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Papers of Clark M. Clifford

THE WHITE HOUSE
WASHINGTON

April 9, 1948.

MEMORANDUM FOR THE HONORABLE CLARK M. CLIFFORD:

I believe a situation is developing with respect to the National Guard policy on Negro personnel, which requires a decision and possible action by the President.

In addition to the complications caused by the various inquiries from Governors about non-discrimination, the situation is going to be further complicated on the 15th of April when the Grey Board makes its report.

This is an advisory board to the Secretary of Defense, which is looking into all questions relating to the composition and utilization of such civilian components as the National Guard, the ROTC, the Enlisted Reserve, etc.

The question of segregation in the National Guard is a part of this Board's agenda. In general, there are only three recommendations the Board can make, and two of them will surely lead to inquiries, controversies, and embarrassment.

I am suggesting that the President may wish to anticipate the action of this Board by acting himself along lines already laid out in his Civil Rights Message.

The three possibilities of the Grey Board are:

(1) To continue the status quo in the National Guard. This means segregated units in most states, non-segregated units in New Jersey by special exception, and lily-white units in most of the Southern states, which do not wish Negroes to carry arms at all.

(2) To require the implementation of the Gillem Board recommendations in the National Guard. The Gillem Board report is the basis of Negro troop policy in the Army Department at the present time. It provides for separate Negro units up to, but not including the battalion, and composite units from there on up. Specialists and officers are to be assigned without respect to race. If the Grey Board were to adopt this policy, it would require the Southern states, which do not arm Negroes, to do so insofar as there are any Negro volunteers, and it would require the other states with the exception of New Jersey, to recruit and retain their Negro personnel in separate units.

(3) The Grey Board might conceivably adopt the view that the National Guard being state units, the question of segregation, or for that matter the use of Negro units at all, is a matter for the states themselves to decide.

From the standpoint of consistency with the President's announced position in the Civil Rights Message - his wish to see equality of opportunity equalized in the Armed Services and his declaration that the Services should be made consistent in their policies - the states rights approach would be preferable. In addition, it holds out more hope of freedom from heckling from both the Northern and Southern states.

The Department of the Army, however, does not seem to care for this view. Secretary Royall's letter to Governor Driscoll is based on the Gillem Board policy of small segregated units and composite larger units, and his proposed letters to two other Governors also adopt this view.

In previous statements to the Negro press, however, the War Department last year created the impression that there is no objection to the formation of non-segregated units by the states themselves. Clippings are attached.

I am now attempting to learn the probable nature of the Grey Board Report. This may not be possible. In order to be ready, I am attaching a proposed memorandum from yourself to the President, and a proposed letter from the President to the Secretary of Defense. The letter would have the effect of stating the President's wishes, which would be binding regardless of the decision of the Advisory Board.

I am attaching some citations which would seem to establish the authority of the Secretary of the Army to delegate to the states the right to self-determination in National Guard troop policy.

PHILLEO NASH

Attachments.

THE WHITE HOUSE
WASHINGTON

April 9, 1948.

MEMORANDUM FOR THE PRESIDENT:

The Department of the Army has received inquiries from the Governors of several states with respect to Negro troop policy in their National Guard components. The Secretary of the Army has already made one public reply, and is proposing to make two others, which will no doubt be publicized by the Governors who receive them. I believe these replies are contrary to your stated policy in the Civil Rights Message, and will lead to further criticism and hostile inquiries from both the North and South.

An Advisory Board to the Secretary of Defense now has National Guard troop policy and other related matters under consideration, and will make a report on the 15th of April. There is a considerable risk involved in waiting for the report of this Board before taking action. While its report would not be binding, it would be a hard thing to override a report made under these conditions.

There is a very simple and practical solution to the National Guard problem, but for reasons that are not clear to me, the Department of the Army does not wish to adopt them. The solution is to leave to the states the problem of determining for themselves whether their National Guard units will be segregated or non-segregated.

I am attaching a proposed letter to Secretary Forrestal, in case you wish to make your position clear in advance of the completion of the Advisory Committee's report.

CLARK M. CLIFFORD

Attachment.

THE WHITE HOUSE
WASHINGTON

My dear Mr. Secretary:

On February 2, 1948, in a special message to the Congress, I said that "I have instructed the Secretary of Defense to take steps to have the remaining instances of discrimination in the armed services eliminated as rapidly as possible. The personnel policies and practices of all the services in this regard will be made consistent."

It has since been brought to my attention by some of the states that the Department of the Army has made an exception to its current policy in the case of one state, which has adopted a constitutional provision against segregation in its National Guard. Other states, naturally, wonder whether they may not do by executive or legislative action what one state has been permitted to do by constitutional amendment.

It appears to me that the matter of personnel policies in the various National Guard units could well be a subject for state determination. This determination should be under Department of the Army guidance, as provided for in the National Defense Act, but with full latitude for those states which wish to equalize opportunity to serve in the National Guard without distinctions based on race or color.

I wish you would take up this matter with the Secretaries of the Armed Services, with a view toward equalizing the opportunity to serve in all components of the Armed Services, and with a view toward making the policies of the various services consistent with one another.

Very sincerely yours,

The Honorable James Forrestal,
Secretary of Defense,
Washington, D. C.

Article I, Section 8, Paragraph 16 of the Constitution -

The Congress shall have power to . . . "provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress."

Article II, Section 2, Paragraph 1, of the Constitution -

"The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States."

Section 5 of the National Defense Act of 1916 as amended:

"All policies and regulations affecting the organization and distribution of the National Guard of the United States, and all policies and regulations affecting the organization, distribution, and training of the National Guard, shall be prepared by committees of appropriate branches or divisions of the War Department General Staff, to which shall be added an equal number of officers from the National Guard of the United States, whose names are borne on lists of officers suitable for such duty, submitted by the governors of their respective States and Territories, and for the District of Columbia by the Commanding General, District of Columbia National Guard.

"All policies and regulations affecting the organization, distribution, training, appointment, assignment, promotion, and discharge of members of the Officers' Reserve Corps, the Organized Reserves, and the Enlisted Reserve Corps shall be prepared by committees of appropriate branches or divisions of the War Department General Staff to which shall be added an equal number of officers from the Officers' Reserve Corps: Provided, That when the subject to be studied affects the National Guard of the United States or the National Guard and the Officers' Reserve Corps, the Organized Reserves or the Enlisted Reserve Corps, such committees shall consist of an equal representation from the Regular Army, the National Guard of the United States, and the Officers' Reserve Corps. There shall be not less than ten officers on duty in the War Department General Staff, one half of whom shall be from the National Guard of the United States, and one half from the Officers' Reserve Corps. For the purpose specified herein such officers shall be regarded as additional members of the General Staff while so serving: Provided further, That the Chief of Staff shall transmit to the Secretary of War the policies and regulations prepared as herein before prescribed in this paragraph and advise him in regard thereto. After action by the Secretary of War thereon the Chief of Staff shall act as the agent of the Secretary of War in carrying the same into effect."

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