they were not free from the pressure of public opinion. The WRA historian described what happened:

"***toward the end of the twenties and up to 1931, when Japan invaded Manchuria, favorable consideration was being given the matter of extending the quota to

Japan. It was in this period that the anti-Japanese forces of the West Coast developed their thesis on the subject of Japanese language schools and the evils of dual citizenship. It was in this period that the Nisei, or citizen generation of Japanese Americans, began to come of age. It is true that not many of them were yet of an age to vote, but the fact that some were beginning to vote and that there would be more with each passing year pointed to the fact that the Japanese minority was developing a voice and voting power and hence would not make such a convenient political football in the years to come. Unable to deprive the American born children of the Japanese immigrants of their citizenship without first changing the Constitution of the United States, the racists made every attempt to discredit the citizenship of the Nisei. It must be said that they were remarkably successful in undermining public and official confidence in the loyalty of the Nisei to the country of their birth. The racist arguments were highly articulated and widely publicized, and the voice of the racists was much more penetrating than the voice of the people of good will who were in a position to refute those arguments. It is improbable that the fulness of their success was realized even by the racists themselves -- until the United States entered World War II."

Evacuation

"In tense times such as these, a strange psychology grips us. We are oppressed and fearful and apprehensive. If we can't get at the immediate cause of our difficulties we are likely to vent out our dammed-up energy on a scapegoat. That scapegoat may be someone whose views are contrary to our own. It may be someone who speaks with a foreign accent, or it may be a labor union which stands up for what it believes to be its rights***"

Attorney General Francis Biddle made this statement a month or so before Pearl Harbor. He followed these words with a pledge to protect to the limits of his ability the civil rights of all groups. When war came he and others tried to avert the danger of scapegoating. The West Coast Japanese Americans cooperated with American officials in every way, both before and during evacuation. The Attorney General of California said shortly before evacuation was ordered that there had been no sabotage of any kind in that state. There were no charges against Japanese Americans of disloyalty, espionage, or sabotage. Nevertheless the scapegoating psychology prevailed. There was no proof of disloyalty or subversive activities at the time evacuation

was ordered, and none has appeared subsequently. The rumors about Hawaiian Japanese assisting the enemy and sabotaging American forces during the bombing of Pearl Harbor have been declared false by FBI officials and the Honolulu police. These are negative indications of loyalty. The outstanding record of the Japanese American combat team in Europe, and of the Nisei in intelligence work in the Pacific, bears positive and spectacular testimony to the loyalty that was called into question.

In the period immediately following the entrance of this country into war with Japan there was comparatively little action specially directed against the Japanese Americans. The Issei, as enemy aliens, were subject to certain Department of Justice regulations and their funds were frozen. Aside from that both Issei and Nisei were treated on an individual rather than a mass basis. The Federal Bureau of Investigation picked up individuals on suspicion of subversion and many were put in internment camps but the majority of the group was untouched. Gradually, however, mass treatment began to be substituted for individual. At first there was talk of evacuating only the aliens, but later of evacuating the whole group regardless of citizenship Those groups who had long wanted to drive the Japanese out seized upon the international situation as a justification. They were joined by honest people completely ignorant of the real nature of the Japanese Americans in their midst. Those advocating wholesale evacuation, for whatever real reason, most often rationalizedit by saying that it was difficult to cull the disloyal from the loyal. Some of them held that the whole group was in danger at the hands of the west coast residents, and was in need of protective custody.

Pressure from West Coast congressmen and the recommendation of the Commanding General of the West Coast Defense Command for evacuation of the Japanese Americans resulted in the issuance of Executive Order 9066 by the President in February, 1942. This gave the Secretary of War and the military commanders the authority to prescribe military areas from which any person or group could be excluded. With this authorization evacuation on a voluntary basis began. The resulting confusion and objections of the inland states to receiving the uprooted Japanese Americans led to the compulsory evacuation program. Persons of Japanese descent, including institutionalized adults and the occupants of an orphan asylum, were moved to temporary assembly centers, converted fair grounds and race tracks and from then to relocation centers, camps of tar paper barracks located in isolated parts of the country.

Evacuation confirmed and increased the Issei feeling of insecurity in the United States. Being citizens of Japan, they were dependent on Japan. This dependency was increased by the everpresent possibility of complete rejection by the United States - deportation. A Nisei explained that "The

old people are going to find it hard to believe that there is any future for them in this country as long as the newspapers spread lies about them."

Evacuation was much more of a shock to the Nisei, and their conception of the meaning of their citizenship. After Pearl Harbor they had considered the possibility of evacuation of their alien parents, but not seriously of themselves. Their evacuation, detention, and continued exclusion from the West Coast even after they were allowed out of the centers disillusioned many of them. The statement before a House Naval Affairs Committee widely attributed to the Commanding General who ordered evacuation was frequently and bitterly quoted:

> "A Jap's a Jap. It makes no difference whether he is an American citizen or not. I don't want any of them... They are a dangerous element, whether loyal or not. It makes no difference whether he is an American citizen. Theoretically, he is still a Japanese and you can't change him...by giving him a piece of paper..."

This estimation of their citizenship seemed to the Nisei to be the prevailing opinion. The taunt was often made by the evacuees in the military guarded centers, "If anyone, any Nisei, thinks he's an American I dare him to try to walk out of this prison." Some Nisei who had never been nor thought much about Japan began to think of going there. One explained:

> "I know that there are people who say that this country is going to become more democratic and that minority groups are going to be treated better in the future. I can't see much improvement during my life. The Negroes have been in this country for generations, and look how they are treated... Maybe things are going to get better in this country for minority groups in a couple of hundred years. But I haven't got that long to wait..."

Rumors spread in the centers that the Nisei's citizenship would be abrogated, and that all would be deported to Japan.

The whole period of relocation center occupancy was one of extreme social duress and uncertainly for the evacuated people. Relocation except to the western states from which they has been evacuated was permitted, or rather urged, not long after the centers were established. Many, mostly Nisei, left to take up their lives in strange communities. The majority, however, were confused and disillusioned. Having lost their livelihood, and fearful of how they would be treated, they preferred to stay in the relocation centers under government supervision where they at least were

assured of a roof and three meals a day. They did not leave until the West Coast was reopened to them, the war was won, and WRA determined to close the centers.

The People - 1947

The wartime experience of the Japanese Americans has changed the prewar scene. Their exact distribution will not be known until the 1950 census, but the general picture is already clear. The most important development is the settlement of over a third of the evacuees in the Midwest and East. Chicago has become an important center with from 15 thousand to 20 thousand persons of Japanese descent. Los Angles, with its 26 thousand is the only larger community. There are also pockets of Japanese Americans in such Midwestern cities as Cleveland, Detroit, Cincinnati, Milwaukee, and also in some Eastern cities. Closer to the West Coast, Salt Lake City and Denver are important centers, servicing the rural Japanese settled in surrounding areas. The old communities on the West Coast have been reestablished, but there have been changes.

Evacuation destroyed the economic structure of these prewar communities. They tended before evacuation to be self-contained, with Japanese businesses employing Japanese, Japanese trade and professional people serving Japanese and Japanese-owned farms. Now, with old businesses gone and the old clientele dispersed, many depend upon more general sources of employment. In the new Middlewestern communities employment is in established Caucasian firms. Improved public sentiment, the result of the Nisei war record and contact with the resettlers, has opened more employment opportunities to Nisei. They are able to find work for which they had been trained oftener than was true previously, when the West Coast pattern forced technically and professionally trained people to become green grocers and domestics. On the other hand, on the West Coast Japanese are appearing on the relief rolls for the first time.

Japanese American business men in many cities have assumed a new role of service to Negroes, with whom they often share the poorer residential districts. In Los Angles, where Little Tokyo became Bronzeville during the war and is now a combination, some Japanese have gone back to old businesses with Negro patronage. In Washington, D. C., nineteen grocery stores have been opened by Japanese Americans in Negro neighborhoods.

No other problem has caused so much difficulty to readjusting evacuees as housing. Starting with nothing at a time when housing is one of the nation's most serious problems, the Japanese Americans have also had to meet racial discrimination in finding a place to live. In some western cities real estate dealers refuse to show property

to them outside of segregated areas. This has usually been effective, but as a last resort there have been restrictive covenants applying to persons of Oriental descent. However, the group has not been as much discriminated against in this regard as other minority groups.

The old Japanese associations of the prewar communities have not reappeared, perhaps because of fear that they would be suspect as they were after Pearl Harbor. On the other hand, the Japanese American Citizens' League has emerged with new prestige due to its program of tackling the problems facing evacuees in adjusting to the postwar scene.

"Legalization of Racism"

During and immediately before the war the naturalization laws were changed to allow the naturalization of the Chinese and peoples indigenous to the western hemisphere. The Japanese, among others, are still ineligible for citizenship. [Senator Langer and Hawaiian Delegate Farrington have introduced bills in this Congress to remove racial restrictions on naturalization.] Ineligibility for citizenship carries the same and additional penalties as before evacuation. Citizenship is required for voting and other participation in the political life of the country. Citizenship is required for most public employment. Citizenship is required for licenses to practice in many fields. All states require attorneys to be citizens, 25 states physicians, 18 state teachers, 17 states funeral directors, 9 states barbers, and so on. In California, legislation was enacted during the war to prohibit aliens ineligible for citizenship the privilege of commercial fishing. This bars approximately 800 people from their former occupations. A case testing the constitutionality of the law is pending before the California Supreme Court.

After evacuation the amendments tightening the alien land laws in California, which had been unsuccessfully offered throughout the 1930's, were enacted into law. These amendments provided that: both the interest in land of the landlord or owner and the interest of the alien shall revert to the state where the alien land law has been violated; violation of the law is a criminal offense (heretofore only conspiracies to violate had been criminal); and give the attorney general and district attorneys the right to use criminal, civil and injunctive processes against an owner or lessor of land where the owner or lessor transferred an interest in his property to another with the knowledge that an ineligible alien will be allowed to use it. Money has been appropriated for the enforcement of the law, and by March, 1947, 75 violation charges had been entered in the California courts. The California Supreme Court has upheld the constitutionality of the new laws. Since a large

proportion of the Japanese Americans have been and remain dependent upon agriculture for their livelihood, the alien land laws result in serious discrimination against the Japanese Americans, including the Nisei as well as the Issei since, as the San Francisco Chronicle phrased it , they:

> "Put in jeopardy all parties to any transaction in and upon which a single noncitizen Japanese might turn over a spadeful of earth or pluck a strawberry to his own benefit."*

Other states imposing restrictions or prohibitions on aliens ineligible to citizenship in holding real estate are Arizona, Idaho, Kansas, Louisiana, Montana, New Mexico, and Oregon. Minnesota, Missouri, and Washington have similiar restrictions on persons who have not declared their intention of becoming citizens.

The abrogation of trade treaties between Japan and the United States in 1940 created a situation wherein alien Japanese may not have the right, heretofore protected by treaty, to lease property for commercial or even residential purposes. A lawsuit is in progress testing this.

Deportation proceedings against several hundred treaty merchants have been started by the Department of Justice, Because the aliens are ineligible for citizenship, the Department has no discretion in staying deportationf of hardship cases. Several bills have been introduced in Congress about these cases, and no action has been taken on the deportation orders in deference to them.

Most of these legal discriminations affect the Nisei indirectly, although the alien land laws affect them directly. Many Nisei, however, feel that the greatest violations of their civil rights were their war-time evacuation and the Supreme Court's decision that it was constitutional. (Korematsu vs. the United States, 323 U.S. 214, 1944). Justice Murphy, with Roberts and Jackson dissenting, termed this decision the "legalization of racism." A lawyer, calling evacuation "our worst wartime mistake", describes the implications of the decision:

> "The original program of relocation was an injustice, in no way required or justified by the circumstances of the war. But the Supreme Court, in three extraor-

*The transcript of the testimony by Mike Masaoka before the Committee May 1 includes specific instances of how the Nisei as well as the Issei are discriminated against by California's land laws.

dinary decisions, has upheld its main features as constitutional. This fact converts a piece of wartime folly into a national policy -- a permanent part of the law -- a doctrine enlarging the power of the military in relation to civil authority. It is having a sinister impact on the minority problem in every part of the country. It is giving aid to reactionary politicians who use social division and racial prejudice as their tools. The precedent is being used to encourage attacks on the civil rights of both citizens and aliens. As Mr. Justice Jackson has said, the principle of these decisions 'lies about like a loaded weapon ready for the hand of any authority that can bring forward a plausible claim of an urgent need.' All in all, the case of the Japanese-Americans is the worst blow our liberties have sustained in many years. Unless repudiated, it may support devasting and unforeseen social and political conflicts." (Eugene V. Rostow, "Our Worst Wartime Mistake," Harper's Magazine, September, 1945)

According to Konvitz, author of "The Alien and the Asiatic in America Law", the evacuation program with its subsequent judicial review, was the first federal measure of racial discrimination applicable to citizens in our country. It was the first instance in which the applicability of a deprivation or restraint imposed by the federal government depended solely upon the citizens' race or ancestry.

The meaning of the Supreme Court decision to the Nisei is reflected in the letter to the Committee from a Japanese-American Citizens' League spokesman:

> "The language of the Supreme Court justices ... leaves grave doubts as to the inviolability of our civil rights, not only for those of us who are of Japanese ancestry but also for every citizen. Therefore, it seems to us that we need to know in advance, in order that we may act accordingly, whether our presumed safeguards are merely fiction or actual bulwarks of our system of government...
>
> "We ask, therefore, that this Committee re-examine the record and provide another opportunity for the Supreme Court of the United States to rule on the constitutionality of the 'military exclusion orders' of 1942."

Conclusion

The Japanese Americans share, with other minority groups, problems imposed by discrimination in various areas of life, particularly in housing and employment on the west

coast. In addition, they suffer from the following particular violations of their civil rights which can be called the "legalization of racism":

1. The Supreme Court decision that evacuation was constitutional. This is not merely a matter of history for the Japanese Americans. It is a potential threat to them, as well as to all other minority groups.

2. The discriminatory naturalization laws barring Japanese immigrants, as well as most other Asiatic immigrants, from citizenship. Related to this are the immigration laws prohibiting the immigration of aliens ineligible to citizenship.

3. Penalties resulting from "ineligibility for citizenship":

   Alien land laws in some states. (These affect the Nisei as well as the Issei in California where the laws and their interpretation have become more stringent)

   No suffrage.

   Limitations on employment to the extent that licenses are given only to citizens to practice in various fields.

   Limitations on public employment.

   Prohibition of commercial fishing in California.

   Rights heretofore guaranteed by treaty with Japan now questionable. (Right to lease commercial or residential property; residence in the United States of the treaty merchants).

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Letter from Mike Masaoka, April 23, 1947.

President's Committee
on
Civil Rights

June 4, 1947

MEMORANDUM

TO: Members of the President's Committee on Civil Rights

FROM: Robert K. Carr

SUBJECT: "Civil Rights Problems of Mexican Americans"
Prepared by Milton D. Stewart and Herbert Kaufman

THE MEXICAN AMERICANS AND THE MEXICANS

I

The Mexican Americans and Mexican aliens in this country have sometimes been referred to as "the forgotten people" despite the fact that they constitute the fourth largest minority of the population. As if to demonstrate the nature of their position, precise information regarding their numbers is nowhere available:

> No one can state, even with a pretense of statistical accuracy, the number of Mexicans residing within the United States. For years the counts made by the two governments, of movement back and forth across the border, have been in violent disagreement and complete reconciliation of these figures has never been achieved. 1.

Recent estimates have placed the figure in the vicinity of two million, though some observers believe that it may be as high as three and a half million. The United States Census of 1940 classifies individuals only on the basis of where they, or one or both of their parents were born. By that definition there were 1,076,653 persons of Mexican ancestry living in this country, of whom 699,220 were native born of foreign or mixed ancestry and 377,433 were foreign born. All of the native born, of course, are citizens of this country; only 13.8% of the foreign born have been naturalized. Some Mexicans or Mexican Americans can be found in each of the 48 states, but a total of 838,738, or more than 76%, lived in Texas and California alone. (These figures do not include those persons of Mexican origin who are second generation Americans or of older native stock. The total given above may be corrected by comparing the 1940 totals with those of 1930, when the Census distinguished Mexicans as non-white and therefore, tabulated all of them regardless of how far back their roots in this country extended. There are probably 200,000 persons of Mexican descent who are not accounted for in current figures. Their problems are the same as those of more recent immigrants, for in those areas where they are most numerous the rule obtains that "once a Mexican, always a Mexican."

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[1] Carey McWilliams, Brothers under the Skin, Little, Brown and Company (1943), p. 115

Most of what is said below about the civil rights problems of Mexican Americans applies also to other Latin American groups in the United States. Father Birch estimated, in his testimony before the Committee, that 90 percent of the Latin American minority were Mexican or of Mexican extraction.

II

The great influx of Mexican immigrants began at the turn of the century. In 1900, it was estimated that there were only 100,000 in this country. By 1920, the figure was up to more than 731,000, and by 1930, it had passed the 1,200,000 mark. They came for two primary reasons, the first economic, the second political.

> The greater part of the Mexican immigrants have come here for economic reasons, attracted largely by the promises of labor agents who contract with large employers of labor to furnish the necessary 'hands.' 1.

> Many of them were driven across the Rio Grande ahead of revolutionary armies. Many crossed the river voluntarily to escape the peonage under which they had suffered so long in Mexico. 2.

With each successive wave of immigration, as the Mexicans were employed in greater numbers in the cotton fields, mines, railroads, orchards and beet fields, hostility toward them grew. At first, the argument was advanced that they provided unfair economic competition. As their number increased, the contention shifted to racial grounds — they were alleged to be "a racially undesirable element." In the early twenties, sentiment against them had crystallized sufficiently to result in legislative proposals that Mexicans be excluded as rigidly as Orientals.

No legislation aimed specifically at the Mexicans was enacted. But a rider was attached to the Immigration Act of 1924, denying admission to the United States to all immigrants ineligible for citizenship. Races indigenous to the Western hemisphere were included in this category. There was a conflict of authorities as to whether this provision applied to Mexicans. Whatever the legal intent, exclusion was the effect:

> With the creation of the Border Patrol, the strict enforcement of the immigration laws, and by tacit agreement on the part of both countries, all further Mexican immigration virtually ceased in 1929.[3]

Partly as a result of the motives which brought Mexicans over the border and partly because of the introduction of legal barriers to

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[1]Linna Bresette, "Mexicans in the United States," National Catholic Welfare Conference, p. 6

[2]Pauline R. Kibbe, Latin Americans in Texas, University of New Mexico Press (1946), p. 36

[3]McWilliams, op.cit, p. 121

their immigration, many of them are in this country illegally.

During World War II's acute shortage of labor regulations restricting immigration from Mexico were relaxed and many were admitted to take jobs in agriculture. Their essentiality was recognized so long as there was a crying need for them. But with the demobilization of the armed forces and the return to a peacetime economy, their situation may become acute.

There is some evidence that many Mexicans came to this country expecting to return to their native land. But studies have shown that they are acquiring permanent homes whenever they can afford them; that they are forming ever-increasing parts of the school population; that they tend more and more to immigrate with their families, etc. One authority observed that "their experience may and usually does have the effect of making them dissatisfied with permanent return to the lower economic level of their country of origin."

III

> Most of the Mexicans who come to the United States work at unskilled labor. They are very much in demand for the reason, expressed by many employers, that they are 'not radical,' 'easily controlled by those in authority' and 'willing to take orders.'...Lumbering, agriculture, mining, grazing, railroad construction, all demand his labor. They furnish the great supply of transient labor for the perishable crops of the Southwest. Much of their work is seasonal and they drift from one occupation to another, from state to state, and between seasons are often idle and unemployed.[1]

A number of sources have produced evidence of the importance of the Mexican Americans to the whole economy and particularly to the economy of the Southwest. As a major source of cheap labor, they have been a vital factor in the growth of cotton planting in Texas and Arizona. They furnish many of the copper miners of Arizona and New Mexico. They tend orchards, vineyards and other fields in California. And they are the principal highway builders and section hands throughout the Southwest. Farther north, they care for a large part of the beet acreage. Father Birch repeated an estimation that about 60,000 Spanish speaking workers migrate to the sugar beet fields of Michigan annually.

The entrance of Mexicans into industry has been gradual, but it is now rather pronounced. They can be found in the cotton mills, cigar factories and garment factories in the South, where women and girls are employed to a large extent. In the great industrial centers, they work in steel mills, slaughter houses and meat packing houses.

The contribution of the Mexican American to the economy has not been accompanied by working conditions commensurate with his significance.

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[1] Bresette, op.cit., p. 10

In agriculture, a few Mexican Americans own farms or are tenant farmers. But the vast majority are employed as laborers, dependent on seasonal work. For this reason, many of them have joined the ranks of migratory workers who follow the crops.

> They travel with the crops and the jobs. Whole families may be seen in old and half broken-down Fords going from the oranges to the cantaloupes, then to the grape picking, and then to the walnuts. From the beet fields they go to whatever work is offered them.[1]

A 1940 study of a typical Texas community disclosed that wages paid to Mexican workers are astoundingly low. The highest annual income reported for an entire family was $800.00, and the median was less than $375.00. The median earnings per family per week were only $6.54, and one family in eight earned less than $3.85 per week. An earlier study in another area revealed that in 1938 the average yearly income among Mexican migrants was approximately $100.00 per year. Other investigations can be cited, but all point to the same findings: the wages of Mexican farm laborers are extremely low, and it is rare when the income of a family from all sources exceeds, or even approaches, $1,000.00 a year.

In industry, wages are somewhat, though not substantially, higher than they are in agricultural work. Mexican workers are subjected to discriminatory wage differentials when they are given employment in other than menial capacities at all. In many fields, their opportunities for industrial jobs are severely restricted and there is practically no chance for promotion. A single quotation will serve to indicate a condition that is typical:

> The worker of Mexican descent in the oil industry is usually employed as a laborer and assigned to work under the direct supervision of an Anglo American foreman.... On rare occasions, Latin Americans are assigned to lend assistance to workers in skilled classifications, such as pipe-fitter, carpenter, or electrician. But, in these instances, the job classification of the Latin American is not changed, nor his rate of pay increased to the rate paid Anglo American workers performing the same task.... Generally speaking, the conditions of Latin American workers in the few oil refineries where they are employed closely parallel the conditions of the Negro workers. Both usually receive a wage several cents per hour less than the wage paid to Anglo Americans in the same job classification....[2]

In many places, both Mexicans and Negroes were denied the use of facilities on the factory grounds, or were restricted to segregated facilities. Even safety precautions and appliances provided for Anglo-American workers have sometimes been denied to the minority groups.

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[1] Ibid

[2] Kibbe, op. cit., p. 161

There are no important unions which Mexican farm workers can join, since agricultural workers do not come within the scope of the Social Security Law and the Wage and Hour Act. Most Mexican Americans are without even their fundamental protection. On the industrial side, there is little specific data available. It seems clear, however, despite the nondiscriminatory policies of top union officials, that local and independent unions maintain agreements with employers to keep Mexicans in low-paid, unskilled jobs, under the supervision of Anglo-American foremen.

In sum, despite the important role the Mexican Americans have played (and probably will continue to play in this country) they have been relegated to a position in which they are without most of the rights which Anglo Americans have come to take for granted.

IV

Largely as a result of the low wages and lack of steady employment described above, the Mexican American lives under conditions which are far below the minimum standards of decency. Often, five or six persons live in a single unventilated room. Box cars serve as living quarters for many of them, while others stay in adobe huts and board shacks lacking even the most rudimentary sanitary facilities. Sometimes, sanitary drinking water is not furnished, and farm laborers secure their water from irrigation ditches and unclean cisterns. Nor is such overcrowding a phenomenon to be observed only in the Southwest; a survey of Chicago in 1925 disclosed situations almost as bad.

In view of the unhygienic conditions which prevail in Mexican communities, and the depressed economic status which has been imposed upon them, it is not surprising that they have become more susceptible to disease than the population at large. Surveys have shown that a disproportionately large number of Latin Americans suffer from vitamin deficiencies, because of the limited diet which their inadequate budgets provide. The death rate from tuberculosis is about seven times as great among Mexican Americans as the rest of the population. Veneral disease is also much more common. In some areas, the infant mortality rate from diarrhea and enteritis is as much as ten times that of Angol-American children, and there are many more deaths in child birth among Mexican mothers.

In addition, Mexican American communities are too poor to support the necessary community houses, social centers and trained workers needed to create and maintain a healthy social atmosphere. Moving picture houses and pool halls supply the only recreation these people can afford. Even these facilities have become a disproportionate influence because Mexicans are sometimes barred from other recreational activities reserved for Anglo Americans. Concomitant with these factors is an incidence of criminality among Mexican Americans higher than their proportion of the total population. Of course, much of this may be explained by ignorance of the law, financial inability of the economically depressed group to retain lawyers, and by occasional discrimination in the administration of justice. Nevertheless, there can be little doubt that the squalid environment produces a disproportionate number of delinquents.

In education, the same ugly pattern manifests itself. Only 58% of the Latin American children of school age in Texas are enrolled despite the existence on the books of a state compulsory attendance law. This is accounted for by the deliberate efforts of some school superintendants to keep Latin American children from using and crowding the facilities. Some state officials try to use whatever moneys are available for education on those already enrolled, instead of spreading it thin by encouraging the enrollment of additional pupils. The ignorance of uneducated parents, the need of Mexican families to put every available member to work in order to augment their meager incomes, and the difficulties involved in arranging for the children of migratory workers to attend school -- all of these are educational barriers.

Latin American pupils are often forced to go to segregated schools where the facilities are inferior to those in Anglo American institutions. Even where segregation is not practiced (and there appears to be no definite pattern in this type of discrimination), Mexican pupils are usually too poor to dress like other children. They cannot afford the same kind of food and maintain the same kind of appearance. They are offended by the attitudes of some of their Anglo American classmates and teachers. They are often handicapped by nutritional deficiencies. The net effect has been to deprive them of the education which is offered to other elements of the population. In Texas, steps have been taken under the lead of the Department of Education to improve the situation by preparing teachers for the special requirements of the state's school population. Many of the problems of Anglo Mexican relations may thus be alleviated if not resolved in time. Nevertheless, the conditions of the educational system in the Southwest, particularly as they affect the Mexican American, are in need of vigorous remedial measures.

Socially, the Mexican Americans are forced to undergo the same humiliation frequently imposed upon the Negro in many places. A single quotation sums up the prevailing attitudes:

> The one-syllable answer to the question 'Are Latin Americans refused service in public places of business and amusement in Texas?' would have to be 'Yes.' But in order to be truthful and speaking for the state as a whole, that reply must be modified by the addition of the phrases 'some Latin Americans' are refused service in 'some places of amusement' in 'some Texas towns.' At the same time it is admitted that in some rural and semi-rural communities, Anglo American operators of cafes, beer parlors, barbershops, and theaters are adamant in refusing service to any and all Latin Americans.[1]

Politically, this minority is almost without a voice. In some places as a result of the activity of the so-called "White Man's Union," in others as a result of local ordinances, they are excluded from primaries. The poll tax effectively disfranchises a great number who cannot afford to

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[1] Ibid, p. 208

pay even the relatively small amounts required. Finally, the Mexicans themselves have not been able to achieve the unity necessary to win representation of their interests. They are rarely represented in city, county, state and school government even where they enjoy numerical superiority to the Anglo Americans.

In many regions where Latin Americans are a substantial portion and even a majority of the population, they are not called for jury duty. As one might expect, this type of discrimination is reflected in failures to obtain convictions even in the most flagrant violations of the law when the offense is committed by an Anglo American against a Latin American. Police officers have often failed to produce suspects when the complaining or injured party is a Mexican. Finally, both Anglo and Mexican American police officers are often paid according to the number of arrests they make; it is almost inevitable that they should pick on the group least able to defend itself. Adequate defense would reduce the officers' incomes and cause them serious embarrassment as well.

Another form of discriminatory exploitation is the siezure of Mexicans' immigration papers by employers if the workers try to leave the job before the employer is ready to permit it. Labor employment services frequently charge Mexicans exorbitant fees for securing jobs for them, and then actively try to force the men hired off the jobs so that they can make another excessive commission by securing someone else. Illegal immigrants are sometimes permitted to work, dismissed without pay, and threatened with deportation if they show any inclination to fight for the wages due them. Bus drivers frequently negotiate to carry Mexican laborers at dishonest fares. In these and other ways, the Mexican American and the Mexican alien are subjected to exploitation, fraud and intimidation.

Restrictive covenants violate the rights of this group in many places:

> "...persons of Mexican extraction are denied the right to own or rent real estate, except in designated sections of town, regardless of their economic status or social acceptability. These restrictions are imposed, not by city ordinance, but by clauses in real estate contracts, which ordinarily prohibit transfer of property to, or occupation thereof by, 'Negroes, Mexicans or Chinese.'[1]

V

For twenty years, organizations interested in the civil rights of Latin Americans in the United States have tried to get some federal agency, whose jurisdiction would include the study of conditions under which this minority lives, to make a thorcugh survey of the situation. They have had no success to date. Thus, while those who speak with any authority on the subject are almost unanimous in reporting the information outlined in this memorandum, comprehensive case studies and statistical data are lacking. This is perhaps the most dramatic illustration of the extent to which this group of Americans has been overlooked by the government. A careful, all-inclusive study of the Mexican Americans and the Mexican aliens in this country ought probably to head a program to aid these people to achieve their full civil

[1] Ibid, p. 220

rights. Such a program, in addition to doing justice to the people involved, would do much to help our relations with Mexico and other neighbors to the south.

More generally, federal government action to help the Mexican American will parallel efforts to help the Negro, since the infringements on civil rights for the two groups are very similar. The right to work and to earn a living consistent with American standards need to be assured. A federal program to this end would probably pay for itself many times over by reducing the burden on local and private relief agencies. It would cut down disease (among Anglo Americans as well as Latin Americans, although the former often seem to forget that disease is not stopped by social barriers.) It would reduce crime. A market for many products where none now exists, would be created. And a large group would be enabled to render to the country the full measure of its hitherto untapped capabilities. Effective action to prevent the infringement of essential civil rights now denied or limited should include:

1. The right to enter and obtain service in places of public accommodation and recreation, including stores, theaters, etc.

2. The right to employment without discrimination because of race or national origin, including the right to equal pay for equal work and equal opportunities for advancement and promotion on the basis of seniority and accomplishment.

3. The right to vote in primaries and elections.

4. The right to serve on juries.

5. The right to attend the nearest and most convenient public schools.

6. The right to purchase, rent or sell property without special restriction

7. The right to police protection and to equitable administration of justice.

8. The right to enjoy all public services and benefits.

SOURCES

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President's Committee
on
Civil Rights

MEMORANDUM June 5, 1947

TO: Members of the President's Committee on Civil Rights

FROM: Robert K. Carr, Executive Secretary

SUBJECT: "Group Defamation and Civil Rights" Memorandum by Milton D. Stewart, Director of Research (with the assistance of Nancy Wechsler and Rachel Sady)

This memorandum is somewhat different in character and intent from the others which the Staff has prepared. The first part of it is an analysis of proposals presented to the Committee in favor of group libel laws; the second section deals with an original proposal by the Staff for an alternative way of dealing with group defamation. I think it is of sufficient merit to warrant the consideration of the Committee (especially those members who are on Subcommittee No. 3). I am also sending it to six or seven specialists in the field for their comments.

I would like to emphasize the tentative nature of the proposal, and to urge members of the Committee to suggest any modifications which seem to them to be desirable.

President's Committee
on
Civil Rights

Group Defamation and Civil Rights

President's Committee
on
Civil Rights

Introduction

The literature on group defamation which the Staff has examined is murky, confused and inadequate. There is no classic statement in the field which does justice to all of the socio-legal aspects of the problem. Whether minority group spokesmen are for or against group libel statutes depends on whether they believe the right to sue or prosecute those who "libel" their groups will help them in their quest for tolerance. Traditional civil libertarians bewail the evil of spreading race and religious hatred, but fear the risk of limiting freedom of speech with any inhibition of hate propaganda. Many sociologists are impatient with this position which they claim reflects failure to recognize an impending disaster to a free society -- the intensifications of social cleavages and hostilities to a point where group tensions often erupt into violence.

This memorandum is an attempt to reformulate the problem, review the present situation, marshal the arguments for and against group libel laws, and to propose an alternative way of handling group defamation. This last is based on an application of a broad principle, eloquently elaborated by Harold D. Lasswell, Professor of Law at Yale University.* The specific proposal made here is the responsibility of the present writer.

* (cf his contribution to Ickes, H.L., Freedom of the Press Today.

A. The Crux of the Problem

Essentially, the proposal for laws enabling groups to sue those who "libel" them reflects a clash of three civil rights ("rights" are used here in the non-technical sense). The first is the freedom of public expression which has traditionally been held to cover criticism of the motives, goals and activities of all the groups in the community -- without fear of retribution of any kind. A second civil right involved here is the freedom of individuals who comprise the audience in the communications process to form intelligent, enlightened judgments on the basis of as many facts and opinions as can reasonably be made available. (This civil right is one which represents the ultimate justification for freedom of speech). Finally, a variety of groups in a community argue that they have a civil right to be free from defamation. The key question is which of these civil rights is to take priority over the others, when they conflict. Protagonists of group libel laws hold that defense of the right to defame as part of freedom of speech and press is an unwarrantable infringement of the right of groups not to be defamed.

The role of the second civil right--the right of the citizen to be well informed and to make enlightened judgments--is what is most often left unclear by those who comment on these proposals. Yet it is this right which may well take precedence over the other two. The unqualified right to freedom of speech is supposed to result in the long run, and on the basis of a clash of many interpretations and points of view, in the emergence

of truth. This assumption also takes care of the requirements of groups that they be fairly presented and judged. If truth emerges in the long run, then the facts and opinions about them which are broadcast will be truthful, valid ones. Thus, the long-standing view of democratic theorists has been that the scrupulous maintenance of the freedom of the communicator to criticize will ultimately safeguard the other two civil rights.

B. The Argument for Anti-Defamation Laws

Those who argue for anti-defamation laws say, in effect, that "The American society cannot run the risk of widespread group defamation. We are told that in time, history, relying on a free market place of opinion, will vindicate the reputations of defamed minority groups. Such vindication will be bitter indeed if it comes after the groups--and the fabric of democracy--have been destroyed by their defamers." In support of this point of view several factual arguments may be adduced. Group tensions in our time, for a variety of reasons, are probably more serious and widespread than ever before. Racial and religious minority groups whose forebears had low status as immigrants or slaves have reached the point where they are demanding full social equality for themselves and their children. The general level of psychological tension in America, as elsewhere in the world, is high as a result of deep socio-economic crises, that hate propaganda has a greater chance of success than before. We have ever present in our minds the successful manipulation of group hatreds by the Nazis to achieve the death of

German democracy and their own rise to absolute power. This is important because it has raised serious doubts in the minds of those who were persuaded that mass irrationality was no longer a serious social problem in the Western world. Civil rights, those who urge action argue, cannot flourish when sowers of hatred are free to plant seeds of prejudice.

Then there are the obvious imperfections in American communications process. Giant media of communication cover the land. The concentration of control of the great networks of newspapers, radio stations and movie theaters is on the increase. There is an apparent inequality of access to the forming of public opinion, which has resulted in the loss of faith in the possibility of a free and legitimate competition of ideas. The clash of conflicting opinions is a frustrating chimera when one of the opinions is shouted in newspapers which reach ten million readers, while the others must whisper to tens of hundreds through leaflets. Finally, the wide dispersion of printing presses has made it possible for hate mongers to operate anonymously in the crevices of the opinion-forming mechanism. This is important because the democratic theory of decision making postulates the right of the citizen to make up his mind with full information about the competence and self interest of those who try to persuade him.

These are the factors to which proponents of group libel point. In effect they argue that we can no longer rely on imperfect competition of ideas to control the malicious falsehoods of hate mongers. A new technique of control is necessary. This control, an explicitly legal one, they propose to create on the basis of the analagous laws which protect the individual from libel.

C. The Analogy of Individual Libel

The scope of the existing law of defamation of individuals and of well identified groups (such as corporations) has been briefly summarized as follows: (Professor Jerome Michael, Report to the General Jewish Council)

> "A civil action of libel is maintainable for the publication of any statement that tends to expose a person to hatred, contempt, ridicule or obloquy. The plaintiff need prove merely the publication of the statement by the defendant, and the fact that it refers to him. The malice which is said to be a necessary element of the action is inferred from the fact that the published statement does so expose the plaintiff. The plaintiff need not prove the statement is false, but the defendant may prove its truth, and in almost all jurisdictions, truth is a complete defense.
>
> "In addition to the defense of truth, the courts have from an early date allowed the defendant a certain freedom in making statements that constitute comments upon matters of public concern, i.e. in literary criticism and the discussion of the public acts of government officials and candidates for public office. In most states, this 'privilege of fair comment' is narrowly restricted. It is simply a freedom to comment on and draw conclusions from facts set forth in the same publication, if those facts are true. In a few states, the privilege is broader, and is, in effect, a privilege to make false statements of fact on public matters if reasonably believed to be true. In all states, however, this privilege obtains only if the publication is made without 'actual malice', i.e. if it was motivated by a genuine concern about public affairs rather than by ill-will against the plaintiff.
>
> "Besides giving rise to civil responsibility, libels were punishable criminally at common law, and are now so punishable by the states. In most states, the crime is now defined by statute, but in a few jurisdictions the common law offense still exists. In all, the definition and incidents of the crime are based very largely on common law conceptions. The original justification of criminal prosecution for libel was the tendency of defamatory publications to create a breach of the peace by arousing the person who was defamed and the members of his family to acts of vengeance. An actual breach of the peace was never a necessary element of the crime, however, and at the present time, in all but a few states, the publication need not even tend to create such a breach.
>
> "In both its civil and criminal aspects, the law of libel has been concerned with statements damaging to individual repu-

tations. However, there has been a partial adaptation of the law to make it apply to statements about groups of people. When the group defamed is a recognized legal entity, such as a corporation or an unincorporated association, the statements may give rise to both civil and criminal liability. The same is true of a statement about a group of individuals which is of such a nature as to leave no doubt that the plaintiff or complainant was included in the attack. If the group defamed consists of an indefinite number of individuals, and the statements cannot be shown to refer to any particular member of the group, no one of them may maintain a civil action. In such a case, there is some authority for the maintenance of a criminal prosecution. The cases are too few, however, to justify a prediction of what the courts would do in more than a few jurisdictions. The difficulty is enhanced by the fact that in most of the cases that might be cited in support of such prosecutions, the defendant was charged with a libel upon named individuals as well as upon all members of the group."

Group libel usually refers to defamation of peoples belonging to racial, religious and nationality groups. Such statements as the following are usually considered to be libelous of groups:

"The Irish are to blame for political corruption in our large cities."

"There is proof that the New Deal from its inception has been naught but the political penetration of predominately megalomaniacal Israelites."

"The priests got as many people as possible killed during the war to multiply the number of masses."

"Above all, the objective of the Negro is to rule the white, especially white women."

"There never has been such a thing as a Catholic democrat. The whole history of the church proves it to be anti-democratic."

Four group libel statutes have been adopted by states or provinces on the North American continent. There is a law in the province of Manitoba which provides that:

"...the publication of a libel against a race or religious creed likely to expose persons belonging to the race or professing the religious creed to

> hatred, contempt or ridicule, and tending to raise unrest or disorder among the people, shall entitle a person belonging to the race or professing the religious creed to sue for an injunction to prevent the...circulation of the libel...."

Action can be brought by only one representative of the libeled group, and can be against the owner of the publication and the circulator of the libel, as well as the author.

In the United States, Illinois for a considerable time has had, but rarely used, a group libel law against the exhibition of any lithograph, photoplay or drama which "portrays depravity, criminality, unchastity, or lack of virtue of a class of citizens, or any race, color, creed or religion" exposing such citizens to "contempt, derision, or obloquy," or contributing to breach of the peace or riots. Massachusetts, in 1942 amended its criminal libel law to cover speeches inciting religious and racial hatred. According to the American Civil Liberties Union, this statute has been completely unworkable.

In 1935 New Jersey adopted legislation making guilty of misdemeanor:

> "any person who shall in the presence of two or more persons, in any language, make or utter any speech, statement or declaration, which in any way incites, counsels, promotes, or advocates hatred, abuse, violence or hostility against any group or groups of persons residing in this state by reason of race, color, religion, or manner of worship...."

Owners and managers of buildings where these speeches were given were held liable, as well as the actual speakers. This statute was aimed at the German American Bund and its anti-Semitic propaganda, but a case against the Bund did not get to court until 1939 (although earlier it was used unsuccessfully against Jehovah's

Witnesses for anti-Catholic statements). The Bundists were convicted but appealed, with the assistance of the American Civil Liberties Union, and the Supreme Court of New Jersey ruled the law unconstitutional. The Court felt that it should not be left to a jury to conclude beyond reasonable doubt when the emotion of hatred or hostility is aroused in the mind of the listener as a result of what a speaker has said.

The Rhode Island legislature passed a similar bill in 1944, but the governor vetoed it and the veto was sustained. Several bills have been introduced in the New York legislature extending criminal libel to groups, but they have not been reported out of committee. The Dickstein bill introduced in Congress was designed to give the Postmaster General power to bar from the mails any matter intended "to cause racial or religious hatred, bigotry or intolerance." Recent efforts have also been made to get group libel covered by city ordinances, and a few cities have done so although there is no record of successful prosecution.

D. Existing Laws.

Thus, experience with these experimental group libel laws hardly warrants any enthusiasm for such statutes. On the other hand, there is at present very little legal basis for prosecuting those who spread hate propaganda. Individual libel laws may be, in some cases, applicable. But the problem is so complex, and varies so from state to state, that successful prosecutions, either civil or criminal, are extremely dubious. In private actions the truth of the statements is an issue in most cases. Moreover, a

prosecutor or a plaintiff needs to establish malice or ill will on the part of the defendant. If the result is to be a sizeable damages award or any reasonable punishment, this is an absolute necessity. The difficulty of establishing malice in libel cases and overcoming the defenses of truth and free and fair comment on public matters make the individual libel laws almost certainly useless for prosecutions of those who libel groups.

In opposing any group libel laws the American Civil Liberties Union argues that in extreme cases it is possible to prosecute those who libel groups under existing "public safety" statutes. They point to common state and local ordinances against incitement to riot as examples. Such prosecutions might conceivably be used in some cases. The Union says:

> "Where speech and publications incite to violence or present a 'clear and present danger' of so doing, they can be attacked under existing laws controlling disorderly conduct, breaches of the peace, incitements to violence and the like."

It must be recognized that this is an extremely limited mechanism and proponents of group libel laws argue that it is in effect bringing a fire extinguisher into play after the house has burned down. In his appearance before the President's Committee, Mr. Will Maslow, of the American Jewish Congress argued:

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

"We can no longer solve these problems by a hackneyed repetition of the clear and present danger rule. When the danger becomes so clear and present that the courts see it, it will be too late for governmental measures. Precisely because organized defamation is for the moment quiescent we can afford to take time to rethink the problem of how to allow complete unfettered discussion of public issues and at the same time prevent the wilful spread of group libels. Now in its incipient stage, the germ can be killed by a strong antiseptic. Later on amputation may be necessary."

E. Group Libel: Civil Suits

It is clear that no existing statutes can be relied upon to mediate among, and adequately protect all three of the civil rights cited above -- the right to free expression, the right to form enlightened judgments based on the truth, and the right of groups to be free from defamation. Those who would go further with some kinds of laws against group defamation are seldom clear about their goals. One series of proposals follows the analogy of individual libel very scrupulously. The purpose seems to be to protect the individual members of a defamed group, by enabling them to sue for damages.

Few competent students seriously propose laws permitting private suits. The objections are:

1. The purposive emphasis is wrong; the goal should be to protect the public against dangerous lies, and only secondarily, the members of the defamed groups.

2. Private suitors are often irresponsible; they may imagine damage where there is none; the threat of unjustified, expensive suits would probably result in a serious if indirect interference with the right of free comment.

3. If every member of the defamed group be permitted to bring a suit, there would be an impossible flood of expensive court battles.

4. It would be extremely difficult, if not impossible to measure damages, either to the individual plaintiff, or to the members of the group. There would be no way to assess actual loss because of the defamatory comment.

5. It is impossible, at least, that such laws would back-fire since it is impossible to see how racketeering members of minority groups could be kept from trying to cash in on such actions.

6. Still other arguments, applicable to civil ruits to recover damages because of group defamation are also applicable to criminal prosecutions. These will be considered below.

F. Group Libel: Criminal Prosecutions

A somewhat more impressive case can be made for putting prosecutions for group defamation in the hands of state or federal attorneys. Here too, however, obviously impossible proposals are advanced. There is now pending before the House of Representatives, a bill introduced by Mr. Buckley of New York (H.R. 2848): "To suppress the evil of anti-Semitism and the hatred of members of any race because of race, creed or color." It is almost certainly impossible that Congress will ever adopt this proposal. If it should, the Supreme Court would almost certainly strike it down as a clear violation of the First Amendment. The bill's first section points to the evil of spreading bigotry, and establishes the policy of preventing it. As constitutional authority it cites Congress' "powers to regulate commerce among the several States and with foreign nations".

The succeeding sections would make it unlawful to distribute hate propaganda. It defines the illegal material as "any book, pamphlet, picture, paper, letter, writing, print or other publication which exposes the Jews, or any other group as a nation, people or any substantial portion of them to hatred, contempt, ridicule, or obloquy, or which causes or tends to cause them to be shunned or avoided, or which has a tendency to injure them in their occupations, employment, or other economic activities", etc...

It would be illegal to mail such material, import it from abroad, or ship it by common carrier. It would be illegal to receive such material "with intent to sell, distribute, circulate

or exhibit the same to others..." Punishment is provided for any persons violating these provisions, or conspiring or acting in concert with others to violate them. For each offense, a fine up to $5,000 or a prison term up to five years is provided.

This is, of course, an extreme proposal. It is not actually a projection from the pattern of individual libel law. It is an explicit limitation of freedom of expression. What it does, is to put the propaganda of bigots in the same non-mailable class with obscene materials, gambling and lottery offers, and mailed communications intended to defraud. There is this to be said for it: the difficulties of definition which attach to more limited proposals, as well as complications of determining truth or intent or damage "fall away." They fall away because of the breadth of the language. That same scope makes it almost certainly a perilous-jack-in-the-box, full of possible extensions.

A proposal more closely modelled along the lines of individual libel laws is the following (by Professor Michael):

"No person shall knowlingly deposit or cause to be deposited in the mails, or shall knowlingly take from the mails for the purpose of circulating or disposing thereof, or of aiding in the circulation or disposition thereof, any malicious publication by writing, printing, picture, effigy or other representation, which tends to expose persons designated identified or characterized therein by race or religion, any of whom reside in the United States, to hatred, contempt, ridicule or obloquy, or tends to cause such persons to be shunned or avoided or to be injured in their business or occupation. Any publication having any such tendency shall be deemed to be malicious if it was animated by

ill-will against the racial or religious group referred to therein. No person shall be convicted under this section (1) if the publication, although malicious, was true, or (2) if the publication, although false and made without reasonable grounds for believing it to be true, was honestly believed by him to be true, and was not malicious. The burden of coming forward with evidence upon the issues of truth, belief, reasonableness of belief, and malice shall be upon the defendant, but the entire case shall be upon the prosecution. Any person convicted of violating this section shall be fined not more than one thousand dollars ($1,000) or imprisoned not more than one (1) year, or both."

This bill is obviously drawn with a keen desire to guarantee the widest possible latitude for information and comment on controversial matters relating to religious and racial groups. It may well be that no broader statute could be upheld under the Constitution. Yet the limited applicability of this proposal, and the difficulties of well-considered, effective enforcement bring out sharply the slipperiness of the legal ground which any group libel law must traverse. The following troublesome problems confound this and any other group libel statute, to greater or lesser degree:

1. Fact or opinion?

One ticklish decision in this area is whether particular statements report facts or state opinions. It is important since the succeeding questions of "truth" and of "intent" can be applied only when this determination has been made. Are these statements, for example, factual, opinionated, or both: "The Protestant

Churches are creating chaos in Latin America by their prosely-tizing:" "The Catholic Church supports Franco, a Fascist." "The difference between the white and black races is proved by the higher crime rate among Negroes." "Jehovah's Witnesses are trying to stir up religious hatred, and are therefore un-American." "The New Deal is the creature of the big-city Catholics and Jews who now run it."

2. Truth, and a reasonable belief in truth

If it were held that the foregoing statements were factual assertions, then their truth or falsity would become an issue. If they are false, the problem shifts to whether a man who makes them is "reasonably" convinced of their truth. If they are true of some members of the groups discussed, but not others are they still defamatory? Are unfavorable statements which may be true of groups historically, but are untrue now, still defamatory?

3. Actual defamation?

Are the foregoing statements actually defamatory of the groups mentioned? Some might be, some might not. It would be extremely difficult to set up clear and consistently usable standards of what "tends to expose to comtempt, hatred, ridi-cule, etc." Suppose a man publishes an accurate list of Jews convicted of swindling, Irishmen convicted of draft-dodging, Mexicans convicted of vagrancy, and Negroes convicted of rape. Are the groups libelled,(as well as the individuals?) What of statements like: "Hillman, Rosenman, Morgenthau, Baruch and Lillienthal have been running the country for years and they and their ilk must be run out of the government."

4. Danger of self-defeating laws

Many opponents of such laws take the view that the evil they are designed to deal with will be aggravated by the establishment of court proceedings to litigate the truth or falsity of statements about racial or religious groups. Thus the American Jewish Committee argued before this Committee:

> "If truth or reasonable belief in truth are permitted as defenses, and they should be, a group libel law would give every bigot and agitator a public forum from which he could propagate this bigotry. A prosecution for group libel would inevitably give far wider circulation to the libel than its original utterance."

Professor Chafee suggests that such laws may make religious issue in a community where none existed before. Thus the New Jersey law which led to the prosecution of Jehovah's Witnesses made Catholicism an issue where it had not been one before. A more general charge of irrelevance is laid against group libel proposals by the American Civil Liberties Union:

> "The way to combat prejudice against races and religions is in the open where intolerance and bigotry can be attacked, exposed and destroyed by the common sense of the overwhelming majority of the people. The causes of prejudice lie in social and economic conditions which demand reforms. Legal penalties on mere expressions of racial and religious prejudice are bound to fail in the long run, just as have all restraints on freedom of radical propaganda. Penalties on acts of discrimination are entirely justified."

5. The Danger of Extension

In addition to the general fear of extension of group libel laws to other groups than those for whose protection they are designed, a more specific one has been expressed. It is argued that even if the legislation is narrowly drawn, members of minority groups will seek to have it enforced beyond its proper, intended

scope. In other words, they will try to choke off discussion of their political policies and activities, which are fair game for public comment. Thus some Protestants and Catholics might try to ban or punish criticism of their recruiting activities in one or another part of the world. Or they might charge that attacks on their birth control or parochial school policies represent bigotry. Some Jews might try to still criticism of various Zionist groups.

It is further argued that group libel laws will then create more hatred for the minority groups because of their ability to stifle legitimate public scrutiny of themselves. There might ensue a dangerous timidity in participants in the open forum, a reluctance to risk discussing subjects which they oughtto be free to evaluate.

G. An Alternative

To sum up, the constitutionality of a broad group libel or group defamation law is dubious; the utility of a narrow group libel law is questionable. And above all, it is a needlessly dangerous, probably roundabout self-defeating way of getting at the real dilemma: the conflict of the three civil rights suggested at the outset. That dilemma may be considered from another standpoint. What is the real goal of efforts to control propagandistic attacks on religious, racial or national minorities? Why is it that there is sentiment for some kind of restraining action to expressions on these matters as against others? The answer is that there is an implicit fear that in a time of crisis, the citizens will not wait for the balancing process of debate to work itself out; instead they will be led to dangerous belief and destructive anti-democratic action because of the broad diffusion of bigotry.

The "argument for anti-defamation laws" offered above may be compelling but the record of restrictive punitive action presents little basis for confidence in its success, aside from questions of its moral appropriateness.

In terms of the goal of action, the trouble with group libel bans is that they try to punish where they ought to protect; they constrain where they ought to expand. The hierachy of civil rights on which they are based places the defamed group first. It leaves the enlightened public opinion only indirectly and inadequately strengthened. It places a possibly unconstitutional, and certainly unappealing limitation on freedom of expression.

An alternative structure might place the freedom of the citizen to be exposed to a clash of facts and interpretations at the top of the list. This means not limiting, by the threat of suit or the threat of

censorship, the freedom to criticize--even the freedom to defame. And here the danger becomes clear: the danger is that in our imperfectly competitive forum of opinion, the citizen may be exposed to a constant stream of evil misinformation and malicious libel without the benefit of contrary facts or opinions.

It is not enough to say that the contrary facts are available somewhere and at some time. Subscribers to the Cross and the Flag almost certainly do not read the Nation; those who get the Protocols of Zion in the mail will not read the Report of the American Historical Association, exposing it as a fraud. Because of well known facts about the self-selection and social stratification of audiences, it is foolhardy to rely on any automatic opinion clash.

Why not guarantee contrary facts and opinions of those exposed to bigotry?

A statement of this problem in the international sphere by Assistant Secretary of State William Benton is helpful:

> "But do you newsmen agree that if such countries, working behind information walls of their own creation, fill their citizens with consistently one-sided and consistently hostile interpretations about other countries, while at the same time consistently withholding facts and interpretations that might work for mutual friendliness and understanding--do you agree that such a policy raises for the international community serious questions? And are not the answers to those questions those which lead directly away from that understanding and mutual trust which alone can provide a stable foundation for peace?
>
> "In the domestic area, such a policy is bad enough. But when it is exported in propaganda to other countries, its potential mischief is compounded. It becomes international libel.
>
> "...
>
> "We in the United States would of course have no complaint if facts about us were reported in proportion to their true

> relation to the American scene. Tell the worst; we can take it. We ourselves send the worst all over the world, via our news agencies, along with whatever else is regarded as news. But when foreign governments in control of information, day after day, year after year, concentrate on the abnormal and the malignant aspects of America, while excluding the normal and the benign then I think those countries construct a barrier to stability and peace that can conceivably prove insurmountable."

("The American Position on International News and International Libel", March 19, 1947)

Concern about hate propaganda involves an additional fear; that because of the anonymous nature of much bigotry-spawning material, the recipient cannot properly evaluate it. Thus the infamous forged Benjamin Franklin letter about Jews (exposed by Carl Van Doren) was mailed as a single page of beautiful engraving on heavy bond paper to thousands of people. There was not a word as to who the sender was. The democrat has enough faith in the competence of the people to come to sound judgment that he may not wish to consider punishing the sender, or denying him access to the public. But the sender must come openly, saying who he is. Then the public is free to determine his competence to discuss these matters, as well as what self-interests may color his views. Because the whole matter of disclosure is being considered in detail by Subcommittee No. 3, which will shortly report on it, it will not be dwelt on here.

What I am here proposing is that the civil rights involved be clarified and redefined by statute as they affect mailed material expressing hostility or ridiculing racial, religious or national groups in America.

1. The bigot has full freedom to express his bigotry, subject to:
   a) Disclosure of his identity and the source of the funds with which he publishes the mailed material;

b) Provision of an opportunity for reply to the minority group which he malignS or ridicules.

2. The various groups in the community are free to defend themselves generally against defamation (as now), and are specifically entitled by law to reply directly to attacks upon them in published material sent through the mails.

3. The citizen with ultimate responsibility for making good judgments, will suffer no limitation in the source of information, even falsehoods; where minority groups are attacked through the mails. He shall have the right to know who attacks him or his neighbors, and what his spokesmen or his neighbors have to say in reply.

The principle expressed here is, I believe, a sound, even a conventional one. If recognized in law it would represent a "half-way house" between the theoretically absolute freedom under the first amendment, and the point at which the states (and Congress) may directly use the police power to limit free expression. One argument for this proposal might be that it could conceivably forestall the day when rampant race hatred presented a clear and present danger. Supreme Court Justice Roberts has stated the application of the latter doctrine to the distribution of controversial religious literature:

> "No one would have the hardihood to suggest that the principle of freedom of speech sanctions incitement to riot or that religious liberty cennotes the privilege to exhort others to physical attack upon those belonging to another sect. When clear and present danger of riot, disorder, interference with traffic upon the public streets, or other immediate threat to public safety, peace, or order, appears, the power of the State to prevent or punish is obvious. Equally obvious is it that a State may not unduly suppress free communication of views, religious or other, under guise of conserving desirable conditions."

This particular quotation was chosen because the final sentence raises the implicit constitutional question about a compulsory reply

statute. Would it "unduly suppress free communication?" The Court might or might not think so.

One of the most serious difficulties in dealing with hate propaganda is the absence of a "social hatred gauge." If there were such a device, at a given point in the incidence of social hatreds, the right of reply would be instituted. At a still later point, suppression would be called into play in line with the Court's rule of "clear and present danger." But we have no such gauge. We do not even have an accurate measure of how much hate propaganda now goes through the mail. As one indicator, I have appended a list of pamphlets and periodicals which the Anti-Defamation League considered anti-Semitic or "doubtful with respect to minority groups" in 1946. It must be stressed that this is far from exhaustive; it does not include many small publications, nor does it apparently include those defamatory of other minority groups. The question is whether at the present time, when the minority defense groups say hate propaganda has reached a new low, the volume of such material would justify instituting a reply-to-bigotry procedure.

H. How It Would Work

A statute to guarantee minorities the right to reply to attacks upon them would have to steer a difficult course between "effectiveness" and "constitutionality". To maximize the chances for court approval, there should be as little interference with the normal process of free expression as possible. To serve any real purpose the law should have enough teeth to make it more than a statement of good intentions. These notes are intended only to serve as provocative leads for further discussion.

1. What should be covered?

   Any material tending to expose a racial, religious or

national minority group to contempt or ridicule (parallel to the individual libel laws) sent through the United States mail or shipped in interstate commerce by common carrier, would be subject to this statute. The test would be the described character of the material, regardless of truth or falsity, fact or opinion. Leaflets, newspapers and periodicals would be covered. Bona fide works of art would be excluded. Other books might be excluded in view of the possibly disproportionate burden on publishers relative to the likelihood of injury from this source. (This presents difficulties of definition.) Thus, occasional instances of injurious statements in standard media would be covered as well as systematically scurrilous publications of professional bigots.

2. When should the anti-minority propaganda be noted?

The publisher or distributor of material injurious to a minority group could voluntarily submit it for preparation of a reply before he tried to mail it. If he did not do so, any person receiving the material, or any postmaster through whose hands it passed, or any minority group to whose attention it came, could submit it with a request that it be answered.

3. When shall the reply be made?

Ideally, a reply to injurious statements about a minority group should be made at the same instant, and within the same wrapper as the offending content. This would, however, introduce considerable difficulty. In the first place, it might well represent an unduly harsh interference prior to publication and distribution. It would certainly represent such a burden for newspapers and periodicals which might have

to interrupt their schedule of regular issues. And it would require publishers to take the risk of determining whether borderline material was subject to reply and thus tend to create a prior restraint which would probably be considered unduly burdensome by the courts. A compromise to handle the first difficulty might be to require instant replies to all defamation which occur in non-periodical publications--such as pamphlets, books, and leaflets. For publications on a regular time schedule, the requirement would be for the reply to be carried in the first issue after the offending item were carried.

However, in view of the prior restraint problem it would probably be safer to make the proposal depend upon reply at the earliest possible moment after the offending matter were mailed and after the responsible administrative agency had ordered a reply.

4. Who shall decide whether a reply is to be required?

An advisory committee composed of one representative of each minority group and several representatives of the general public shall decide, in the name of the Attorney General, whether a particular minority group has the right to reply to a particular piece of offensive literature. If it so decides, it should then designate a responsible group in the community to prepare an appropriate reply. The advisory committee might be free to decide against a reply because one is not warranted, desirable or sought.

5. What limitations shall there be on the nature of the reply?

The sole limitations on the nature of the reply should be that it should contain no defamatory material and that it should be no longer than the initial statement which it answers.

6. Who shall bear the expense of printing and distributing the reply?

The reply might be paid for by the person or group which distributes the initial attack, by the Government or by the group chosen to reply. It would probably be politically unwise for the Government to pay for the reply. To ask the authors of the reply to pay for the printing and circulation of it seems unfair. The objection to having the originator of the libelous material pay for the reply is that the courts might hold this to be an unjustified burden which would unduly inhibit freedom of expression. Nevertheless, this last seems like the most equitable arrangement.

Upon receipt of the designated reply from the advisory committee the responsibilities of the publisher would vary with the kind of publication which he originally produced. A newspaper would be expected to carry the reply in its columns giving the same prominence to it as the original attack had. If he had turned out a separate publication the publisher would be required to publish the reply in pamphlet form provided that it did not exceed the length of the original matter. In either case, the defamer would have the responsibility for circulating copies of the reply to exactly the same list to which he had sent the original piece. Each reply should carry the notation that it is required and authorized by Congress, which is committed to the principle that the public is entitled to prompt replies to attacks on minority groups.

7. What punishments for non-compliance?

If the publisher failed to comply with the order of the advisory committee he would be subject to prosecution. In defense he could attack the validity of the order. Penalties would be first a

fine on the basis of the number of copies of the original material which he mailed out, in more aggravated cases denial of the second class mailing privilege, in extreme cases being barred from the mails.

The advisory committee would not conduct hearings preliminary to its decisions, but any defendant could attack its orders in court on his own initiative.

I. Does the Alternative Meet the Tests?

Although a compulsory reply statute has many difficulties of its own, it would not be subject to some of the limitations of the conventional group libel proposals. The problem of truth or falsity of assertions about minority groups would fall away; a minority group would be entitled to a reply regardless of whether it felt defamed because of the misuse of true statements or the dissemination of false ones. Whether the injurious remarks represented facts or opinions would likewise be irrelevant in the considerations of the Advisory Committee. No question of "intent" would have to be raised as a basis for granting or refusing to grant the right of reply—whether the injurious materials were maliciously inspired or not would not influence the deliberations of the Advisory Committee. The chances of responsible consideration would probably be greater if it were made by such an Advisory Committee, rather than private persons who might bring civil suits, or local presecutors who might bring criminal actions.

One problem which would still remain under a reply statute would be the danger of extension. Minority groups might try to use their reply power to discourage legitimate public criticism of their political activities, e.g., Protestants on missionary activity in Latin-America; Catholics on parochial school buses; and the Jews on Zionist questions. This danger is admittedly a real one. It is less serious than it would be under a group libel law. First, because the Advisory Committee, composed of responsible public-minded citizens, would presumably guard against such extensions. Second, the Congress and the courts would always

have the right to check the policies of the Advisory Committee.

The wisdom of "right of minorities to reply" statute is subject to two basic questions. First, whether it would have the desired results, and second, whether the courts would uphold it. Whether it would actually do what it sets out to do is a problem in politics and in social psychology. Politically, the question is whether giving this much official attention to hate groups would increase their status and their responsibility. In addition, it may be far from desirable to make anti-Negroism, anti-Semitism, "anti-Niseism," etc. "issues" on which there are two sides. There is a certain amount of danger that a reply statute would help to create a public opinion in which one had to be "for" or "against" each minority group. The professional bigots would certainly raise the cry that they are being persecuted, and would try to use the reply scheme to make martyrs of themselves.

Partial answers to these objections are that bigots claim to be persecuted martyrs now and that since replies would go only to people whom they now reach, there would be no enhancement of their status or expansion of the "issues" of race and religion. It must be noted that these are only partial answers. The most serious question of all is whether giving both sides on an issue like this will lead the reader to form a rational judgment. The answer can be provided only by a series of research projects by communications specialists. No precisely applicable studies have been done. There is, however, a project now in progress at the Commission on Community Inter-Relations which offers some suggestive data. The Commission was interested in learning the answers

to these questions:

(1) Do anti-Semitic remarks made in public places create anti-Semitism?

The answer according to a staged experiment was "Yes."--14% of those who overheard an unanswered anti-Semitic remark picked up some of the prejudice. (In a few cases, however, the anti-Semitic remark actually had a boomerang effect and made people feel more favorably toward the Jews)

(2) Should people who overhear such remarks reply to them?

(On the basis of acted out playlets before audiences of ordinary people taken off the street, the answer is "Yes". People who heard replies to the remarks, as well as the remarks themselves, were less likely to pick up anti-Semitic attitudes and more likely to be shifted from passive sympathy to active defense of the minority. People exposed to the experiment felt, by and large, that such remarks made in public places should be answered. More people felt this way than did not, regardless of whether they were hostile, friendly or indifferent to Jews).

(3) What kind of replies should be made to such remarks?

(The CCI tested the alternative impacts of calm, rational replies as against excited, militant ones. They also tested the relative effectiveness of using arguments about traditional American fair play as against arguments about individual differences in all groups. The indications were that a

calm manner and an appeal to American principles of fair play were most effective with strangers in a public group. In general, the objective was to neutralize or counter the effect the remarks might have on the bystanders rather than persuade the person who made the remark.)

The tentativeness of these conclusions cannot be too greatly stressed. There is a large question about whether research on verbal communication can be applied meaningful to printed matter, which would be involved in the first instance in the "right of reply" proposal. It would not be too difficult to undertake research to answer the psychological questions about the effect of having anti-minority group material immediately answered. Here, however, it is proper for the minority groups themselves to take the responsibility for learning the most effective ways of answering attacks upon them. All that the government would be asked to do on this problem would be to provide them with an opportunity. From then on they would be on their own; if they could not successfully defend themselves, then they would deserve whatever consequences ensued. This is the basis of the democratic theory of public opinion.

The question of the constitutionality of a federal reply statute would rest in the first instance on whether the courts considered the burden of forcing persons publishing material tending to injure minority groups to pay for replies an unwarranted burden which would unduly restrain their freedom of expression.

Providing for punishment for failure to publish reply only after an order of the Advisory Committee has been issued tends to minimize this burden. It seems unlikely that the courts would consider the burden too great in cases of wilful defamation (which, it would be argued, might be made subject to much more severe penalties, along the line of group defamation statutes discussed above). The danger zone is the area of injurious statements not shown to be false or which are undoubtedly subject to a new burden. The ultimate question would be whether this burden is justified by the larger purpose. A bill drafted to accomplish this purpose would have to be tightly worded and all possible exceptions for materials not susceptible of this treatment (such as legitimate aesthetic criticism) should be made.

A reply statute could almost certainly not reach all of the defamatory material now being placed in the mail. Some of it takes extremely fantastic forms. For example, there are several astrologists who are anti-Semitic, anti-Catholic and anti-Negro—they derive their hostility to these minority groups, they claim, from the position of the stars.

The arguments in favor of reply can be summed up as follows: It is an appropriate mechanism for a democracy; it is not subject to many of the difficulties of conventional group libel proposals; its chances of success are at least as good, and probably better than, a group libel proposal. The arguments against it are: a qualified fear of extension; the possibility that in some or many cases it might boomerang by improving the public opinion

position of bigots; and that its constitutionality is questionable.

It seems to the writer that the proposal has at least enough merit to warrant consideration by the Committee and analysis by experts.*

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*It is important to repeat that disclosure is an essential part of this proposal. The very least which would be necessary would be requiring the sender's name and address on every piece of mail which is relevant. Mr. Ernst has already, independently, requested the Staff to look into the feasibility of this idea.

Appendix

INDICATORS OF EXTENT OF BIGOTRY MATERIAL IN MAILS

From, A Survey of the Anti-Semitic Scene in 1946
THE FACTS, Anti-Defamation League of
B'nai B'rith, April 1947. pp. 34ff.

1. Pamphlets and books:

"The Roosevelt Death Mystery", by "Mr. X"
"At The Root of It All -- Anti Gentilism", by Lyrl Clark van Hyning
"The Semitic Race", by William L. Blessing
"Ravishing The Women of Conquered Europe, by Austin J. App
"Slave-Laboring German Prisoners-of-War", by Austin J. App
"Judaic-Communism vs. Christian-Americanism, by Marilyn R. Allen
"My Country Right or Wrong My Country", by Marilyn R. Allen
"Palestine or Birobidjan", by G. Allison Phelps
"The Case of Tyler Kent", by John Howland Snow
"Government by Treason," by John Howland Snow
"Carpetbaggers in Operation Dixie," by Joseph P. Kamp
"HOW - To Be An American," by Joseph P. Kamp

2. Periodicals:

Publication	Location	Circulation	
		Claimed	Known
AMERICA IN DANGER	Omaha, Neb.	1,100	- - -
AMERICA SPEAKS	Atascadero Cal.	- - -	- - -
BEACON LIGHT HERALD	" "	- - -	- - -
BIBLE NEWS FLASHES	Faribault, Minn.	3,000	3,000
BOISE VALLEY HERALD	Middleton, Idaho	400	- - -
BROOM	San Diego, Calif.	2,000	- - -
CHRISTIAN VETERANS POLITICAL COUNSEL	Chicago, Ill.	- - -	- - -
CLOSER-UPS	Hollywood, Calif.	7,000	- - -
COMMONWEALTH	Bradentown, Fla.	5,000	1,300
CONSTITUTIONALIST	Seattle, Wash.	2,200	- - -

Publication	Location	Circulation Claimed	Circulation Known
CROSS AND THE FLAG	Detroit, Mich.	12,000	- - -
DAYTON INDEPENDENT	Dayton, Ohio	15,000	5,000
DEFENDER	Wichita, Kans.	70-100,000	- - -
DESTINY	Haverhill, Mass.	18,000	- - -
ECONOMIC COUNCIL LETTER	New York City	8,000	- - -
ELEVENTH HOUR	Detroit, Mich.	2,000	- - -
FOORT NEWS LETTER	Vancouver, B.C. Canada	- - -	- - -
FREEDOM NEWS	San Antonio, Tex.	- - -	- - -
GENTILE NEWS	Oak Park, Ill.	- - -	12,500
GREEN MOUNTAINEER	New York City	- - -	- - -
GUILDSMAN	Germantown, Ill.	- - -	- - -
IMP'S BULLETIN	Aberdeen, Wash.	2,000	- - -
INDIVIDUALIST	Danville, Va.	527	- - -
INDIVIDUALIST	Lincoln, Nebr.	- - -	- - -
MALIST	Meriden, Conn.	- - -	300
MIDNIGHT CRY	Cincinnati, Ohio	- - -	- - -
MONEY	New York City	6,000	- - -
NATIONAL CHRISTIAN JOURNAL	Oakland, Calif.	- - -	- - -
NATIONAL DEFENSE	Arcadia, Calif.	3,150	- - -
NATIONAL PROGRESS	Philadelphia, Pa.	350-500	- - -
NORTHWESTERN PILOT	Minneapolis, Minn.	3-4,000	3,000
PATRIOTIC RESEARCH BUREAU	Chicago, Ill.	- - -	700
PHILADELPHIA NATIONALIST	Philadelphia, Pa.	350-500	- - -
PILGRIM TORCH	Englewood, Calif.	2,500	- - -

Publication	Location	Circulation Claimed	Circulation Known
PRAYER CIRCLE LETTER	Wichita, Kans.	25,000	- - -
RUBICON	New York City	- - -	- - -
SHOWERS OF BLESSING	Denver, Colo.	- - -	- - -
SMITH LETTER (WEEKLY-NATIONALIST NEWS SERVICE)	Washington, D. C.	- - -	- - -
SMITH LETTER (MONTHLY)	Detroit, Mich.	- - -	- - -
SOUTHERN OUTLOOK	Clanton, Alabama	20,000	- - -
STUDIO NEWS	Friend, Nebr.	1,000	- - -
TALK OF THE TIMES	San Diego, Calif.	- - -	- - -
THINK WEEKLY	Newark, N. J.	10,000	- - -
WESTERN VOICE	Englewood, Colo.	- - -	- - -
WHITE HORSE	Atlanta, Ga.	3,500	- - -
WOMEN'S VOICE	Chicago, Ill.	- - -	- - -
X-RAY	Muncie, Ind.	1,000	- - -

The following publications have carried articles which give rise to concern regarding their attitude toward minorities in the United States:

Publication	Location	Circulation Claimed	Circulation Known
AMERICAN GLASS REVIEW	Pittsburgh, Pa.	- - -	- - -
ANN SU CARDWELL LETTER	New York City	- - -	- - -
APPEAL TO REASON	Becket, Mass.	less than 200	- - -
ARAB NEWS BULLETIN	Washington, D. C.	- - -	- - -
CAROLINA WATCHMAN	Greenville, S. C.	2,000	- - -
CHRISTIAN BEACON	Collingswood, N. J.	- - -	- - -
COLUMBUS TRIBUNE	Columbus, Ga.	5,100	- - -
COVENANT VOICE	Chicago, Ill.	5,000	- - -

Publication	Location	Circulation Claimed	Circulation Known
FUNDAMENTALIST	Ft. Worth, Texas	- - -	- - -
GAELIC AMERICAN	New York City	65,000	- - -
GEORGIA FARMERS MARKET BULLETIN	Covington, Ga.	200,000	- - -
INDEPENDENT WRITER	Somerville, N. J.	- - -	- - -
MILITANT TRUTH	Chattanooga, Tenn.	45,000	- - -
NATIONAL FORECAST	Washington, D. C.	- - -	- - -
NATIONAL REPUBLIC	Washington, D. C.	28,000	- - -
PATRIOT (MASS.)	Melrose, Mass.	- - -	- - -
PROGRESSIVE LABOR	Knoxville, Tenn.	- - -	- - -
STATESMAN	Hapeville, Ga.	- - -	- - -
TABLET	Brooklyn, N. Y.	99,004	- - -
TALK OF THE TIMES	San Diego, Calif.	- - -	- - -
TODAY'S WORLD	St. Louis, Mo.	60,000	20,000
VOICE OF THE PEOPLE	Sioux City, Iowa	500	- - -

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President's Committee
on
Civil Rights

June 6, 1947

MEMORANDUM

TO: Members of the President's Committee on Civil Rights

FROM: Robert K. Carr
Executive Secretary

SUBJECT: "Civil Rights of American Indians" prepared by
Milton Stewart and Rachel Sady

The 400,000 American Indians who live in the United States share with other minority groups problems arising from discriminatory public attitudes. Indians are also singled out, however, for particular infringements upon their civil rights. These infringements stem from laws and action directed against Indians, and from a misunderstanding of their legal status. The status of Indians today is more easily understood with some knowledge of the government's early relations with Indians.

Early Relations with Indians

Early relations of the United States government with the scattered and diverse Indian tribes of America were on a nation-to-nation basis. There was no direct administration of Indian affairs. Treaties were made which ceded large tracts of land to the United States in return for certain benefits and the guarantee of continued possession of other areas. In spite of these treaties Indians were further dispossessed of much of the land guaranteed them. They fought against this aggression in the Indian wars of the 19th century. Finally the United States forcibly achieved the removal and segregation of the Indians on reservations, the only remnants of their once vast preserve. After the establishment of the reservation system the practice of making formal treaties with tribes was abandoned, and wherever possible Indians were dealt with as individuals instead of as tribal entities. Rations were doled out to those groups considered the most troublesome to keep them from actively registering their discontent.

Once Indian land was obtained and the Indians put safely away, Indian policy was pointed toward assisting the "vanishing American" on his way by "civilizing" him. This was attempted by systematically breaking Indian culture, and insisting that the Indians become Christians and farmers. Much Indian land was alloted to individual Indians and surplus lands opened to white settlement. The Indian Service had complete control over the Indians, and the prevailing opinion was that death and assimilation would soon liquidate its charges.

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The Indians Today

Prevailing opinion was wrong. Today there are approximately 400,000 Indians and their number is rapidly increasing. This is due to a high birth rate, as well as to more accurate registration and enrollment on tribal census rolls. A person is an Indian if some of his ancestors lived in America before its "discovery" and if he is considered an Indian by the community in which he lives. Indians are citizens of the United States. They have a special status with respect to the federal government which is not incompatible with their citizenship.

The great majority, but by no means all, of the Indians live on reservations. For example, according to the 1940 census 7,923 Indians were living in major cities. Indians are no more restricted in their choice of residence than are other citizens. Most of them have remained on the reservations for much the same reasons that many rural-born people remain in the communities of their birth.

From reservation to reservation there is considerable difference in Indian life. The diversity of the original indigenous cultures is reflected in the present groups. For example, there are more than fifty different Indian languages, each with several different dialects. Some of these languages differ as widely from each other as English from Chinese. In addition, between and within reservations various degrees of acculturation from Indian life are represented, particularly between generations. The resources on the reservations also vary, and this affects the economic life of the people greatly.

(See the accompanying table for general distribution of Indians in the United States and Alaska.)

The Legal Status of Indians

The status of Indians and Indian tribes is widely misunderstood. Indian law is based upon more than 4,000 treaties and statutes and thousands of judicial decisions and administrative rulings. Its underlying principles are political equality of races, tribal self-government, federal rather than state sovereignty in Indian affairs, and governmental protection.

Although citizens, Indians stand in a special relationship to the federal government, which has been somewhat loosely called "wardship." Indian tribes, as distinct from the individuals which comprise them, have the right of self-government. Citizenship, wardship, and self-government are the three important facts about the legal status of Indians.

Citizenship: Prior to 1924, Indians were barred from the ordinary naturalization processes, although approximately two-thirds of them were granted citizenship by treaties and special statutes. Participation in tribal affairs was considered incompatible with the responsibilities of citizenship. Consequently, citizenship was often made dependent upon surrender of tribal membership.

In 1924 Congress made all Indians born within the continental United States citizens of the United States. Indians automatically became citizens of the states in which they lived. Contrary to earlier theory, they retained their tribal membership, as well as their wardship status. As citizens, Indians are entitled to suffrage, to hold public office, to sue, to make contracts, and to enjoy the other civil rights guaranteed to all citizens.

Wardship. The federal government has jurisdiction over Indians on reservations. The constitutional basis for this is a provision giving Congress control over commerce with Indians. The body of law built on that base developed according to the principle that the government owes protection to Indians in their relations with non-Indians. In general, Indians on reservations are not subject to state laws, although this has been modified by Congressional legislation on particular subjects in particular places.

The "wardship" concept includes several different meanings. Indians may be considered wards because they are subject to Congressional power, because they are subjects of federal court jurisdiction, because they are beneficiaries of a trust, or for several other reasons. The concept does not mean that the government can control an Indian the way a guardian can control the actions of a child or a mentally incompetent person who is his ward. The Commissioner of Indian Affairs recently described to the Department of Interior employees just what wardship implied. He particularly stressed the protection of Indian lands:

> "The Government has no more control over the comings and goings and everyday activities of an individual Indian than it does over any other individual person.* Wardship applies not to the person of an Indian but rather to certain types of his property, particularly land. This arises from the fact that most Indian land today was tribal land to begin with, and the trusteeship which the Government exercised over the tribe and its possession was extended to the individual when the land was individualized. This means that the tribe or the individual cannot sell or otherwise dispose of the land without the consent of the Secretary of the Interior, who is the official charged with exercising the trust. This same restriction applies to certain funds which are on deposit in the United States Treasury in a trust status and which, in most cases, were derived from the sale of Indian assets. These funds bear interest and both the principal and interest can be used by the Indians for purposes approved by the Secretary of the Interior. It should also be carefully noted that the Government itself cannot use these funds for any purpose without the approval of the Indians concerned."

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* An exception to this statement is the Indian Liquor Laws. This legislation is discussed below.

The federal government has always prescribed the ways in which Indian lands may be alienated. Lands held in trust by the government are called restricted. Indians can and do own unrestricted land over which the government has absolutely no control. An Indian may live on a reservation, which is restricted land, and at the same time own land elsewhere in the same manner as a non-Indian.

The Indian trust moneys are used in part for the administration of education, health and other public services on the reservations.

Self-government. Historically, Indian tribes have been recognized as distinct political communities.

> "The Indian's right of self-government is a right which has been consistently protected by the courts, frequently recognized and intermittently ignored by treaty-makers and legislators, and very widely disregarded by administrative officials." (Cohen, op.cit., p. 122)

Indian self-government includes the power of a tribe to adopt and operate under a form of government of the group's choosing, to define conditions of tribal membership, to regulate the domestic relations of members, to prescribe rules of inheritance, levy taxes, regulate property within the jurisdiction of the tribe, control the conduct of members by municipal legislation, and to administer justice.

The federal government's first really pragmatic recognition of the tribal right of self-government was the Indian Reorganization Act. This Act, passed by Congress in 1934, among other things implemented this right by issuing the tribes, so desiring, charters as municipal corporations. The Indian communities were to be given maximum control over their economic life and the expenditure of their funds in these charters. A large majority but not all of the tribes accepted organization under the Act and now have their own charters and constitutions.

The Indian Reorganization Act provided for self-government and incorporation for business purposes under federal guardianship. The long range goal was ultimate removal of Indian tribes from the Office of Indian Affairs' supervision. For many tribes this goal is almost academic, since they are culturally so distinct from the dominant population as to need special protection. For other groups the difficulty has been only in not knowing how to make the transition. The Office of Indian Affairs is now trying to overcome that difficulty by further encouraging the formation of Indian corporate enterprises, and by trying to get the states and appropriate federal agencies to assume the responsibility for the welfare, education, agricultural, law and order services which are provided for other groups of citizens. The Indian Service believes that tribes including 53,000 Indians in eight states are ready to make the transition. It is hoped the Klamath of Oregon, the Osages of Oklahoma, and the Menominee of Wisconsin will be among the first to set up tribal corporations. Other groups would follow in time. Under this program the federal government will retain

trusteeship of Indian resources until it is certain that the release of lands will not result in the wholesale dispossession of Indians.

Civil Rights Problems

The concern in the following discussion is not with the particular problems of Indians as people with special rights. For example, not long ago an Indian complained that the "Indians all over the country today have to sue the government to make them realize that the Indians are still wards of the government". Whether or not this was a legitimate complaint is not within the interest of the Committee. Neither are complaints against the Indian Service or other arms of the government which do not have to do with specific infringements upon civil rights. However, this limitation of interest does not exclude consideration of the affect of the Indians' special status on their enjoyment of the same rights as other citizens. Special federal protection of Indians in certain fields does not mean that they must forfeit their rights as citizens.

The civil rights problems of Indians include public prejudice and discrimination against Indians, discrimination in the administration of public services by the federal and state governments, discriminatory federal and state legislation, and Indian Service measures of protection which verge upon oppression.

Indians face problems similar to those of other minority groups. Public prejudice and discrimination work to the disadvantage of Indians in various parts of the country. This is most apparent in areas surrounding reservations, but occasionally Indian-appearing individuals have difficulty getting, for example, hotel accommodations in non-Indian country. The Assistant Commissioner of Indian Affairs recently said in a speech:

> "I have recently been in a community in Montana, near a reservation, where the thinking about Indians and the conversational comments concerning them are still the same stereotypes of 'bucks, squaws, and blankets,' that I was raised on in the same community 35 years ago...
>
> "I have recently been in another community in New Mexico, more than half of whose non-Indian citizens survive only because of the trade and business which the town's proximity to the reservation affords them, and yet the hundreds of Indians who frequent the town for marketing and other purposes are denied access to all but the most unsanitary and undesirable eating, lodging and rest-room facilities. In this same area Indians are fair game for rowdies and jack-rollers, who operate without fear of punishment by the local police officials. Such situations, and they can be described for nearly every western state in which any large number of Indians live, are not inviting to Indian participation in American life and citizenship."

Indians are encouraged by the Indian Service to leave the reservations for employment, since the reservations' economic base is not broad enough for all Indians. Individuals doing so, however, are likely to run into employment discrimination, as well as difficulty in finding living quarters out of the slum areas.

State legislation discriminating against Indians shapes another group of civil rights problems. There have been many state statutes and state constitutional provisions preventing Indians from voting, holding public office, serving on a jury and testifying in a lawsuit. Most of these have now been abandoned, but some persist. The most important state laws now discriminating against Indians are those of New Mexico and Arizona which do not recognize the right of Indians to vote. An effort is now being made to have the courts declare this legislation illegal. The constitution of New Mexico withholds suffrage from "Indians not taxed," and the constitution of Arizona has been interpreted to deny the vote to Indians as being "persons under guardianship." Protests against these legal bans on Indian suffrage in the Southwest have gained force with the return of Indian veterans to those states.

The justification given for denial of suffrage to Indians is the exemption of some of Indian property from state taxation. This justification ignores the facts that many Indians do not possess exempt property and that non-Indian citizens possessing tax exempt property are not denied the right to vote.

Indians are discriminated against in the administration of public services by both state and federal agencies. Part of this discrimination is the result of prejudice, but an overwhelming portion results from a misunderstanding of the nature of the Office of Indian Affairs' responsibility for Indians. Many people believe that the government supports most Indians by grants of special federal benefits. Actually, the majority of Indians support themselves and do not receive direct and continuous federal aid. The Indian Service is charged with protecting Indian lands and rights and with providing certain services. These services, however, are not sufficient to replace all other public services. It is hoped, to the contrary, to replace them with those ordinarily available to all citizens.

The Social Security Act has no discriminatory phraseology; nevertheless, its administration in Arizona and New Mexico has discriminated against Indian applicants. Farm Security has been loath to make loans to Indians on the grounds that they have their own credit funds. The Indians do have revolving credit funds, but these are far from adequate. This misunderstanding, carrying over from federal and local governments to commercial credit houses, affects Indians trying to get G.I. loans. These houses think that the Indians are taken care of, and so very few have received such loans.

The special protection afforded Indians by the federal government presents a unique civil rights problem.

> "The principle of government protection of the Indians runs through the course of federal legislation

> and administration. The line of distinction between protection and oppression is often difficult to draw. What may seem to administrative officials and even to Congress to be a wise measure to protect the Indian against supposed infirmities of his own character, may seem to the Indian concerned a piece of presumptuous and intolerable interference with precious individual rights." (Cohen, op.cit., p. 173)

Cohen observes that a summary of repealed laws which affected Indians affords insight into early Congressional disregard of the civil liberties of Indians. This is a matter of historical interest. There remains on the books, however, one discriminatory piece of federal legislation — the Indian Liquor Laws.

The power to regulate commerce with the Indian tribes is the constitutional basis for federal legislation against selling or giving liquor to the Indians. Courts have upheld this power with respect to tribal Indians and the Indian country. At present both the sale or gift of liquor to Indians outside of the reservations, and the possession or use of intoxicating beverages on the reservations, by Indian or non-Indian, are illegal. The Department of Interior is sponsoring legislation in Congress which would make possible the sale or gift of liquor to Indians outside of the reservations, taking the position that the law is discriminatory. The Department is not taking a position on the possession or use of liquor within the reservations, since this law does not discriminate between whites and Indians there. The fact remains that in practice the reservation law is also discriminatory as long as the prohibition is a federal one and not one of local option.

The liquor legislation was originally enacted as a protection of Indians from the "extortion, cupidity and avarice of white traders," and from the supposed weakness of their own characters. The Commissioner of Indian Affairs commented recently:

> "Conditions have changed greatly since those days. Many Indians have been acculturated to the white man's civilization. Indians feel that the prohibition which singles them out as a racial group is discriminatory and brands them as inferior. Veterans of World War II, who were able to obtain liquor without difficulty while in the armed forces, have made many protests against the existence of the law. Various Indian tribes have passed resolutions urging that sale of liquor be permitted to Indians off the reservation." (Annual Report of the Commissioner of Indian Affairs for the fiscal year ending June 30, 1946).

Apart from legislation, federal administrative action has been particularly oppressive in the past. There was a great concentration of power in the hands of the administration. Indians were confined to reservations and forbidden to follow many of their customs, particularly

religious customs. With the recognition of the right of self-government of Indian tribes most of this administrative oppression has disappeared. However, the goal of self-government has not been completely reached and the transition from wardship not yet made. The administration sometimes fails to distinguish the line between protection and oppression. This point is more fully covered by the testimony before the Committee of D'Arcy McNickle.* In brief, he pointed to the following examples of such failure:

Indian Service hesitancy to transfer to the tribes responsibility of self-government.

Indian Service retention of trust over cattle bought by Indians on loans from the revolving credit fund even after the loan has been paid off.

Indian Service failure to declare more Indians competent to complete leases on land owned.

Conclusions

Recommendations the Committee may make to ensure the civil rights of all peoples, such as fair employment and housing practices, would operate to the advantage of the American Indians also. The Committee may also be interested, however, in considering the following special civil rights problems of the Indians:

1) State legislation discriminating against Indians; especially the denial of suffrage to Indians in New Mexico and Arizona.

2) Discrimination against Indians in the administration of public services by both federal and state agencies.

3) Protection verging onto oppression by the federal government, including the discriminatory Indian liquor laws.

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* Mr. McNickle also discussed in his testimony the violation of Indian land rights in southeastern Alaska and the restrictions on the lives of the Aleuts of the Pribilof Island by the Fish and Wildlife Service. In looking further into these situations the staff has discovered that the picture of civil rights problems in Alaska is broader and connected with Alaska's position as a territory. A memorandum is underway on the civil rights problems of our dependent areas, including Alaska.

Sources

Cohen, Felix, Handbook of Federal Indian Law, United States Department of the Interior, Office of the Solicitor, 1945.

Annual Report of the Commissioner of Indian Affairs (for the fiscal year ending June 30, 1946).

Statistical Supplement to the Annual Report of the Commissioner of Indian Affairs (for the fiscal year ending June 30, 1946).

Status of the Indians of the United States, paper by Rita Singer prepared for the Commission on Human Rights, 1947.

Story of the Indian Service, Address by the Commissioner of Indian Affairs before the Employees of the Department of the Interior, August 29, 1946.

Interviews with staff members of the Office of Indian Affairs, Washington, D. C.

The Withdrawal of Federal Supervision of the American Indian, paper presented at National Council of Social Work, San Francisco, California, by Assistant Commissioner, John H. Provinse, April 15, 1947.

Indian Population in Continental United States and Alaska
Under the Jurisdiction of the Office of Indian Affairs,
By District, State, and Agency, January 1, 1945 1/

Source: 1945 Census Report District, Agency, and State 2/	Number
Total, Continental United States	393,622
I. Eastern Total	15,911
(Headquarters, Washington, D. C.)	
Cherokee, North Carolina	3,795
Choctow	2,409
Mississippi	2,281
Louisiana	128
New York, New York	9,032
Seminole, Florida	675
II. Great Lake Total	37,667
(Headquarters, Minneapolis, Minn.)	
Consolidated Chippewa, Minnesota	14,711
Great Lakes	6,826
Wisconsin	5,587
Michigan	1,239
Menominee, Wisconsin 4/	2,551
Pipestone, Minnesota	993
Red Lake, Minnesota	2,484
Tomah	10,102
Sac and Fox, Iowa	525
Wisconsin	5,642
Michigan	3,935
III. North Central Plains, Total	48,472
(Headquarters, Pierre, South Dakota)	
Cheyenne River, South Dakota	3,846
Crow Creek, South Dakota	1,753
Flandreau, South Dakota	281
Fort Berthold, North Dakota	2,018
Fort Totten, North Dakota	1,142
Pine Ridge, South Dakota	10,090
Rosebud, South Dakota	9,391
Sisseton	3,177
South Dakota	3,118
North Dakota	59
Standing Rock	4,324
North Dakota	2,058
South Dakota	2,266
Turtle Mountain, North Dakota	7,586
Winnebago, Nebraska	4,864

District, Agency, and State 2/	Number
IV. Northwestern Plains, Total	21,497
(Headquarters, Billings, Montana)	
Blackfeet, Montana	5,164
Crow, Montana	2,488
Flathead, Montana	3,630
Fort Belknap, Montana	1,805
Fort Peck, Montana	3,116
Rocky Boy's, Montana	878
Tongue River, Montana	1,719
Wind River, Wyoming	2,697
V. Pacific Northwest, Total	23,072
(Headquarters, Spokane, Washington)	
Colville, Washington	4,431
Grand Ronde-Siletz, Oregon	1,785
Klamath, Oregon	1,547
Northern Idaho	2,346
Idaho	2,244
Washington	102
Taholah, Washington	3,125
Tulalip, Washington	4,425
Umatilla, Oregon	1,303
Warm Springs, Oregon	875
Yakima	3,415
Washington	3,367
Oregon	48
VI. California, Total	21,532
(Headquarters, Sacramento and San Francisco, California)	
Hoopa Valley, California	3,556
Mission, California	7,088
Sacramento, California	10,888
VII. Inter-Mountain, Total	11,589
(Headquarters, Salt Lake City, Utah)	
Carson	5,781
Nevada	4,192
California	1,589
Fort Hall	2,106
Idaho	1,970
Utah	136
Uintah and Ouray	1,765
Utah	1,680
Arizona	85
Western Shoshone	1,937
Nevada	1,480
Idaho	207
Utah	250

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District, Agency, and State 2/	Number
VIII. Southwest, Total	100,434
(Headquarters, Albuquerque, New Mexico and Phoenix, Arizona)	
Colorado River	2,282
Arizona	1,303
California	979
Consolidated Ute	987
Colorado	958
Utah	29
Fort Apache, Arizona	3,202
Hopi, Arizona	3,685
Jicarilla, New Mexico	816
Mescalero, New Mexico	868
Navajo	55,458
Arizona	28,836
New Mexico	26,268
Utah	354
Pima, Arizona	6,934
San Carlos, Arizona	3,439
Sells, Arizona4/	6,445
Truxton Cannon, Arizona	1,265
United Pueblos, New Mexico	15,053
IX. South Central Plains, Total	113,448
(Headquarters, Oklahoma City and Muskogee, Oklahoma)	
Cheyenne and Arapaho, Oklahoma	3,102
Five Civilized Tribes, Oklahoma	83,100
Kiowa	7,951
Oklahoma	7,583
Texas	368
Osage, Oklahoma	4,621
Pawnee, Oklahoma	3,562
Potawatomi, Kansas	2,216
Quapaw, Oklahoma	3,795
Shawnee, Oklahoma	5,101
X. Alaska 3/	32,750
(Headquarters, Juneau, Alaska)	
Eskimo	15,716
Indian	11,385
Aleut	5,649
Total, Continental United States & Alaska	426,372

1/ These data do not represent the actual number of Indians residing in each state but the number under the jurisdiction of Indian Agencies Located in the respective states, either enrolled at agency office or estimated by the agency superintendent.
2/ The state in which the agency headquarters is located is listed first when the agency extends into two or more states.
3/ Estimated population. 4/ Census Report 1945 not submitted (1944 Figures used).

From: Statistical Supplement to the Annual Report of the Commissioner of Indian Affairs (Fiscal Year Ending June 30, 1946).

President's Committee
on
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CONFIDENTIAL June 10, 1947

MEMORANDUM

TO: Members of The President's Committee on Civil Rights

FROM: Robert K. Carr

SUBJECT: "Negroes in the Armed Forces" Prepared by Milton D. Stewart and Joseph Murtha

The importance of the armed forces in the struggle of minority groups for full achievement of their civil rights is too obvious to require labored discussion.* The armed forces are one of our major status symbols; the fact that members of minority groups successfully bear arms in defense of the country, alongside other citizens, serves as a major basis for their claim to equality elsewhere. For the minority groups themselves discrimination in the armed forces seems more immoral and painful than elsewhere. The notion that not even in the defense of their country (which discriminates against them in many ways) can they fight, be wounded, or even killed on an equal basis with others, is infuriating.

Perhaps most important of all is the role of the armed forces as an educator. Military service is the one place in the society where the mind of the adult citizen is completely at the disposal of his government. The use of armies to change public attitudes is an ancient and well-established tradition. In the recent war Great Britain and the Soviet Union, as well as the Axis powers successfully used the time during which their men were in service to "educate" them on a broad range of social and political problems. The efforts of the United States were much more limited and almost certainly less successful. Finally, the armed forces can provide an opportunity for Americans to learn to respect one another as the result of cooperative effort in the face of serious danger.

For a variety of reasons the minority group policies and practices of the armed forces during World War II had a considerable impact upon the thinking of the American people. A number of fundamental questions about social policy were raised. Although this memorandum deals with the utilization of Negroes in the armed forces, it is not meant to suggest that other minority groups did not suffer equally from discrimination. The difficulties which they had were probably in direct ratio to their visibility. Since most of the attention, documentation, policy statements and pro-tolerance education has dealt with Negroes, it is easiest to deal with their problems in the service. The Committee has already heard from Mr. Masaoka, about the problems of the Japanese Americans. At the beginning of the war no branch of the service would accept Americans of Japanese descent. Although the Army later relaxed this rule to admit a volunteer combat unit

*Because of functional differences, which are reflected in a difference in civil rights problems, the Veterans Administration will be covered in a later memorandum on government services.

and a Pacific intelligence group, the Navy continued its policy throughout the war; it did, however, while refusing to accept them into its own ranks, ask the Army for the loan of some Japanese American intelligence workers for operational use.

The main problems confronting Negroes in the armed forces during the War were:

(1) Severe limitations on their recruitment and promotion.
(2) Backlog of prejudice against them among white officers and men.
(3) The official policy of segregating them during their service (the one exception to this policy--and its results--will be discussed in another memorandum)
(4) Tension between Negro soldiers and white civilians, particularly in Southern communities and in others where public transportation and recreation facilities were inadequate.

This memorandum is limited to a consideration of official policies of the armed forces, administrative action to implement ~~its~~ policies and a statistical summary of the utilization of Negroes at the peak of armed forces strength and at a point after demobilization.

During World War I the patterns of discrimination in the armed forces were traditional and undisguised. Whatever slight efforts there might have been to improve them were quickly dissipated in the post-war period. During both wars about one in every ten men in the United States Army was a Negro. In peacetime, however, the ratio was closer to one in forty. ~~Much the same was true of~~ the Navy and Marine Corps.
More Severe Limitations were Practiced By

In peacetime too, the utilization of Negroes in every branch of the armed forces was almost exclusively confined to traditional types of service groups such as steward ratings in the Navy and Marine Corps and Engineer and Quartermaster Corps in the Army. At peak wartime strength the same Negroes were acceptable in all types of combat duty and in many instances received commendations for outstanding service. In the case of the Army and Navy a token Negro officer complement was equally acceptable, although always in command of Negro enlisted men. With the end of hostilities these advances were quickly lost and the Negroes returned to their traditional duty assignments.

What justification there might have been for this representation during and after World War I on the basis of low levels of Negro education, and social origins, was to some extent eliminated in World War II. During the first World War one out of every five Negroes was recruited from the North; in the second World War the proportion was one of every three. In the first World War only one out of every 100 Negro soldiers ~~were~~ was a high school graduate; during the second World War almost one out of every five. During the first World War one in every 20 Negroes had had some high school training, as against one out of every four in the second World War. Whereas 95 percent of Negro troops in the earlier war had only grade school educations,

this number had dropped to 57 percent during the second World War. The natural consequence was a more prevalent intense feeling on the part of Negroes that they were entitled to continuing improvements in their assignments in the forces.

The following discussions of statements of policy indicate developments which Negro groups ~~had at once~~ have considered both encouraging and disappointing. The official statements on recruitment and enlistment as received from the War, Navy and Treasury (Coast Guard) Departments follow:

A. Policy Statements*

Navy Department:

(1) Navy Department

"No distinction is made between individuals wearing a naval uniform because of race or color. The Navy accepts no theory of racial differences in inborn ability but expects that every man wearing its uniform be trained and used in accordance with his maximum individual capacity determined on the basis of individual performance."

The historical development of this policy may help to clarify the present status quo. At the end of World War I (June 1922) the enlistment of Negroes in other than the Steward Branch was discontinued. This policy remained in effect until early 1942, when Negroes were again accepted for enlistment in the general service ratings of the Navy.

As a result of the recent demobilization, it was discovered that the number of enlisted personnel in the various rating groups was not in agreement with the peacetime requirements of the Navy. The Steward's Branch, which has traditionally drawn the bulk of Negro enlistments, was approximately 35% over-manned. A previous order prohibited members of the Steward Branch from being assigned to training in other ratings. It was cancelled during demobilization to allow Negroes at present in excess of complement in this branch to transfer to general ratings.

Experience during World War II caused some modifications of directives originally issued in the early stages of the war. For example, a directive regarding the assignment of Negroes issued in the summer of 1943 stated that wherever possible, activities having large numbers of Negroes would become all-Negro. This type of segregation has since been repudiated by the Navy and a blanket non-segregation policy is now in effect. An interesting paragraph from a similar directive to commanding officers of all auxiliary ships is worthy of note here:

"It will be helpful to point out that past experience has proven the desirability of thoroughly

*Based on official correspondence to President's Committee on Civil Rights from Secretaries of War, Navy and Treasury.

indoctrinating white personnel prior to the arrival of Negroes. It has been the experience that when this is done and the white personnel thoroughly understand the Commanding Officer's policy and what is expected of them, the chances of racial friction are materially lessened."

As a further implementation of present Naval policy, the Navy Department has recently gone on record in favor of the Powell Bill (H.R. 279) to abolish race segregation in the armed forces.

During the war Negroes were accepted in the Women's Reserve under the same qualifications and standards as other members of the Women's Reserve. The training program was identical and all ratings and ranks were open to Negroes and whites alike. The Negro women were completely assimilated into this group of Naval personnel.

The policy with regard to Annapolis is the same as that for the rest of the Naval Service. Since 1872 there have been six Negroes accepted into the Academy for midshipman training. Of these, three were dismissed because of studies, one on a disciplinary charge, one resigned and one midshipman is in attendance at present.

(2) Marine Corps

Due to a reduction in the estimated peacetime requirements, present Marine Corps policy (March 1947) states that Negro first enlistments will only be accepted for Steward duty. Re-enlistments of Negro personnel into the regular establishment continue to be without quota restriction.

Prior to World War II, recruitment into the Marine Corps was limited to white citizens. In April 1942, the policy was changed to permit recruitment of male Negro personnel by voluntary enlistment into the Marine Corps Reserve (active). Enlistments were controlled by quotas periodically revised in accordance with the estimated requirements and anticipated strength of the Marine Corps. In December 1942, it was determined to procure all future male Negro personnel through Selective Service. Quotas of Negroes were not to exceed 10 percent of the total Marine Corps quota, and voluntary enlistments were ended. Procurement of male Negro personnel resumed in December 1945, when voluntary enlistments were again accepted if the Negro applicant had been honorably discharged from the Corps. Recruitment under this policy was limited to quotas, depending upon the estimated requirement for male Negro personnel in the peacetime regular establishment. This quota continued to be reduced until March, 1947, when the present policy was established.

No female Negro personnel were taken into the Marine Corps during World War II nor were there any Negro officers on active duty. At the time of demobilization six Negro candidates were under instruction at Officers' training school. All of these candidates were released to inactive duty with the option of accepting a reserve commission.

The Marine Corps' use of Negroes in World War II, and its plans

for their utilization in peacetime, highlight the sharp change since the War's end. At various times during the war, Negro units included: anti-aircraft, artillery and infantry battalions as well as the usual depot and ammunition companies, security forces and steward personnel. Negro units now in existence and presently planned consist of depot companies, security forces for Naval establishments, logistic and training establishments and steward personnel.

(3) Coast Guard

In recruitment of personnel for the Coast Guard at this time, no distinction is officially made with regard to Negro enlistments. Prior to the war, Negro personnel were trained particularly for duty in the Cooks, Bakers and Stewards ratings. During the war general ratings were open to all minority groups. The same opportunities and facilities are available to Negroes as to all other recruits.

War Department

Prior to World War I Negroes were recruited during peacetime to fill existing vacancies in four Negro Regiments (two Infantry and two Calvalry). These units had been authorized by Congress as part of the reorganized regular Army following the Civil War. Requirements for enlistment or re-enlistment were similar to those of other eligibles for like units.

During World War I, Negroes were inducted for additional units comprising a division for infantry regiments and activated service units.

Between World War I and II, recruitment was resumed for vacancies in the 24th, 25th Infantry Regiments, 7 Negro Service and School Detachments and one Quartermaster Company. An April 1937 policy statement announced that in a national emergency, Negroes would comprise 9 percent of the total mobilized strength of the Army at all times.

During World War II, Negroes were inducted into the Army in numbers supplied by the War Department to meet the requirements of activated Negro units. On January 31, 1942, Negro enlistments were limited to those cases in which the enlistment was "obviously to the best interest of the Service." This policy was adopted because of the critical billeting shortage.

Post war recruiting until July 1946, was equally aimed at all eligibles. A minimum mental standard equivalent to a score of 70 on the Army general classification test was established for white and Negro alike. By July 1946, Negroes made up more than 16 percent of the enlisted strength of the Regular Army. On July 17, 1946, an upward revision of the minimum mental standard for Negroes was made. They were now required to meet an Army general classification score of 99. The requirement for white recruits is much lower. There was authorization for re-enlistment of Negroes with certain specialties. This policy is effective at the present time.

Volunteer Negro women were accepted for enlistment in the Women's Army Corps in accordance with policy applicable to all other eligibles.

They may currently reenter the service in accordance with existing policy. No new enlistments have been made in the Women's Army Corps since the end of hostilities.

Army nurses, white and Negro, were accepted upon application for service during the recent War on an equal basis in accordance with individual qualifications and the need for them. This policy will be continued during the post war period.

Before World War II, the policies by which National Guard units recruited and assigned Negro personnel were determined by the various State governments. Some states had no Negroes in their National Guards. Some had Negro enlisted men, but no officers. Some had small or large Negro units which were segregated. The general pattern was for ~~separated~~ segregated assignment to wholly Negro outfits. Post-war policy on the assignment of Negroes to National Guard units is still in a state of flux. Appendix 2, includes a table compiled by the President's Advisory Commission on Universal Training. It reports the policies adopted by 36 states and territories, whose National Guard bureaus replied to a questionnaire. Ten states replied that their Negro populations were too small to warrant guard units. Twenty-eight said that Negro National Guard officers could be commissioned under the law. Twelve states reported that separate Negro units had been established or were contemplated. And 3 governments (Connecticut, Hawaii and Idaho) reported that Negroes could be integrated with white units.

To date, thirty Negro cadets have been accepted by the United States Military Academy at West Point. Of the thirty certified for entrance, eleven have graduated with commissions as second lieutenants, one resigned, fourteen were separated before graduation for deficiencies and four are undergraduates.

B. Administrative Action to Implement Policy

Navy Department

A pamphlet "Guide to Command of Negro Personnel" was prepared for use in the indoctrination of officers. Special training courses for officers supervising Negro personnel were set up at Great Lakes, Illinois, and Hampton, Virginia. In addition to this, directives as quoted in the statement of policy regarding assignment and utilization of Negro personnel were sent to all commands.

(1) Marine Corps

Marine Corps directives were issued to all commanding officers explaining the planned employment of Negroes in the Corps, requiring that every effort be made to locate and group those having the qualities needed for non-commissioned rank. They expressed the policy that so far as the exigencies of the service would permit, Negro Marines would be grouped and assigned to the type of duty which they preferred. No special directives have been issued on the integration of mutually supporting white and Negro units. But emphasis has been placed on the indoctrination of white units serving in the vicinity of Negro units along the lines mentioned above.

(2) Coast Guard

Since the Coast Guard operated under the Navy Department during the war, directives and training material were issued to Navy and Coast Guard alike.

Although no records are kept on the race or color of graduates, the Coast Guard service has no knowledge of any Negro ever having been accepted or graduated from the Coast Guard Academy. There are, however, no regulations prohibiting their attendance, and appointment is made on the basis of open competitive examinations.

War Department

The Army, perhaps more acutely than any other branch of the service, was aware of its minority problem because of its size, its effect upon the efficiency of training camps in divergent areas of the country, and the necessity to insure maximum utilization of all inductees at every level.

An extensive indoctrination program was undertaken for both officers and enlisted men. Pamphlets, memoranda, films, and orientation discussion were circulated to create tolerance and acceptance of minority troops in order to facilitate maximum military efficiency.

In October, 1944, Officers Training Schools initiated courses of instruction on the Negro Soldier, utilizing an Army Services Forces manual entitled, "Leadership and the Negro Soldier." Several similar pamphlets were subsequently published to develop a better understanding of and to effect harmonious relations with Negro units. Films and orientation lectures were available to both officers and enlisted men. Several of these films - "Negro Soldier," "Team Work," "Don't Be a Sucker," and "How Do We Look to Others," have been given army-wide distribution. Among the pamphlets published by the Information and Education Division of the War Department's special staff, were: "The Negro in America," May 1945; "Divided We Fall", December 1944; and "The Army Talks" series among which the best known is No. 170. It deals with Negro manpower in the army, Negro platoons in composite rifle companies and the problems of minorities in the armed forces. (This particular pamphlet has recently been the subject of a number of newspaper articles since it is based on recommendations made by the Gillem Board). A recent War Department circular directs the use of this pamphlet in the indoctrination of all personnel.

To further implement War Department policy a series of orders were issued about the use of facilities on army posts. Among their more important provisions was one permitting Negro membership in officers' clubs, messes, or similar organizations on a military reservation to all officers on duty at the post. In 1943, a policy was adopted prohibiting designation of recreational facilities for any particular race, although permitting allocation of such facilities to organizations in whole or in part, permanently or on rotation basis, provided equal opportunities for usage was granted to all personnel. In July 1944, this policy was further amended to permit the use of recreational facilities on a post to any

personnel located thereon and is still in effect.

The Gillem Board's Report

The War Department is aware of the shortcomings of its policy during the war and its failure to make the most effective use either of the Negro potential in the country or the Negro manpower assigned to the Army. On October 4, 1945, a board of officers headed by Lt. Gen. A. C. Gillem was set up to study the operation of War Department policies over the period of the two world wars and to make recommendations for changes.

According to the Gillem Report the bases of its recommendations are: (1) "the army needs to develop the full capabilities small or great, of every man allotted to it; (2) the improved status of Negroes in education, craftsmanship and participation in government makes a broader base of selectivity available; (3) Negroes should have full opportunity to fulfill their responsibilities as citizens in national defense; and (4) the experiences of white and Negro troops during the war indicated that modifications of policy are desirable."

The essential provisions of the revised policy and program are:

(1) During peace as well as war, Negroes will constitute approximately one-tenth of the army as they do of the civilian population;

(2) In the peacetime army Negro units will be activated, organized and trained in a wider variety of combat and non-combat arms and services than has been peacetime practice heretofore;

(3) There will be no all-Negro divisions in the permanent postwar military establishment such as the 92nd and 93rd Infantry divisions of World War I and II. There will be Negro companies, troops, batteries, squadrons, battalions and regiments. The largest all-Negro unit will be a regiment, group or combat team;

(4) Groupings of Negro units with white units in composite organizations will be accepted policy.

(5) Negro personnel with special skills and qualifications will be employed as individuals in appropriate overhead and special units;

(6) White officers assigned to Negro units will be replaced by qualified Negro officers;

(7) Military considerations being equal, Negro units will be stationed in localities and communities where attitudes are most favorable and in such numbers as not to overburden local civilian facilities;

(8) At installations to which both Negro and white units are assigned, War Department policy directs that Army facilities for recreation and transportation shall be equally available to all military personnel regardless of race.

It is important to note that in its "Army Talk" pamphlets describing the findings of the Gillem Board, the War Department stresses the point that it is not an instrument of social reform. "War Department concern with the Negro is focused directly and solely on the problem of the most effective military use of colored troops. It is essential that there be a clear understanding that the army has no authority or intention to participate in social reform as such but does view the problem as a matter of efficient troop utilization."

Much of the same approach will be found in the Army's attitude towards off-post relationships with the community. In view of the many articles written about the race problem in such camps as Fort Benning, Georgia, a particular sore-spot with the Negro press, the statement of policy seems to lack realism. Army Service Forces Manual M5 states: "Soldiers, Negro and White, should be instructed that the Army has no authority to alter in any direction the existing community pattern as a matter of social reform, and that it will expect the soldier, when in the community to abide by its laws. This, it should be emphasized, applies to all sections of the country and to all soldiers alike. Just as military reservation patterns are the business of the Army so are community interracial patterns the business of the community."

Whether the elimination of racial segregation in Army operated transportation makes the service an educational force for social reform is open to question. It would be difficult to say to what extent a completely non-segregated, non-discriminatory policy in a Southern Army camp would have an educational effect upon the local community. There seems to be a reasonable doubt, in any case, as to whether commanders of certain Southern army camps are putting into effect the latest policies set down by the War Department.

Prewar practice and Policy left decisions on segregation and other discriminatory patterns to the discretion of the local Commanding officer. As was pointed out above, this policy has since changed, but a strong re-affirmation by the Commander-in-Chief and more aggressive implementation by the War Department itself might have a more positive effect.

Those portions of the Gillem Board report which have received major criticism deal with segregated units and the quota system. The former issue has received wide publicity due to a recent bill (H.R. 279) introduced by Representative Adam Powell. The measure is extremely short and is quoted herewith: "...effective six months after the date proclaimed by the President to be the date of termination of hostilities in the present war, the separation of races in the armed forces of the United States whether by means of separate quarters, separate mess halls, or otherwise, is hereby prohibited." According to correspondence released to the Committee on Armed Forces of the House of Representatives, the Navy and the Coast Guard interposed no objection to the enactment of the bill. The Army however, in a lengthy statement referring to the Gillem Board's report, did not recommend enactment of H.R. 279, but said: "The War Department believes that progressive experimentation pursuant to the recommendations of the board of general officers will in time accomplish the purpose of the proposed legislation."

The Number of Negroes in the Armed Forces

A series of Staff requests to the Secretaries of War, Navy and Treasury produced the statistics which are summarized in Appendix 1. They describe the ratio of Negroes to whites in the several branches of the Armed Forces at the peak of their wartime strength and after demobilization. The Staff has available still further statistical information on the actual grades in which Negroes served during the war and are now serving. The data presented in Appendix 1 are designed to give a broad, overall view of the role of the Negro in the Armed Forces. The three things brought out most sharply in the statistics are:

(1) The systematic and successful effort by the several services to hold the number of Negroes to a rigid proportion of the total personnel — both at the peak of wartime strength and after demobilization.

(2) The Army's quota is much closer to the actual Negro population ratio than any of the other forces.

(3) The service of Negroes as officers in all four branches (and as enlisted men in the Navy, Marine Corps and Coast Guard) is way out of line with even the quota systems. How much of this is due to lower educational level of Negroes is debatable.

There is no need to comment at length on the fact that there are only three Negro officers out of almost 70,000 in the Navy, Marine Corps and Coast Guard. More than one out of every ten white men in uniform during the war and after demobilization was a commissioned officer. About one in 100 Negroes held such a rank. Additional data which the Staff has available indicate the high concentration of Negro enlisted personnel in ~~most menial~~ the lowest ratings, particularly in the Navy, Marine Corps and Coast Guard.

The Future

The Senate Committee on Armed Forces has reported favorably on the proposal to merge the armed forces into a single Department. There has as yet, been very little discussion about the consequences of the merger on armed forces policy with respect to Negroes and other minority groups. It is apparent that as in every other field, the merger will provide an opportunity to reconsider the inequality of rights which the armed forces now extend to their members. At the present moment the Navy has a theoretically more desirable policy on the handling of Negroes, since it does not explicitly involve segregation, or a quota system. On the other hand, everyone agrees that the further away from the office of the Secretary of the Navy one gets the less significance the official statement of policy on this matter has. The Army, ~~on the other hand,~~ with a less acceptable policy statement, has taken much more efficient and aggressive action to implement its policy throughout the Service. Ideally then, the merger ought to be used to generalize to all branches the Navy's

non-segregation statement of policy, and the Army's serious-minded attempt to implement whatever policy it has, straight down the line.

Another, and extremely urgent area in which armed forces policy on the handling of Negroes might be re-examined in the light of pending legislation, is ~~the~~ universal training and reserve organization ~~of~~ units. Some criticism has already been leveled at the Army for its failure to include Negroes in the experimental unit at Ft. Knox, Kentucky, composed of 18-and 19-year old boys. Appendix II consists of quotations from the Report of the President's Advisory Commission on Universal Training which bear on the civil rights of Negroes in the armed forces.

Appendix 1: Table 1:

C O N F I D E N T I A L
For use by the President's Committee
on Civil Rights Only.

RATIO OF NEGROES TO WHITES IN THE ARMED FORCES
AT PEAK WARTIME STRENGTH
(Includes male and female personnel)*

	Negro (1)	White (2)	Total (3)	Percent Negro (4)**	Percent Negro (5)***	Percent White (6)***
ARMY:						
Officers	6,873	885,514	892,387	.8	.8	7.8
Enlisted Men	687,506	6,711,443	7,398,949	9.3	78.0	58.9
Total	694,379	7,596,957	8,291,336	8.4	78.8	66.7
NAVY:						
Officers	53	335,989	336,042	.02	.006	2.9
Enlisted Men	166,897	2,837,499	3,004,396	5.6	18.9	24.9
Total	166,950	3,173,488	3,340,438	5.0	18.9	27.8
MARINE CORPS:						
Officers	0	37,664	37,664	0	0	.3
Enlisted Men	16,675	423,273	439,948	3.8	1.9	3.7
Total	16,675	460,937	477,612	3.5	1.9	4.0
COAST GUARD:						
Officers	6	12,713	12,719	.05	.0006	.1
Enlisted Men	3,629	155,170	158,799	2.3	.4	1.4
Total	3,635	167,883	171,518	2.1	.4	1.5
Total Officers	6,932	1,271,880	1,278,812	.5	.8	11.1
Total Enlisted Men	874,707	10,127,385	11,002,092	8.0	99.2	88.9
TOTAL MEN UNDER ARMS	881,639	11,399,265	12,280,904	7.2	100.	100.

*Based on official statistics submitted by the various Services in response to staff requests. The peak strength of the Army was reached on May 31, 1945, the Navy August 31, 1945, the Marine Corps July 31, 1945, the Coast Guard March 31, 1945. Officers in all categories include Warrant Officers.
** Percent that column 1 is of column 3. *** Percent of total Negroes and Whites in Armed Forces in all Cat.

Appendix 1: Table 2:

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RATIO OF NEGROES TO WHITES IN THE ARMED FORCES AFTER DEMOBILIZATION*

	Negro (1)	White (2)	Total (3)	Percent Negro (4)**	Percent Negro (5)***	Percent White (6)***
ARMY:						
Officers	1,317	143,166	144,483	.9	1.1	8.7
Enlisted Men	92,966	910,499	1,003,465	9.3	78.0	55.4
Total	94,283	1,053,665	1,147,948	8.2	79.1	64.1
NAVY:						
Officers	2	58,671	58,673	.003	.002	3.6
Enlisted Men	21,793	409,444	431,237	5.1	18.3	24.9
Total	21,795	468,115	489,910	4.4	18.3	28.5
MARINE CORPS:						
Officers	0	7,798	7,798	0	0	.5
Enlisted Men	2,190	93,349	95,539	2.3	1.8	5.7
Total	2,190	101,147	103,337	2.1	1.8	6.2
COAST GUARD:						
Officers	1	2,981	2,982	.03	.008	.2
Enlisted Men	910	17,796	18,706	4.9	.8	1.1
Total	911	20,777	21,688	4.2	.8	1.3
Total Officers	1,320	212,616	213,936	.6	1.1	12.9
Total Enlisted Men	117,859	1,431,088	1,548,947	7.6	98.9	87.1
TOTAL MEN UNDER ARMS	119,179	1,643,704	1,762,883	6.8	100	100

*March 31, 1947 – latest figures.
** Percent that column 1 is of column 3.
***Percent of total Negroes and Whites in Armed Forces in each category.

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APPENDIX II

EXCERPTS FROM THE REPORT OF THE PRESIDENT'S ADVISORY COMMISSION ON UNIVERSAL TRAINING WHICH BEAR ON CIVIL RIGHTS

A. A Strong, Healthy, Educated Population

....

2. A high general level of education throughout the country, with advanced schooling made the privilege of all who can qualify for it by their own merit and certainly without regard to race--a factor all too prevalent in many States. This is recommended not only so that we may have enough people in the more special and technical fields that lead to industrial and scientific preeminence but also so that we may have an informed public opinion, cognizant of society's problems, and a universal understanding among our citizens of their duties as citizens, of their responsibility for the general welfare, of their country's obligations in the world community, and of the benefits of democracy.

3. Improved physical and mental health, not only for the happiness they would bring, but also to make available to the country, in peace or war, its full potential manpower resources. We cannot squander our most precious asset by failure to correct the conditions of neglect that led to the rejection for health reasons of one-quarter of the young men examined for military service in World War II.

4. An understanding of democracy and an increased sense of personal responsibility on the part of every individual for making democracy work. This involves the substitution of cooperation for conflict in all human relations and the elimination of all forms of intolerance. It is predicated on the moral and spiritual strength of our people and on a recognition that our form of government rests on the will and active support of the people. Freedom and democracy must be reborn in and rewon by each generation.

... Want, ill health, ignorance, race prejudice, and slothful citizenship are enemies of America as truly as were Hitler and Mussolini and Tojo. (Page 20 and 21)

V. The Role of Universal Training in Supporting the Requirements for National Security

....

A. Military Benefits of Universal Training

...Further, the Commission considers harmful the policies of the States that exclude Negroes from their National Guard units. The civilian components should be expanded to include all segments of our population without segregation or discrimination. Total defense requires the participation of all citizens in our defense forces. (Page 33)

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APPENDIX II

EXCERPTS FROM THE REPORT OF THE PRESIDENT'S ADVISORY COMMISSION ON UNIVERSAL TRAINING WHICH BEAR ON CIVIL RIGHTS

. . . .

B. Fundamental Principles of a Program

.... it must provide equality of privilege and opportunity for all those upon whom this obligation rests. Neither in the training itself, nor in the organization of any phase of this program, should there be discrimination for or against any person or group because of his race, class, national origin, or religion. Segregation or special privilege in any form should have no place in the program. To permit them would nullify the important living lesson in citizenship which such training can give. Nothing could be more tragic for the future attitude of our people, and for the unity of our nation, than a program in which our Federal Government forced our young manhood to live for a period of time in an atmosphere which emphasized or bred class or racial differences. (Page 42)

D. Control, Direction, and Organization of the Program

. . .

We recommend that the personnel of the commission should include a group of full-time, well-paid civilian inspectors, whose functions would be principally these: (1) To keep the commission fully and continually informed of the manner in which the program is actually operating in the field; (2) to advise the commission of the extent to which its policies are being carried out in practice at the local level; (3) to provide an avenue through which any individual in training may submit complaints with the assurance that they will be promptly considered by someone outside the operating agency under whose jurisdiction he falls, and (4) to locate any incompetent or irresponsible training personnel, and to discover malpractices in the camps, and to inform the commission thereof so that immediate remedial action can be undertaken. (Page 47)

We recommend that a volunteer civilian advisory committee, composed of representative citizens, be established in the largest city or village in the immediate neighborhood of each training camp. Its object would be to work with the commanding officer or director of the camp on the nonmilitary aspects of the program, and particularly those relating to the health, education, religion, morals, and recreation of the trainees. We should hope that the authorities in charge would seek the frequent counsel of such a committee, and that the two could cooperate extensively in handling some of the many off-post problems that will inevitably arise in a training program. (Page 48)

E. Basic Training Period

...

The individual must be surrounded during each of the 24 hours in every one of the days of his training with the kind of influences and environment that give life and substance to the lessons in the information courses themselves. One important phase of such environment must be the opportunity for every boy to mingle on a basis of full equality with other boys of all races and religions, and from every walk of life and many different parts of the country. (Page 63)

F. The Options

....

3. Grants-in-aid or scholarships in connection with educational options.

...

The selection of persons who would receive such aid should be in accordance with policies and standards prescribed by the commission, and should be carefully supervised by it. Selection should be based exclusively on the principle of choosing those men who are best qualified to carry out the purposes for which the grants or scholarships are to be awarded from among that group of persons who (1) have been accepted at institutions where those purposes can be properly carried out and (2) apply for such grants or scholarships. (Page 85)

The Staff Study on:"The Status of the Health, Education, and Well-being of Children in Relation to National Security" discusses the underprivileged role of Negro children and youths eligible for military training. It points out that there was an unusually high rejection rate of Negro boys (18- and 19-year olds) in all occupational groups. "At one period during the war...mental disease, mental deficiency and failure to meet minimum intelligence standards accounted for about two out of every five rejections of 18-year old white boys and two out of three of those of Negro boys of like age...in a period when educational deficiency was reported separately, it was the reason given for about two-thirds of all rejections of Negro boys for mental causes."

Children in minority groups, especially in areas where the law provides for separate schools on the basis of race, are particularly affected by these educational lacks. Moreover, many families cannot afford expenses that may be necessary for an older child's continuance in school, such as carfares, the costs of school lunches and suitable clothing, and the charges sometimes made for textbooks, use of the laboratory, and participation in various school activities.(Page 197)

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The following table was assembled by the Staff of The President's Advisory Commission on Universal Training to learn the extent to which Negroes were utilized in National Guard Units:

TABLE I.--Utilization of Negro Manpower in the National Guard of the States (April-May 1947)

State	Negro population too small	Negroes may by law be commissioned	Separate Negro units established or contemplated	Negroes can be integrated with white units
Alabama	-----	-----	No-----	No.
Arizona	Yes--	Yes--	No-----	No.
Colorado	Yes--	Yes--	No-----	No.
Connecticut	-----	Yes--	Yes----	Yes.
District of Columbia	-----	Yes--	Yes----	No.
Florida	-----	Yes--	No-----	No.
Georgia	-----	Yes--	No-----	No.
Hawaii	Yes--	Yes--	No-----	Yes.
Idaho	Yes--	Yes--	No-----	Yes.
Illinois	-----	Yes--	Yes----	No.
Indiana	-----	Yes--	Yes----	No.
Iowa	-----	Yes--	Yes----	No.
Kansas	-----	Yes--	Yes----	
Kentucky	-----	-----	No-----	No.
Louisiana	-----	No---	No-----	No.
Massachusetts	-----	Yes--	Yes----	No.
Michigan	-----	Yes--	Yes----	No.
Minnesota	-----	Yes--	No-----	No.
Mississippi	-----	-----	No-----	No.
Missouri	-----	Yes--	Yes----	No.
Nebraska	-----	Yes--	No-----	No.
New Jersey	-----	Yes--	Yes----	No.
New York	-----	-----	-------	
Ohio	-----	Yes--	Yes----	No.
Oklahoma	-----	Yes--	No-----	No.
Pennsylvania	-----	Yes--	Yes----	No.
South Carolina	-----	-----	No-----	No.
South Dakota	Yes--	-----	-------	
Tennessee	-----	Yes--	No-----	No.
Texas	-----	Yes--	No-----	No.
Utah	Yes--	-----	No-----	No.
Vermont	Yes--	Yes--	No-----	No.
Virginia	-----	Yes--	No-----	No.
Washington	Yes--	Yes--	No-----	No.
Wisconsin	Yes--	Yes--	No-----	No.
Wyoming	Yes--	Yes--	No-----	No.
36 States and Territories reporting.	10 yes 26 blank	28 yes 1 no-- 7 blank	12 yes- 22 no-- 2 blank	3 yes. 30 no. 3 blank.