124-A-1 SCHOOL - ARKANSAS

H. B. FUQUA
POST OFFICE BOX 2110
FORT WORTH 1, TEXAS

October 25, 1957

Hon. James C. Hagerty
Press Secretary to the President
White House
Washington, D. C.

Dear Mr. Hagerty:

There are attached copies of editorials from two of our important and influential Texas newspapers that supported our President in both of his elections.

Knowing that you constantly deal with the press, these editorials are sent you in the hope that you will be considerate enough to call them to the attention of the President, since, in my opinion, they reflect the thinking of many people in the State of Texas.

Very truly yours,

H. B. Fuqua

F:W

The Dallas Morning News
WEDNESDAY, OCTOBER 9, 1957

Supreme Court Gimmick

GIMMICK—Slang, U.S.A. (a) A secret device by which a grifter controls the mechanism of a prize wheel; anything tricky. (b) Any small device used secretly by a magician in performing a trick.—Webster's New International Dictionary.

THE NEXT STEP in the campaign of the National Association for the Agitation of Colored People is foreshadowed in an ordinance proposed last May in the City Council of New York. The ordinance would place under the control of the municipal government all apartment houses in New York City, with authority to determine whom they must accept as tenants.

The ordinance recites that segregation is an evil and that segregation in New York City housing contributes to segregation in New York schools, and it demands government and court action to "guard against these evils."

Raymond Moley, in commenting upon this ordinance, which has not yet been enacted, says: "The constitutional implication is clear. Government would make a great leap into the regulation of private property, the first of its kind in our history. Government has already gone pretty far in recent years in property control. Rent controls, enacted as a war emergency, are still in force in New York after 12 years."

A little thought will show that both the proponents of the New York ordinance and Columnist Moley himself have completely overlooked the gimmick which the Supreme Court has developed in the school integration cases.

You see, no ordinance is necessary, either in New York or here in Dallas. All that is necessary is for the NAACP to procure a litigant, as it has in Dallas, in Little Rock and elsewhere. Then the litigant and the NAACP lawyers go to a federal court and set up the allegations that petitioners have sought to rent a given apartment in a given building and that named employees of named owners have failed and refused to accept the tender of rent money, that such failure and refusal are discriminatory and infringe on the rights and privileges of petitioners as citizens of color under the Fourteenth Amendment.

If it injures a colored student to go to school with other colored students, thereby giving him a feeling of inferiority and inflicting a psychological wound upon his spirit, it is clear that living in a community of colored people also injures him, also impresses a feeling of inferiority and also wounds his psyche. Any Swedish Socialist psychologist will understand that.

And this is the gimmick of the Supreme Court: Legislation is entirely unnecessary. The nine men on the court know infinitely more than any city council, legislature or congressional majority. The court has learned how to pass its own laws.

And President Eisenhower can send his paratroopers to New York next Monday, if any federal judge will ask him to. It will be the supreme law of the land, including Manhattan—as soon as the Supreme Court pulls the string.

The Dallas Morning News

SUNDAY, OCTOBER 13, 1957

Dissolution of the Union?

THE PRESIDENT, in his message to Governor Daniel, presents an idea of why the bayonet has to stay in Little Rock. As a citizen of the Republic, it is your business to look at that idea. Walk all around it and test it by all that you think you know. Then decide whether the President of the United States has misconceived his own duties and responsibilities.

"No one is more determined than I am to get federal troops out of Little Rock at the earliest date consistent with respect for law. To remove them before then, however, would be to acquiesce in anarchy and, ultimately, dissolution of the Federal Union."

Do you honestly believe that the people of Little Rock, or any substantial portion of them, are anarchists? Do you believe that everybody who is opposed to integration wants to dissolve the Federal Union?

What does "federal" mean, anyhow? It means—or it did mean before the Supreme Court of the United States arrogated to itself the exorbitant authority to be amender of the Constitution and the Supreme Law of the Land contrary to the terms of the Constitution as it has been declared and accepted for two generations—it did mean an association of states in which the general sovereignty of the association stands, with a division of powers between the group state and the member states.

We had prohibition. We had it by express, literally spelled out, constitutional amendment. We had it by act of Congress. We had it by court decree. And the mores of the people in New York, in California, in Michigan and in Illinois refused to bend to the will of the nation.

Was that anarchy? Did that destroy the Federal Union? Did that call for troops in anybody's speakeasy or anybody's private club?

For Mr. Eisenhower's information, in the mountains of Arkansas and of Tennessee, military occupation could probably flush out moonshiners whose stills turn out white mule in violation of the statutes of the United States and of all the court decrees in the book on the subject.

But keeping the troops in Arkansas will not make the people of Arkansas quit calling an outlander judge a carpetbagger. It will not make even the moderate, law-abiding citizens of Little Rock respect anything for which they have lost respect as the result of the coming of the troops.

Arkansas knows, as Texas knows, that the desegregation of schools was not remotely in the mind of Congress when it submitted the Fourteenth Amendment or in the mind even of the Northern radicals who demanded it then. The Supreme Court admits that flatly in its own opinion on the subject. For two generations the courts had refused to put into the amendment language which is not there. For two generations the States of the Union had built a system of schools on that conviction and for two generations Congress had withheld any legislation to tamper with that system.

In the case of prohibition, we did not shoot it out or club it out with the butt of an Army rifle. We went to the people. If desegregation ought to be put into the Constitution, it ought to be put there by a vote of three fourths of all the states in the Union. That is what the Constitution contemplates. That is what it says.

Not a man on the court claims that it is in the Constitution by vote of three fourths of all the states of the Union. Not a man on the court believes that such an amendment could pass muster now—either in Congress or under ratification by the people. The law of the land should be enacted by the land.

Mr. President, anarchy, if there be anarchy, can begin in the lawless acts of the Supreme Court of the United States. Dissolution of the Union of States, if it comes, will come by the suppression of the states and the transformation of the Union into an empire of provinces subordinated to the will of an oligarchy at Washington.

Whose Education?

The harder one searches for logic in the federal occupation of Central High School at Little Rock the more elusive the logic becomes. It never did make political, judicial, or military sense. Now the emerging details do not even make educational sense.

Among the Arkansas National Guardsmen called into the federal service for duty at Little Rock were 222 high school students and 153 college students. These 375 students were removed from their studies to make possible the integration of nine Negro students into a white high school.

What kind of logic is it that deprives 375 students of their educational privilege to permit nine other students to attend a school of their own choosing?

The illogic manifests itself even more strongly when it is remembered that federalization of the National Guard was unnecessary in the first place. The guardsmen, acting as state militiamen, already had been withdrawn from the premises of the school by the governor in obedience to an injunction of the federal court. The federal administration dispatched more than 1,100 regular Army paratroopers to the school by air to enforce the court's integration order, and only approximately a third of them were ever on duty at one time.

Only token use was made of the National Guardsmen, and it is obvious that the administration's principal reason for federalizing them, at a cost of nearly $100,000 a day, was to remove them from the governor's control. What did the federal authorities imagine the governor would do with them? — Order them into an attack on the paratroopers?

Now that the federal alarm has subsided sufficiently to permit the withdrawal of approximately half the paratrooper battle group to their Kentucky base and the de-federalization of all but 1,800 of the guardsmen, maybe the students soon will be able to get back to their classes. We hope so. Education ought to have *some* place in this confused farce comedy.

[illegible] Dollar Lathe

corporate income tax bracket, had to earn $112,000 in profits before taxes. And in order to make that much profit, the company had to sell more than $1,250,000 worth of its products to customers.

And this means that, to buy a lathe to keep three workers—one a shift—on the job, the company had to sell a million and a quarter dollars worth of its products—and still leave nothing for the stockholders, who had put up the money in the first place for the original plant and equipment.

You don't hear much about this phase of industry when the demagogs shout about exorbitant profits.

Urban Decentralization

The diffusion of population and industry so sorely needed as a home front defense plan is becoming widespread in this country, although the virtual universality of automobiles and first class highways in metropolitan areas rather than national security accounts for the decentralization.

The U. S. Department of Labor reports that almost half of all building permits last year were for structures in suburban and other outlying areas of metropolitan centers. About $9.1 billion of the total of $18¾ billion was for the fringe settlements of populous centers.

The demand for "breathing space" is shared by industries and shopping facilities so that the outlying areas have become places to work as well as to reside. This suburban development of unimproved areas has made possible provision of better traffic arteries and parking space than would be available in the central sections of the parent metropolises.

The importance of the central sections as service centers is manifested in the commanding lead that these sections retain in such types of building activity as office, hospital, institutional and commercial-garage construction. Thus it would be premature to write off either the main sections of large cities or the cities themselves, because the trend to the suburbs may be due largely to younger couples. As the population grows older, the elderly may return to the cities with all their conveniences and release from the toil of maintaining homes in outlying areas.

G.F.

THE WHITE HOUSE
WASHINGTON

RECEIVED
NOV - 8 1957
CENTRAL FILES

Gov. Adams

Considerable of
this sort of thing
is being scattered
about these days —

H

MISS - INTEGRATION

T'was the first of September and all through the South,
Not a sound could be heard from nobody's mouth.
The kids were all ready for school the next day
when all HELL broke loose down Arkansas way.
The Supreme Court had ordered "You'll mix up the Schools."
But, Old Faubus said "Hold it!"--"We ain't no damn folls!"
"It's so plain to see what this deal is a'fixing.
We ain't gonna stand for this racial mixin'!"
He hollered an order heard all round the nation.
"Call out the Guard to halt integration!"
The Guard came a'running to take up their stand,
and uphold the rights of our dear Southern land.
Ike didn't like this so he went to the phone,
and he called up Old Faubus at his Arkansas home.
Ike said "Meet me in Newport, tomorrow night,
cause the niggers and whites are a'fixin' to fight."
Faubus agreed, so he hopped in his plane
And took off for Newport in a down pour of rain.
Faubus arrived there -- they talked for hours,
and things seemed O.K. in this great land of ours.
Faubus went home, but he stuck to his rule,
"Ain't no nigger a'coming to this Little Rock School."

Ike called on his troops, said "make ready to fight,
Be in Little Rock, Arkansas, by tomorrow night."
So, on came the troops with guns set to trigger,
To make the white folks go to school with the nigger.
Old Faubus was brave, made a brave gallant stand,
But he had to abide by the law of the Land.
Old Ike had won! His gang felt mighty zippy,
But, God help their souls, when they try Mississippi.

G.F.

THE WHITE HOUSE
WASHINGTON

RECEIVED
DEC 16 1957
CENTRAL FILES

November 12

MARY BURNS --

Would you please schedule Mr. Harlan Hobbs and Dr. Jordan to see Governor Adams this morning. The Governor knows about it; it concerns Little Rock.

When you have the time set, would you notify Mr. Hobbs at the Lafayette Hotel? He is standing by to hear.

Bryce Harlow

Harlow
ds

Hobbs - Citizens for Eisenhower Ark

Jordan - faculty Philander Smith College former Arkansan

11
Within administrative ceiling
File 12-27-57

November 22, 1957

Dear Reverend Young:

The President has asked me to thank you and the members of the Board of Trustees of the Bethel African Methodist Episcopal Church for your recent letter.

Your thoughtfulness in sending such a kind letter to the President is very much appreciated and he is grateful to know that you are remembering him in your prayers.

With kind regard,

Sincerely,

Maxwell M. Rabb

The Reverend Rufus King Young
Pastor
Bethel African Methodist Episcopal Church
424 West Ninth Street
Little Rock, Arkansas

sw

Mrs C. Delois Cochran
SECRETARY- BOOKKEEPER

Mr L. N. Smith
SEC'Y OFFICIAL BOARD
AND STEWARDS

Mr Earl Moses
SEWARDS TREASURER

Bethel African Methodist Episcopal Church

- FOUNDED IN 1863 -

424 WEST NINTH STREET LITTLE ROCK ARKANSAS

TELEPHONE FR 4-2891

Rufus King Young, Pastor

THE PARSONAGE
2304 RINGO STREET
PHONE FR 2-1211

Dr J V. Jordan
SEC'Y TRUSTEES

Mr P W Wade
TREASURER TRUSTEES

November 6, 1957

Mr. Dwight D. Eisenhower
White House
Washington, D. C.

Mr. President:

As the minister of the Bethel African Methodist Episcopal Church located at Ninth and Broadway here in Little Rock, Arkansas, I have been authorized by the Trustee Board of our church to write you this letter to express our thanks to you for the stand you took in the school integration crisis here in our city.

In the light of the fact that three of the young people who are attending Central High School namely, Ernest Green, Melba Pattillo and Gloria Ray, as well as their parents, are members of our church, we thought that it would be very befitting for the officers on behalf of the entire membership of our church, which numbers 868, to express our sincere gratitude to you for the protection you have given them in their endeavor to prepare themselves to become better citizens of this great country of ours. We pray that the Lord will give you guidance in the solving of the many perplexing problems that confront you and that he will give you sufficient health and strength to perform the tasks assigned to your hands.

Thankfully and prayerfully yours,

BETHEL A. M. E. CHURCH

By: Rufus King Young
Rufus King Young, Pastor

RKY/cdc

ebf

FILE MEMO
Dec. 10, 1957

G.F.
124-A-1
Chas. - Arkansas

[redacted] corres., re Little Rock addressed to Congressman Wm. C. Cramer, ack'd by Mr. Gray, Dec. 1957. Letters + ack. returned to × Cong. Cramer.

× Little Rock Dragon Co

Chas. T. Batchelder Secy
to Cong Cramer

Copy of Mr Grays ltr 12/10/57
to Chas T Batchelder, Admr Asst to
Cong Wm C Cramer filed
with copies of Mems

December 4, 1957

Dear Batch:

The Little Rock letters have been received and we are presently in the process of acknowledging them. They will be dispatched within the next few days.

With every good wish for a Happy Holiday Season,

Sincerely,

Robert Gray
Special Assistant

Mr. Charles F. Batchelder
Office of
The Honorable William C. Cramer
House of Representatives
Washington, D. C.

MR. GRAY:

bkc/mo'b

WILLIAM C. CRAMER
1ST DISTRICT, FLORIDA

COMMITTEES:
COMMITTEE ON COMMITTEES

JUDICIARY
SUBCOMMITTEE ON CLAIMS

PUBLIC WORKS
SUBCOMMITTEES
RIVERS AND HARBORS
FLOOD CONTROL
PUBLIC ROADS

12-4-57

Congress of the United States
House of Representatives
Washington, D. C.

29 November 1957

Dear Bob;

We appreciate very much your offer to reply to the Little Rock Letters. They have been forwarded to your attention under separate cover.

Bill understands the situation in regard to the meeting as expressed in your last letter.

This will, I hope, about wind things up until we get back for the next session. Hope that you and the rest of the shop have a very happy Christmas season. Please tell Bebe hello.

Again thanking you for your courtesy, I am

Sincerely,

Batch

Chas. F. Batchelder

Hon. Robt. K. Gray
The White House
Washington, D. C.

WESTERN UNION TELEGRAM

file mc

WU022 PD MUS HOUSTON TEX 12 1259PMC

JAMES HAGERTY, PRESIDENTIAL PRESS SECY NAVAL BASE

NEWPORT RI

ASSURE YOU THAT NO STATEMENTS ATTRIBUTED TO WHITE HOUSE AIDS ABOUT LITTLE ROCK SITUATION HAVE BEEN BROADCAST BY THIS STATION ON LOCALLY ORIGINATED NEWSCASTS. WOULD APPRECIATE STATEMENT ON SPECIFIC STATIONS, NETWORKS OR WIRE SERVICES THAT CARRIED STORIES YOU REFERRED TO THIS MORNING RATHER THAN BLANKET CONDEMNATION OF ALL RADIO NEWSMEN

DICK RICHMOND NEWS DIRECTOR K T H T HOUSTON TEX

(255PME)

WESTERN UNION TELEGRAM

WESTERN UNION TELEGRAM

THE WHITE HOUSE
WASHINGTON

Handwritten note forwarding "History of Litigation in the Little Rock, Ark., Public School Desegregation Matter"

Personal 1/3/58

John --

Here it is. I'm trying to get another copy of the other item on this subject that I sent you earlier.

Bryce Harlow

Mr Ryan

THE WHITE HOUSE
WASHINGTON

RECEIVED
DEC 13 10 09 AM '57

OFFICE OF LEGAL COUNSEL

12/12/57

Joe
Can you help
us further with
this additional
request from
Congressman May
Roemer

THE WHITE HOUSE
WASHINGTON

12-12-57

Roemer –

None what ?

[illegible]

JOHN H. RAY
15TH DISTRICT, NEW YORK

319 HOUSE OFFICE BUILDING

COMMITTEES:
MERCHANT MARINE AND FISHERIES
HOUSE ADMINISTRATION

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, D. C.

December 6, 1957

Mr. Bryce N. Harlow
Administrative Assistant to the President
The White House
Washington, D. C.

Dear Bryce:

Thank you for the memorandum regarding the use of troops at Little Rock which reached me at home a few days ago. It is an interesting statement as far as it goes.

For my purposes, however, I would like the history of the litigation which produced the court order with which the President sought compliance. I should like a step-by-step statement of the development in the litigation and an abstract of the testimony. I do not need to keep this material, and I am sure the Department of Justice has prepared this information for its own uses.

Thanking you, I am

Sincerely yours,

John H. Ray

John H. Ray, M. C.

JHR:mj

G.F. 124-A-1 School Attorney

ARKANSAS DEMOCRATIC VOTERS' ASSOCIATION

Jim Letter

January 3, 1958

To Our Leadership:

There are many developments, some pleasant and some unpleasant, that have come about in the State during the year of 1957. In the General Assembly four (4) vicious Segregation Bills were passed, and four (4) Acts and Amendments were voted by the people. At the beginning of the school year in September in Little Rock, the State's Chief Executive saw fit to make Arkansas the testing ground of the South by using the Arkansas National Guard to defy the order of the District Court which was confirmed by the Court of Appeals in St. Louis, Missouri.

Little Rock

These conditions not only affect the immediate communities involved, but also have affected the entire State in the areas mentioned below, and in many other areas including our National life.

1. There has been a serious recession in business.

2. There have also been serious set-backs in International relations with both friendly and unfriendly Nations of the world.

3. Because of customs and traditions of more than 300 years, some of the elected officials of the South seemingly would let the world move off and leave us in the areas of Economics, Education, Science, Industry and Social Welfare.

4. There is also some set-back in race relations.

5. The practical political aspect of our local communities, our State, our Nation, and world are going to depend upon our knowledge and interest, and how well we deport ourselves in the immediate future.

These and other things will have to claim a great deal of attention leading up to the Democratic Primary this summer.

In view of these facts, I would like to make the following recommendations:

1. That all groups and organizations come together locally, county-wide and state-wide, and work together for the kind of understanding that must exist in the not too distant future for our continued progress.

2. That we will not let our fraternal and denominational affiliations, political party, or personal feelings hinder our united progress.

3. We should put forth every effort to maintain good race relations with the good business people who believe in law and order, for whether they are 100 per cent for our ideals or not, they realize that the American way is to live together and obey the law, whether you like the law or not.

I am suggesting that each one of you begin at once to improve your organizations in your many counties and communities by holding meetings and re-organizing, selecting or renaming local chairmen, and holding community or county meetings as soon as possible. When summer comes, we will not have to spend that time organizing, but we will begin at once holding educational meetings and public forums including blackboard demonstrations, teaching the many new potential voters how to mark a long, difficult ballot.

May we all be reminded that our 1957 membership has expired and 1958 should be renewed as soon as possible. Please do what you can about this, and let me hear from you by return mail.

Mr. Adams this is a letter that we mailed to 1000 leaders over the State of Arkansas we feel that this Represent the thinking of the Negro People of this State.

Sincerely yours,

I. S. McClinton

I. S. McCLINTON, PRESIDENT
A. D. V. A.

MAIL FILE

September 28, 1957

Dear Mr. McClinton:

The President has asked me to thank you for your recent telegram. Your interest in wiring to give him this expression of your views is very much appreciated.

As you know, the President has made it clear that it is incumbent upon officials to enforce the Constitution of the United States as interpreted by the Supreme Court and that it is the duty of all Americans to abide by this enforcement.

Attached hereto is a copy of the address made by the President on September twenty-fourth, to the entire nation.

Sincerely,

Maxwell M. Rabb

Mr. I. S. McClinton
President
Arkansas Democratic Voters Association
Little Rock, Arkansas

sw

Enclosure

WU7 PD LITTLE ROCK ARK SEP 1 2 833AMC

1957 SEP 12 AM 11 04

PRESIDENT DWIGHT D EISENHOWER

VACATION HEADQUARTERS NEWPORT RI

IT IS THE OPINION OF MANY PEOPLE BOTH WHITE AND NEGRO OF THIS STATE THAT AN AGREEMENT WITH GOVERNOR FAUBUS IS NOT WORTH VERY MUCH SEEING HIM FOR A TRY AT A CONSTRUCTIVE SETTLEMENT IN THIS CRISIS TO COMPLY WITH LAW AND ORDER MIGHT BE WORTH THE EFFORT BUT REMEMBER HE IS A GENIUS AT MAKING COMMITMENTS AND BREAKING THEM AT THE LAST MINUTE DURING HIS CAMPAIGN FOR REELECTION HE SAID REPEATEDLY THAT HE WOULD LEAVE THE QUESTION OF INTEGRATION UP TO THE SCHOOL DISTRICT INVOLVED THIS HE HAS NOT DONE THOSE OF US WHO BELIEVE IN OUR AMERICAN WAY LFE WOULD LIKE TO SEE YOU AND THE JUSTICE DEPARTMENT STAND BY THE LAW OF THE LAND AND SETTLE THIS THING ONCE AND FOR ALL

I S MCCLINTON PRES ARK DEMOCRATIC VOTERS ASSN

1050AME

G.F.

THE WHITE HOUSE
WASHINGTON

1/17/58

Cong. Brooks Hays telephoned to say Mr. Lowry just can't make connections to get here at 8:45 tomorrow morning.

He says Thurs., 1/23 will be all right.

Cong. Hays says Mr. Lowry is one of his principal props in the Little Rock situation and is coming in with information he thinks Gov. Adams will want. He is the man who elected the new Mayor.

Cong. Hays says if Gov. Adams suggests any change, let him know.

L.

THE WHITE HOUSE
WASHINGTON

1/17/58

Cong. Brooks Hays telephoned re the Governor seeing Mr. Lowry of Little Rock.

He said Mr. Lowry is most anxious to see the Governor and that he would fly to Minneapolis to see him there if the Governor was agreeable. Said he would take only 10 mins.

Otherwise, Cong. Hays asked if there were any possibility of moving forward the date of an appt. with the Governor.

Will we please call Cong. Hays.

L.

Governor: We had originally set this appointment for 11:30 Thursday, the 23rd.

Would you want to try to set it for Tuesday afternoon when you return?

Mary

THE WHITE HOUSE
WASHINGTON

1/16

Mary

for said he wants
Mr. Morgan in where
Clyde Lewis comes in.

L.

BROOKS HAYS
5TH DISTRICT, ARKANSAS

LITTLE ROCK OFFICE
214 FEDERAL BUILDING

Congress of the United States
House of Representatives
Washington, D. C.

MEMBER
FOREIGN AFFAIRS COMMITTEE

EXECUTIVE SECRETARY:
JOHN S. McLEES

ASSISTANTS
MRS LURLENE WILBERT
MISS KITTY JOHNSON

LEGISLATIVE ASSISTANT:
WARREN I. CIKINS

IN CHARGE OF LITTLE ROCK OFFICE:
H. A EMERSON

January 15, 1958

Honorable Sherman Adams
The Assistant to the President
The White House
Washington, D. C.

Dear Governor:

Thanks for agreeing to see Clyde Lowry. He will be helpful, I believe, in the final stages of the Little Rock experience (as he has been from the beginning). I talked to you about him earlier. He is head of the Good Government League which sponsored the new Manager-type city government and one of the organizers of the "Committee of 26" which was our chief reliance for awhile. He understands how busy you are and will not take much time. He will talk about next steps, particularly things to be done by the City.

My understanding is that we will see you next Thursday, January 23.

As ever,

Brooks -

1-23

Jan 13

Cong. Hays called. Said Lowry is coming out here next week and would like to see you. I explained your being in Mpls. so we have set Thursday, the 23rd, for you to see him. Hays will send us a memo re Lowry and his committee.

Mary

THE WHITE HOUSE
WASHINGTON

Jan. 8, 1958

Mr. Clyde Lowry, Chairman, Good Government Comm., Little Rock, telephoned.

Since Gov. Adams could not take the call, Mabel Thomas offered to transfer it to Mr. Morgan. However, Mr. Morgan was not at his desk.

On talking further with Mr. Lowry, Mabel was unable to obtain any message or any further request. Mr. Lowry just let the matter drop.

LAM/lrs

January 28, 1958

MEMORANDUM FOR:

The Honorable William P. Rogers
Attorney General

FROM: Maxwell M. Rabb

E. Palmer Hoyt, publisher of The Denver Post, called me from Denver and than followed this with the attached letter and material.

I really believe that the idea that he has presented deserves the most careful and sympathetic study. His point is that the U.S. Marshals be used rather than troops. As you can see, he has asked that I submit this matter to you and I do think that the Assistant Attorney General, William White, might well find it profitable to pursue his thinking.

Palmer has become deeply interested in the whole integration question and his recent southern visit was highlighted in the press throughout the country.

MMR:sw

January 28, 1958

Personal

Dear Palmer:

I have just received your letter and my reading of it and the material you sent me has served to enhance my interest in the approach you advance. I think you have a very important concept in the making and the legal justification which you have gathered to support your contention is impressive.

I am going to press your thoughts with Bill Rogers, William White the new Assistant Attorney General, and Secretary of the Army Wilbur M. Brucker who also has a large stake in the matter. I, of course, will begin to talk to the appropriate people in the White House about it too.

X 6-12-57

Thanks very much for going to so much trouble but I think your whole presentation is worth exploring.

With warm regard,

Sincerely,

Maxwell M. Rabb
Secretary to the Cabinet

Mr. Palmer Hoyt
Editor and Publisher
The Denver Post
Denver, Colorado

MMR:sw

THE DENVER POST

PALMER HOYT
EDITOR AND PUBLISHER

January 24, 1958

Dear Max:

It was pleasant to talk to you on the phone, and also to realize that you are so vitally interested in the Little Rock case.

As you know, I have just returned from a trip to Little Rock, and I must say that, in my opinion, the situation is not good. The big question is, how does everybody get off the hook when the troops are finally withdrawn?

I talked to a substantial number of top citizens while in the South. My trip covered Arkansas, Tennessee, and Alabama, and I found no one who seemed to have the answer.

Based on what I have observed and discussed, I now believe it to be most unfortunate that the President did not use U. S. Marshals through the District Court rather than troops.

As you know, this newspaper, and I personally, have supported the President's sending the troops into Little Rock, but there are certain grim facts that have to be taken into consideration:

1 - Arkansas was part of the Confederacy,
2 - Had a reasonably bitter experience during reconstruction days, and
3 - The troops were airborne and while a fine military group incidentally brought up a lot of natural illusions to storm troopers.

I am certainly no authority on interposition, but I have studied several of our original "interposition" cases, and it seems a lesson might be drawn. I refer you to the attached clipping from The Denver Post.

I hope that you will show this letter to my good friend Bill Rogers, the Attorney General. I am sure that he is familiar with the cases touched on in the clipping, but perhaps he has not thought of the analogies that I think are obvious.

I sent this same clipping to the President through Jim Hagerty, and the President wrote me back that the cases cited were interesting, but he could not see any points that related to Little Rock. It is my guess that he was not properly informed in the matter, and perhaps did not himself read the clipping since he obviously is a busy man. In any event, it is my conclusion and the conclusion of a great number of other people that the only ultimate out is in the eventual use of U. S. marshals.

It is possible that these marshals would have to make arrests, but in any event, it would be a case of civilians arresting civilians for the specific violation of specific laws.

It was good to talk to you on the phone as I suggested in the beginning of this lengthy missive, and I would appreciate your reactions to the situation.

I am also enclosing, as I said I would, a copy of my Little Rock speech.

Warmest regards.

Sincerely,

Palmer Hoyt

Honorable Max Rab
Assistant to the President
The White House
Washington, D. C.

encs.

Speech by Palmer Hoyt
Arkansas Press Association
Little Rock, Arkansas
January 10, 1958

"AMERICAN TRAGEDY IN THREE PARTS"

Mr. President, Governor Faubus, members of the Arkansas Press Association, ladies and gentlemen.

I am glad to be here tonight to talk to such a distinguished group of fellow newspapermen. And I am happy to have, at long last, the opportunity to meet one of America's most controversial figures--your own governor, the Honorable Orval Faubus.

My father was a Baptist preacher, and I was brought up on the Bible.

One of my favorite Bible stories was that of a gentleman, name of Daniel, who, with a little urging, sauntered into a lions' den one day.

As a child, I used to wonder how old Dan felt when the gate clanged shut and he found himself alone with those lions.

Now I know. Because here I am. I'll have to agree that you are a nice looking bunch of lions. Furthermore, I doubt if Daniel had the pleasure of being introduced by the head lion.

But even so, it occurs to me that, lest I be devoured, I had best make my position clear.

You know, first, that I am a newspaperman. As such, over a period of almost four decades, I have worked for better human relations but I have learned that good human relations cannot be legislated. They are the product of time, education and effort.

Some of you may look upon me as a "damnyankee". May I say, parenthetically, that I was 25 years old before I knew "damnyankee" was only one word.

A few of you, and I hope it is only a few, may regard me as a carpetbagger.

I would be less than realistic if I didn't concede that newspapermen, damnyankees and carpetbaggers, all three, seem at the moment to be fairly unpopular in this great commonwealth.

Before embarking on my main thesis tonight, may I say - this I do believe: No man can reflect upon the incident known as "Little Rock" without feelings of

compassion for the people intimately and personally involved. A community within the nation that is troubled by internal dissension, harrassed by external critics and humiliated by civil disorder is no less a sorry spectacle than a nation itself in the grip of civil war.

Let the millions of Americans outside of Arkansas ask themselves if they, under similar provocation from within or without, could comport themselves with greater poise or restraint.

I shall not presume to levy judgment upon your gracious governor, Orval Faubus. What transpired here, after your school board set in motion a gradual program of integrating your public schools, has been exhaustively discussed by Arkansas' own press.

The facts have been widely and painfully appraised.

And, it seems to me that Little Rock's Arkansas Gazette, under the guidance of my friends, J. N. Heiskell and Harry Ashmore, reported accurately on the news of conditions within this city when the Arkansas National Guard was called into action. It is my personal view that the Gazette's editorial position has reflected great journalistic statesmanship. I have noted that the same is true of some other Arkansas papers.

It is not for me, as a newspaperman, damnyankee, carpetbagger or whatnot, to evaluate the motives of any party to this case. I am, as you will see, less interested in motivation than in effect.

I have accepted your president's invitation to speak to you as a fellow American, and as such to point out what seems to me to be certain inescapable facts and conclusions.

The first is, that you and I and all of us in the free world are in a mess. If we don't do something about it soon, there will be no laws to squabble about and no way of life to preserve.

The second point is that we have all--our leaders and ourselves--had a hand in making this mess. We have been complacent about our ability to defend ourselves; foolishly materialistic and appallingly unconcerned with the consequence of our

behavior upon the rest of the world--particularly the effect on the minds of men.

Suddenly we are awakened by the beeping of satellites, the flash of rockets not our own, and the unpleasant sound of angry words of men who do not love us.

And this is the background against which we may be on stage and performing an American tragedy in three acts.

As I have said, all three acts concern all of us, but one of them concerns you especially.

What are the acts of this unfolding, this implied tragedy?

The first is the effect and the impact of such episodes as the "Little Rock Case" on our own respect for law and on our leadership of the free world.

The second act involves the economic challenges raised against the American people by the evil, if dedicated, geniuses in the Soviet Union.

The third act, and perhaps the climax of our tragedy, is built around the fundamental question of survival. Survival against internal economic collapse; survival against the threat of thermonuclear war or international blackmail in the age of the rocket, the missile and the platform in outer space.

The order of the acts is not accidental. Let me illustrate. Not long ago, I had dinner with Robert MacNeal, president of the Curtis Publishing Company, who had recently returned from India and Pakistan.

He had been in those countries after Sputnik had been launched by the Soviet Union.

I asked Bob MacNeal what the newspapers of India and Pakistan said about this Russian scientific achievement--how were they taking it?

"Oh, they were impressed," he replied, "but the headlines were still devoted to Little Rock, not to Sputnik."

Mr. MacNeal's observations have been substantiated repeatedly by American and foreign--friendly foreign--newspapermen.

Why Little Rock?

Why Little Rock of all places?

Arkansas has been associated in the minds of most Americans with moderation--with hard earned and solid progress in human understanding and economic recovery, with statesmanship on the national scene.

Yet the world believes that the armed power of an American state was involved to prevent nine Negro children from obtaining an education.

And bear in mind what an education means to the world's backward millions struggling for human identify, and bear in mind that of the world's 2½ billion people, two-thirds have "colored" skins.

The world believes that this action was so acceptable to the people of an American state that it took not alone the persuasive power of the courts, but the repressive power of superior armed force as well to reverse it.

I'm not here tonight to argue with you whether those nine Negro children should be in that school or when. In the light of the present world crisis, that question is incidental.

The rest of the world is not going to wait around for us to make up our minds where we stand on integration.

The people of the rest of the world are making up their minds right now, whether to stand with us Americans or against us.

And it makes a lot of difference to the uncommitted people of the world where we--the American nation--as the strongest remaining free nation--where we stand on integration.

These uncommitted people say to us, "How can you Americans, who claim to man the very citadel of democracy and equality, how can you insist on maintaining second class citizenship? Do you Americans believe what you preach--or don't you?"

Unfortunately, we cannot answer them with "yes, but. . ."

We cannot say to them, "Yes, but not now."

The other side is talking about right now and serving notice that there isn't time to pause and ponder. That there is time only to pick the winning side.

We cannot say to them "Yes, but there are some difficult legal questions involved."

Admittedly there are, and in those years when we had time to debate them, they were interesting.

Take the question of states rights for example.

To what extent are we a single nation, bound to a single destiny; and to what extent are we a collection of 48 commonwealths, free to go our own separate ways and determine our own destinies?

Despite the millions of words that have been written on the subject, and the tragic lengths that men at times have gone to in disputing the issue, the concept of a nation made up of self determining units set upon separate and divergent courses could not and cannot be made to work for very long.

Recently I read of experiences of the officers of the Confederacy even as they fought for the concept of state supremacy in the Civil War. They, who had written into the preamble of their constitution the words "We the people of the confederate states, each state acting in its sovereign and independent character . . . ." They themselves were to experience the frustrations described by A. M. Houser, in his new book, "Lincoln's Education" from which the following quote is taken. I quote:

"The officers of the new Confederacy had scarcely taken their seats before their chickens, led by State sovereignty and Strict Interpretation, began coming home to roost. It seemed impossible for them to make an order or pass a law but some court, commonwealth, or individual would declare it unconstitutional; therefore null, void and of no effect.

"States claimed a right to withhold or withdraw their troops. Some organized a State militia, the members under their exclusive control and exempt from conscription by the general government. One Christmas present received by the Confederate government, in 1863, was a letter from Governor Vance, of North Carolina, threatening to collect his militia and levy war against the Confederate troops.

A citizen of North Carolina, arrested by order of the Secretary of War, was rescued and set free by this militia. Some Confederate states passed exemption

laws which rendered great bodies of men free from conscription by the general government.

"In 1863, it was estimated that one-half of all those available for military service either could not be found or had been exempted from service. The Confederate Congress repeatedly--twice in one week--refused the President permission to declare martial law. No Supreme Court was established, so each local judge decided the Constitution and laws in accordance with his own beliefs or prejudices."

That, my friends, is a matter of history.

When the concept of one nation, under one flag, and cemented together by a single constitution, was affirmed in the blood of the Gray and the Blue, we as a people then started on the rocky road of making that Constitution work. The Constitution was amended and interpreted many times in the light of changing conditions, new challenges, and the added enlightenment of education.

We have had many contests, bitter, grueling and costly, over the implications and impact of the basic law. And foremost among the points of conflict has been the Fourteenth Amendment provision that: "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States."

Some of my friends in the South argue that the 14th amendment was never properly ratified. But they do not argue it too seriously. Even such an able exponent of the Southern cause as James Jackson Kilpatrick, editor of the Richmond News Leader, admits that by tacit acquiescence over a period of 90 years the 14th amendment has been recognized as a valid part of the constitution. That acknowledgement, one might say, is a forward step.

If the 14th amendment is a valid part of the constitution, there remains the argument over what it means. Sixty-two years ago when the U.S. Supreme Court first considered the amendment in connection with segregation, it held in effect that if Negroes were provided with facilities "equal" to the facilities provided for whites, there would be no violation of privileges of citizens of the United States.

After that decision, the South breathed a sigh of relief. Its "way of life" had been saved. The Supreme Court was praised as the protector of states' rights.

Negroes could be kept "in their place" which was not described specifically but turned out to be a place somewhat inferior to that reserved for citizens of lighter skin.

After half a century of operation under the doctrine that separate facilities were equal facilities, the Supreme Court took another look at the entire problem and decided, unanimously, that it had been wrong.

The court found in effect that separate facilities cannot be equal facilities. It decided that the mere fact of separation does things to people.

The court order against segregation brought it as many brickbats as the 1896 decision upholding segregation, had brought it flowers. Some, who were unacquainted with the fact that judicial history is marked by frequent reversals of earlier opinions, wanted to make it illegal for the Supreme Court to change an opinion once made.

They would require the Supreme Court to be all-wise and infallible the first time around.

Some have wanted Congress to take away certain appellate powers of the Supreme Court--appellate powers in school segregation cases, for example. I wonder if they have considered the consequences of that proposal? The Constitution says the judicial power of the United States shall extend to cases arising under the Constitution.

If the Supreme Court were denied the authority to decide constitutional questions those questions would still have to be decided. In that event, the lower courts--either the U.S. district courts or the circuit courts of appeal--would become the final arbiters of what the Constitution means.

If there were no Supreme Court of final appeal, the Constitution would mean one thing in Iowa, something else in Florida and something else again in California. U.S. citizenship would not carry the same privileges and immunities in the East, the West, the North and the South.

A better pattern for anarchy and the breakdown of law could not be imagined!!!

Some complain that the Supreme Court based its school desegregation order on modern theories of sociology rather than on law. If that is true, could it not also be true that the 1896 decision, approving separate but equal facilities, was based on out-moded theories of sociology in that day?

Court decisions must be based on the facts as well as the law. In 1896, the court took it for a fact that separate facilities for Negroes and Whites would turn out to be equal facilities. A half century of experience showed the fact was otherwise--the earlier decision, based on a false premise, was held to have been wrong.

So I suggest that law may be rooted in workable human relations as well as human relations may grow in the soil of the law. And we should remember that our existence as a free people rests on respect for law.

Some Southern newspapers have referred to the Little Rock incident as a local problem.

If I can bring any message to you, the newspapermen of Arkansas, it would be that you must not, you dare not adjudge Little Rock to be a local issue.

Little Rock, Arkansas, whether you or I like it, has become an outpost in America's cold war struggle. A struggle against alien forces who would enfold behind the iron curtain the billions of off-white people who populate the earth. Little Rock is an outpost just as surely as are our Strategic Air Command bases on the periphery of the Soviet empire--standing out there between us and possible death by blast and by radiation.

Four years ago, American prestige abroad was shaken by our internal crisis over mccarthyism. People throughout the world were shocked by evidence that in the America of the Bill of Rights--symbolising to all that men dream of human dignity, fair play and due process of law--those great principles were being trampled by the same people who conceived them and brought them such glory.

We learned then, as we never appreciated before, that we cannot talk and write one way in the United States and act another--if we are to hold the leadership of the free world.

We cannot fight in the cold war of ideas with alibis and rationalisation of our own progress.

We must fight the war of ideas with the truth of our own slowly improving behavior!!! And behavior that suggests contempt for law and stubborn opposition to equal rights among persons of all colors, hands over weapons of murderous potential to our enemies. Such weapons could help bring about our downfall in Act I or Little Rock and Human Relations.

How are we to overcome the potentials of failure in the second act of the American tragedy--possible defeat in economic competition--the bread and butter aspects of our way of life?

Lenin once predicted that the United States would drown itself in a sea of red ink.

We have done much to give the lie to that prediction. While we are not depression proof, we have demonstrated that we can successfully survive crises to which other nations have succumbed. But today no intelligent person can discuss American economics save in terms of reference to the flanking cold war movement of Soviet competition.

Barbara Ward, British author, and one of the great authorities on world affairs, recently put together some significant words on this subject. Writing in the New York Times magazine, Barbara Ward said:

"Khrushchev has issued his challenge in the very field in which the West--above all, America--is best fitted to respond. In some measure, he admits it. The concrete aim he sets the Communist world is to surpass American standards within the next decade. In a very real sense, the material aim of the Communist world revolution is to achieve the American way of life.

"Who, then, are better placed than the Americans and their allies to meet and reverse that challenge? Who are better placed to set their incomparable economic and technical organization to work to raise world standards and to expand their own wealth so that the challenger limps behind, his goal of parity always eluding him, his figures for steel and power, his statistics of living space and

family budgets, his offers of aid and capital always and easily out-trumped by the expanding resources and matching generosity of the free peoples?

"This surely is a competition into which our competitive society can enter with zest and confidence. We are being challenged to do exactly what we are best fitted to do by training and temperament and tradition. It is as though the Russians, instead of issuing a challenge at their national game of chess, had offered to take the Americans on at baseball. Production, expansion, productivity, technology, inventiveness, rising standards for all---could the free nations, with America at their head, be asked to achieve anything more congenial to their national genius, anything more profoundly in tune with their ways of thought and life?"

How will we answer Miss Ward's question? This economic competition is our game all right. But when we look around at the way some of our leaders are calling the signals we must wonder sometimes whether our side really wants to win. If we don't accept the challenge of our competitors for worldwide economic leadership, we will lose by default. We will lose the game and much more. And this would be the second act of the tragedy.

Finally, to the third act, Foreign Relations or Man and the Missile. This act could be the climax to our tragedy: our exposure to blackmail, if not extinction, by failing to meet and to overtake Soviet military and scientific competition in the manufacture and use of rockets, missiles and the conquest of the wild, black yonder of space.

Through the long years of American mastery of machines, we of the United States have believed in our superiority in all things technological as we have believed in God himself.

Reports and rumors of Russia's great advances in machines and missiles were ignored, or laughed at. From the highest places came assurances of our mastery and our might.

Then came the day. The day not soon to be forgotten. It was Sputnik Day, October 4, 1957. Many of our leaders made fun of it. One said: "an interesting

bauble". Another said: "What's a piece of iron in the sky?" And another said: "Sputnik has no military significance."

Our people were troubled. Their worry was not substantially eased by pronouncements from the men in the government.

For three months now, we have been witness to incredible disclosures of our interservice rivalries, our muddled defense structure, the revealed frustrations of top military men and scientiest who have become sickened by the red tape, the waste of energy and money, the absence of any sense of national urgency at the top of our government.

Our people were not relieved of worry by the first post-Sputnik meeting of the national Security Council. After two hours of discussion, the Council announced that nothing much could be done until the rivalry was settled between the Army's Jupiter and the Air Force's Thor. This, the National Security Council suggested, might take six months.

Many people shuddered. With a world smoldering--we, the supposed leaders of the free world and civilization's last, best hope--must await the decision in a foot race between two of our service hose-carts before we could hope to put the fire out.

Our people were not relieved when the President later took to the air to allay the public's fears and referred to alleged rivalry between the services, and told of our current manufacture of 37 different General Motors missiles by three services and their satellite contractors.

After Sputnik came Muttnik, and we learned that this space traveler, the size and weight of a Volkswagen, was propelled upward by a rocket thrust of 1,200,000 pounds. There is no American scientist who has or will testify that our own rocket thrust as yet developed is more than half of that.

More recently the country has been warned by the Rockefeller and Gaither reports. These are chastening manifestoes of humiliation to a people who prided themselves, in blind complacency, of being first with the best.

Are we reacting now with the directness, speed, imagination and foresight for the future as the people so obviously desire? Let's hope the answer will be positive, demonstrated action by the president and the present session of Congress. If it isn't, then this will be the third and final act in our American Tragedy.

The settings for the three acts I have outlined are in Arkansas, in the concrete canyons of our financial centers, and in the feverish atmosphere of our national capital.

We in America will leave our own records for others to measure in literature, in remnants of culture and perhaps, if all does not go well, in radioactive dust.

Let's go back some 60 million years to the dinosaur, the huge reptile that ruled the then world. The dinosaur ranged far and wide. One of his favorite areas was Colorado and his bones are to be found in our plains and mountains.

The dinosaur was mighty, and his will prevailed. But one day he disappeared.

Why?

He could not adjust to his changing environment.

And so may it be with modern man.

And so with us. Ask yourself:

Can we adjust to our changing environment?

From the beginning of time, the ages of life on this earth have been revealed and identified by fossilized evidence. The bones, for example, of the Java man, the Neanderthal man or China man have told us much about the evolution of human kind.

Assuredly we are not unaware of the weaknesses of those pre-historic men--weaknesses which left them prey to the environment of their own times.

If in the last half of the 20th century we contribute to the disintegration of our own civilization, our failure may--from the perspective of history, be ascribed to at least three monumental defects in our character:

First, failure to accommodate ourselves to the challenges of human relations:

Second, failure to make our economic way of life work;

Third, failure to protect ourselves against the barbarism of modern aggressors.

In such an event, may not future students of our age find in the fossilised remains of our civilisation remnants they may choose to call the Little Rock man, the Wall Street man or the Washington man?

It is for us to decide.

If this tragic scenario I have outlined is not enacted, it will be because you--the newspapermen of Arkansas--and others like you the country over, see clearly and act courageously in this time of local, national and international trial.

SUPREME COURT PRECEDENT

Case Like Faubus' S

By BARNETT NOVER
Chief, Post Washington Bureau

WASHINGTON, Sept. 12.—A case decided in the U. S. Supreme Court 148 years ago is certain to play an important part in the injunction proceedings instituted by Attorney General Herbert Brownell against Gov. Orval Faubus of Arkansas.

The injunction seeks to prevent Faubus from interfering with racial integration in a Little Rock high school as he has done by ordering National Guard troops to prevent Negro children from entering the school.

The case in question is United States vs. Peters in which Chief Justice John Marshall laid down the rule that a state legislature could not annul a judgment of a federal court.

This judgment led directly to another case (United States vs. Bright) which arose out of an attempt by a governor of Pennsylvania to use the state militia to prevent enforcement of the court's decree in the Peters case.

Gen. Michael Bright, head of the militia, and eight of his subordinates were indicted for resisting the laws of the United States, tried in federal court and convicted. They were later pardoned by President Madison.

Order Bars Guard

Nearly a century and a quarter later Chief Justice Hughes, speaking on behalf of a unanimous court, was to cite these two cases in supporting an injunction against the use of National Guard troops to set aside the decision of a federal court.

The long and tortuous history of what has come down as the Peters case was examined in detail in a speech delivered by Associate Justice William O. Douglas to the Ninth Judicial Circuit meeting at Palo Alto, Calif., on June 27, 1957, and later reprinted in the Stanford Law Review.

A Connecticut fisherman, Gideon Olmstead, and three companions were captured early in September, 1778, by the British. They were put aboard the sloop "Active" which was carrying arms and supplies to the British Army then occupying New York.

Olmstead rebelled and with the help of his companions sought and for a time succeeded in taking the sloop away from his British captors. They fought back and in the fight Olmstead was badly wounded but managed to keep control by turning a swivel gun on the Britishers.

On September 8, 1778, over his protests, the sloop was boarded by the crew of a U. S. armed brig, named the "Convention," commanded by Capt Thomas Houston Houston claimed the "Active" as his prize A similar claim was made by Capt James Josiah, commander of a private sloop "Le Gerard," which was accompanying the "Convention"

Olmstead claimed the ship as a prize for himself.

In the suit that followed a jury in a court of admiralty created by the state of Pennsylvania awarded only a fourth of the net proceeds of the ship and her cargo to Olmstead and his associates. That was on Nov. 4, 1778.

AP Wirephoto

ATTORNEY GENERAL BROWNELL
Instituted proceedings.

State Seizes Funds

From then on for years Olmstead, refusing the share offered him (the proceeds were turned over, in bond, to the state treasurer), sought legal redress from what he deemed to have been an act of injustice.

In 1803 the case came before Judge Richard Peters in the U. S. District Court in Pennsylvania. He held for Olmstead But the Pennsylvania Legislature had other ideas. It passed a statute preventing Olmstead from getting the money coming to him and instead ordered that the funds be paid into the state treasury.

Still battling for his rights, Olmstead, now 82 years old, applied to the Supreme Court to compel Judge Peters to issue an order to the state of Pennsylvania to turn over the prize money to him. Judge Peters had hesitated to do so in order, as he said, not to embroil the government of the United States and that of Pennsylvania "on a question which has rested on my single opinion"

The Supreme Court held in favor of Olmstead and ordered Pennsylvania to pay the money due him.

"If the legislatures of the several states," wrote Chief Justice Marshall for a unanimous court "may at will annul the judgments of the courts of the United States and destroy the rights acquired under these judgments the Constitution itself becomes a mockery, and the nation is deprived of the means of enforcing its laws by the instrumentality of its own tribunals. So fatal a result must be deprecated by all, and the people of Pennsylvania, not less than the citizens of every other state, must feel a deep interest in resisting principles so destructive of the union, and in averting consequences so fatal to themselves."

As soon as the decision was announced, Governor Snyder of Pennsylvania directed General Michael Bright, head of the state militia, to resist the federal marshal in enforcing the mandate of the Supreme Court but to avoid force and bloodshed unless necessary. The Legislature passed a resolution declaring that the Supreme Court had no right to impair the rights of the state.

The U S. marshal ordered to carry out the court's decree summoned a posse of 2,000 men and appointed officers to lead them.

But civil action supplanted the threat of armed action. A federal grand jury indicted Bright and eight of his subordinates for resisting the laws of the United States. The

ettled 148 Years Ago

marshal's posse was disbanded, and the militia was deactivated without a shot having been fired.

At this point Governor Snyder appealed to President Madison but the latter gave him little comfort.

"The Executive of the United States," Madison wrote Snyder, "is not only unauthorized to prevent the execution of a decree sanctioned by the Supreme Court of the United States, but is expressly enjoined by statute to carry into effect any such decree where opposition may be made to it."

The state of Pennsylvania then agreed to pay the federal judgment.

In pardoning General Bright, Madison said that the defendants had "proceeded rather from a mistaken sense of duty than from a spirit of disobedience to the authority and law of the United States."

In the so-called "Hot Oil" case of 1932, a United States court had enjoined operation of an order by the governor of Texas limiting oil production. Flouting this injunction, Governor Sterling declared the oil areas to be in a state of insurrection and called out the National Guard to enforce his views.

A federal injunction against the use of National Guard troops was promptly issued. The governor appealed But the Supreme Court unanimously rejected the governor's argument. Said Justice Hughes in words having a very pertinent relevance to what has been happening in Arkansas:

"If this extreme position could be deemed well taken, it is manifest that the fiat of a state governor and not the Constitution of the United States would be the supreme law of the land and that the restrictions of the Federal Constitution upon the exercise of state power would be but impotent phrases, the futility of which the state may at any time disclose by the simple process of transferring powers of legislation to the governor to be exercised by him, beyond control, upon his assertion of necessity. Under our system of government such a conclusion is obviously untenable. There is no such avenue of escape from the paramount authority of the Federal Constitution."

◇ ◇ ◇ ◇ ◇ ◇ ◇

School Injunction Planned in Nashville

NASHVILLE, Tenn., Sept. 12. — (AP) — School officials here, supported by police and the possibility of a federal injunction, kept doors open to racially mixed first grades Thursday.

Nashville Mayor Ben West and U.S. Dist. Atty. Fred Elledge Jr. prepared a petition asking the injunction to prevent interference with integration.

It was under a similar injunction that segregationist John Kasper was convicted twice of stirring up racial strife at Clinton, Tenn.

Kasper, also charged with fomenting violence here, Wednesday was sent to the workhouse after he failed to pay a $200 fine for disorderly conduct, vagrancy and loitering.

Mayor West said he will seek to have Kasper's bond revoked in his first contempt conviction in the Clinton case. If the bond is revoked, he must serve a year in federal prison.

The latest charge against Kasper, based on speeches he made in a series of meetings here, is inciting to riot.

City Judge Andrew Doyle told Kasper that "if I had the authority, I would instruct police to take you by the seat of the britches and the nape of your neck and throw you out of town."

First grades were integrated here Monday, under a federal court order, in six schools. A total of 15 Negroes showed up for first-day classes, and racial flareups followed immediately.

Other integration developments:

1—At Birmingham, Ala., police questioned 76 Negro high school students about an incident in which rocks were thrown at white persons.

One of the students was jailed on a charge of disorderly conduct and four were turned over to juvenile court on similar charges

2—The Dallas, Tex., school board made plans Thursday to appeal to a higher court for reversal of a federal order that city schools integrate at midterm.

3—Final legal debate was scheduled Thursday in Alexandria, Va., in a court contest over the validity of Virginia's student placement law.

Gretchen and/or Sally

Is the attached to be filed here or ack'd to Cong. Powell?

emf files

Mr Rabb said to file without acknowledging.

Sam

House of Representatives, U.S.
PUBLIC DOCUMENT
FREE

Adam Clayton Powell, Jr.
M. C.

FROM THE OFFICE OF
CONGRESSMAN ADAM CLAYTON POWELL, JR.
16TH DISTRICT, NEW YORK

NEW YORK, N. Y.

DOUG ANDERSON • 35 EAST 63rd STREET • NEW YORK 21, NEW YORK • TEmpleton 8-5725

G.F.

MAR 24 1958

March 23, 1958

Rep. Adam Clayton Powell
U. S. House of Representatives
Washington, D. C.

Dear Mr. Powell:

The situation in Little Rock, as outlined in today's New York Times Magazine, is terrible. I believe this issue should be kept alive in the hopes that something can be done to aid the Negro children there who are, apparently, fighting alone. President Eisenhower, having bungled the affair badly by playing footsies with Faubus, has made it clear he is uninterested in Little Rock--perhaps he might be if a golf-course could be installed in the immediate vicinity! Also, his civil rights committee has reflected his own indifference. There will be more violence in Little Rock if the eight children are not given some help from Washington.

Respectfully yours,

March 25, 1958

Dear Miss Reynolds:

Your letter, addressed to the President, has been given to me for reply. As a matter of fact, I requested the privilege of answering your letter because I, too, am a Negro and very familiar with the conditions of which you write.

You are probably familiar with the fact that under the direction of President Eisenhower, this Administration has done more than any other in ninety years to make first class citizenship a reality for all citizens of this country. The President's deep concern for the welfare of Negro citizens was dramatically evidenced when federal troops were sent into Little Rock to put down anarchy and to uphold the Constitution of the United States. He is deeply grieved when any American is denied his citizenship rights, and he is doing everything he can, by precept and example, to make Americans conscious of their responsibility toward each other.

He cannot make democracy work all by himself -- he can only hope that by his example more and more Americans will accept their moral obligation to uphold and defend the principles of our way of life.

As an American Negro, the first of my race to serve on the staff of any President in our country, I am able to take great hope each day when I see the efforts being made from the top to make this a better country. While injustice still pains you and me, we must still maintain our poise and our dignity, and make our own lives a daily example of what Negroes believe and hope. I have every confidence that within your lifetime you will see your country accept you and your generation as first class citizens without restrictions or conditions. As my grandfather (an ex-slave) used to say to me, "the only thing we can do is to keep our courage and keep on keeping on."

Sincerely,

E. Frederic Morrow

Miss Lena Joan Reynolds
1250 Album Street
Pittsburgh 6, Pennsylvania

cc: Mr. Rabb

EFM/pk

I am sorry to add to your burdens but I don't know what to sayin this case either.

Sallie

2/20/58

February 18, 1958

President Eisenhower
White House
Washington, D.C.

Dear Sir:

I am a colored citizen, my name is Miss Lena Joan Reynolds, and I am very concerned about the dismissil of Minnie Jean, Brown, from Central High School, Little Rock Arkansa.

It is quite obvious due to the conditions for colored people through-out the south, that Minnie Jean is not to blame for her position, it is a planned campaign to make the pressure to great for her and the other eight children to stand.

Since this is America, I think just as much govermental concern should be shown those children, as when they first went into Central High School. The odds are against them, as they will be against America, in the eyes of the colored world, if something is not done. I regret saying this, but I am throughly ashamed of my country. If the south can not be changed in a day, it is still no excuse to set back and let them walk all over the colored people, just because God made them black.

I am sending this letter in hopes it will help those nine colored students, because I lived thru jerrs and taunts, and possible body harm myself, and all that keeps you going is (THIS IS MY COUNTRY, AND I WON'T TAKE A BACK SEAT FOR ANYBODY.)

Sincerely yours

Lena Joan Reynolds
1250 Album Street
Pittsburgh 6, Pa

P. S. Will you please do all you can to re-instate her.

It does appear that "The Modern Republican" is badly confused. Perhaps you people should have coached him better, but you will soon realize that there is no defense for his impulsive action in Little Rock - and that all of the people believe that he sent in troops only for purpose of winning negro votes - and for nothing else.

C.F.

. . . "I deplore the need of troops anywhere" for civil rights

any State, can take private property from you. It does have to give just compensation.

Now, to say we are ignoring the situation is, of course, beside the point. We, of course—we are keeping in close touch with it. But there are, as I say—this isn't a usual thing, and you cannot generalize that this is Uruguayan practice. They have not done this before.

* * *

Q: Mr. President, Vice President Nixon was tentatively planning to visit Europe on a good-will visit sometime this fall. In view of the demonstrations that he has encountered in Peru and in Venezuela, do you see any need for him to reconsider his trip?

The President: I wouldn't think so. If I were making it, I wouldn't reconsider; and I don't think he would think of it for a second.

* * *

Q: Mr. President, sir, we talked a lot this morning about demonstrations and anti-Americanism around the world.

Do you think, sir, that there is a failure in articulation on the part of our country to make its intentions and philosophies well known to people, a failure to articulate clearly the things we really believe in, and the policies we hope to enact?

The President: Well, I tell you: I think that is, that attempt is made, that is sure, and I think that a very great deal of it goes out.

But you must simply—here is one thing we must not forget: Among equals, the greatest and the richest and the strongest is bound to create some envy, and, when you have any incident, therefore, that incites or brings to the surface this latent dislike or envy, well, then, there is trouble.

But, by and large, we have spokesmen all over this country, we have our own press associations that are sending out news all the time.

I think that, so far as people want the news and the truth and the facts, including the intentions of this country and its —and the underlying basic peacefulness of our people, I think they can get it just as easily as they can get news of their own country.

Q: Sir, do you think that the need of the Marines and the airborne troops in the Venezuelan situation would imply that we should have an increase of strength of the Marine Corps and the airborne, or certainly no further cuts in strength?

The President: I don't say any such thing.

We took two companies of troops of two types, to put them at little stations where they could go somewhere. Now, you are going to make out of that a great big program for—

[Laughter]

—for revising the entire defense establishment. That is a little farfetched.

[Laughter]

On Integration: "We Must Support the Law of the Land"

Q: Mr. President, Governor Collins of Florida, in a recent article in "Look" magazine, surveys the segregation system in the South, and what he says he is determined to see in Florida, Point 2, is this:

"Segregation of the races in public schools and recreational facilities will continue in any community where its abandonment would cause deep and dangerous hostility."

My question is. Do you intend to follow the Little Rock pattern in other States where there is hostility to it?

The President: Well, what do you mean by the "Little Rock pattern"?

Q: Sending in the federal troops.

The President: For what?

Q: As you said, to obey a court order.

The President: That is right, to obey a court order; and that is the point.

I did not send troops anywhere because of an argument or a statement by a Governor about segregation. There was a court order, and there was not only mob interference with the execution of that order, but there was a statement by the Governor that he would not intervene to see that that court order would be exercised. That is exactly what I did.

Now, I don't know, I am not going to try to predict what the exact circumstances in any other case will be.

But I do say this: I deplore the need or the use of troops anywhere to get American citizens to obey the orders of constituted courts, because I want to point this one thing out: There is no person in this room whose basic rights are not involved in any successful defiance to the carrying out of court orders.

For example, let us assume one of you was arrested, and you were arrested by a sheriff who didn't—who was—didn't think what you were doing in the particular town was correct, and the town was inflamed against you but the federal judge says—this being, let's say, taking place on some federal property—the federal judge comes in and says he will issue a writ of habeas corpus and you are in jail, unjustly, illegally, unconstitutionally.

But there is no power there, no one—the Governor won't intervene, the marshal of the court is powerless, no one can do anything.

Now, what is a President going to do? Now, that is a question you people answer for yourselves. I answered it for myself.

* * *

Outlook for Mixed Schools

Q: Two questions relating to civil rights, Mr. President: Senator Eastland [Democrat, of Mississippi] is boasting that he is going to get re-elected by blocking your civil-rights program. Your nomination of Mr. [W. Wilson] White, as Assistant Attorney General, has been bottled up in his Judiciary Committee for months. Do you plan to push for his confirmation?

Item 2—Virginia schools: Several of them are under federal-court order to desegregate in September. What is the Federal Government doing now, if anything, say, by quiet FBI investigations, informal talks with civic leaders to prevent in advance a recurrence in, say, Arlington, of the Little Rock incident?

The President: Well, I don't believe that you can start a Gestapo around here, and have a secret police going down into every place they can to worm out of people what their evil intentions can be.

Now, what I think is this: Everything we say, everything we do, must be to support the law of the land, as interpreted by the Supreme Court, whether or not we always individually approve it.

Now, so far as to getting Mr. White approved by the Senate, you do what you can. But, if a Senate chairman wants to bottle that appointment up for a long time, you have a very difficult situation; and I, for one, have not yet found a really good way to get it out of there. **[END]**

The Greenville News

ESTABLISHED 1874 PUBLISHED EVERY MORNING

Roger C. Peace, *Publisher*

Wayne W. Freeman, *Editor* Carl D. Weimer, *Exec. News Editor*

B. H. PEACE 1873 - 1934

TWO INSTANCES OF USING TROOPS

The New York Times, which approved the sending of 1,000 combat-trained troops to Little Rock to enforce integration, is disturbed about the sending of an equal number of paratroopers and Marines to Caribbean bases last week on an alert for possible action to protect Vice President Nixon from South American rioters.

Says The Times:

"The public dispatch of 1,000 Marines and paratroopers to Caribbean bases in reply to the outrageous attack in Venezuela on Vice President and Mrs. Nixon could not do anyone any good and seems certain to do the United States harm."

Why?

Because, the editorial continued in effect, the "show of force" probably reminded the sensitive Latin Americans of the old days of "intervention", as in Nicaragua in the late Twenties or early Thirties, and hurt their feelings.

Perhaps The Times is right, up to a point The show of force as such probably was unnecessary, and if the White House felt precautions should have been taken the affair could have been handled quietly The troops were merely carried to bases within a couple of hours flying time of Venezuela and were not to be moved in unless the government of that country asked for help in controlling the mobs.

There was a time when the United States wouldn't have hesitated to "intervene", as the ugly word goes now, in almost any country in the world to assist even an ordinary citizen in trouble, or to free him from a prison to which he had been unjustly committed.

As far as American "prestige" (which The Times feels was damaged by the "threat" of force) is concerned what could be worse than the spectacle of the second highest official of the United States being stoned, jeered and spat upon by an unruly mob of misinformed and misled students and adult agitators?

There is no direct parallel between the situations, of course. But we accuse The Times of being grossly inconsistent.

The "show of force" in Little Rock did no one any good, and it certainly did the United States harm. It treated our enemies to the sight of American citizens being pushed around by armed combat soldiers, and no matter how wrong the government may have felt the people protesting integration to be, it was unnecessary.

If the force had to be applied, it could have been applied just as effectively by relatively unobtrusive deputy United States marshals in civilian garb.

Further, while it is true that many outside of the South are unwilling to grant to White Southerners the luxury of sensitivity, the Little Rock episode still makes them wonder just how their government regards them and whether it is willing to revert completely to the brutality of the Reconstruction.

The wisdom of sending the troops to the Caribbean may be doubtful. But there is no doubt whatever of the folly of the government's action in Little Rock.

124-A-1
Selected
Documents

May 13, 1958

Dear Mr. Wyatt:

Thank you for your note of May ninth.

I am happy to accede to your request by enclosing a copy of our May eighth press release providing for the withdrawal of the troops from Little Rock.

With best wishes,

Sincerely,

James C. Hagerty
Press Secretary
to the President

Mr. Eugene G. Wyatt, Jr.
Associate Director
Race Relations Law Reporter
Vanderbilt University
Nashville 5, Tennessee

Enclosure

Race Relations Law Reporter
VANDERBILT UNIVERSITY
NASHVILLE 5, TENNESSEE

May 9, 1958

Mr. James C. Hagerty
The White House
Washington, D.C.

Dear Mr. Hagerty:

As you may recall, the Vanderbilt University School of Law is publishing a legal reporting service in the field of race relations. Previously, your office has been particularly helpful.

We are now anxious to obtain a copy of the President's order of May 8 directing the withdrawal of the federalized guardsmen from Little Rock, Arkansas. Would it be possible for you to supply this?

Your co-operation will be greatly appreciated.

Very truly yours,

Eugene G. Wyatt, Jr.

Eugene G. Wyatt, Jr.
Associate Director

EGW/ai

(3)

Georgia Department of Commerce
100 State Capitol
Atlanta 3, Georgia

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The Atlanta Journal

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Re Little Rock

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PERSONAL

Honorable Dwight W. Eisenhower
President of the United States
WHITE HOUSE
Washington, D. C.

The Atlanta Journal

"COVERS DIXIE LIKE THE DEW"

The Atlanta Journal (evening), The Atlanta Constitution (morning) and The Atlanta Journal and The Atlanta Constitution (Sunday) published by Atlanta Newspapers, Inc., 10 Forsyth Street, Atlanta, Georgia, The Atlanta Georgian and Sunday American absorbed by purchase by The Atlanta Journal, 1939.

Subscription prices by carrier: Morning and Sunday or Evening and Sunday, 1 week, 50c: 1 month, $2 17. 3 months $6 50; 6 months, $13.00; 1 year, $26.00. Morning or evening, daily only, 1 week, 30c; 1 month, $1.30; 3 months, $3.90; 6 months, $7.80; 1 year, $15.60. Morning, Evening and Sunday (13 issues), 1 week, 80c; 1 month, $3.47; 3 months, $10.40; 6 months, $20.80; 1 year, $41.60. Single copies, Daily, 5c; Sunday, 20c. Plus 3% sales tax on sales and deliveries made within the State of Georgia. Subscription prices by mail on request.

Home Rule Debate Healthy

A LIVELY DEBATE has developed over a home rule proposal for Atlanta, and the people ought to hear a lot more about it before the Sept. 10 election.

The local affairs committee of the Atlanta Chamber of Commerce is on record as opposing a proposed constitutional amendment to give Atlanta home rule.

The committee complains that the amendment as drawn would give the board of aldermen excessive powers, enabling it to do too many things without the consent of the voters.

Alderman John A White, who was chairman of the aldermanic committee which drew up the proposal, has reasonably suggested that the Chamber committee come forward with a better plan if it has one.

While a good purpose is served by drawing attention to any weaknesses in a plan so far-reaching as home rule, it also behooves those who are vitally interested in city government to act positively.

Atlanta will never get any kind of home rule if every proposal that's put up is shot down with never an effort to iron out differences.

Georgia has talked about home rule for years and rarely is any good argument used against the idea in general, largely because it simply makes sense.

Weary of the prolonged state wrangle, some Atlanta aldermen finally decided to see what could be done sepecifically for this city, and they came up with a proposal.

The subject of home rule, now that it is being batted around, ought to serve better than mud-slinging for those running for the General Assembly from Fulton County.

Home rule is bound to come The more plans that are offered, discussed, rebutted, praised, denounced and reworked, the better will be the bill Atlanta finally gets.

A Word for Uniformity

PARENTS ARE protesting this week's ruling of the State Board of Education that children must be 6 years old on Sept. 1 of the year they first enter school.

It's good to see the people show this kind of interest in their schools. The flood of calls to the state board is an indication that the public is still capable of be-

Security Council will require the services of ex-President Truman

That's probably the understatement of the year.

While the President is reported to have written Mr. Truman recently thanking him for his support of the Eisenhower Middle East policy, it would take a lot more gestures of this kind to bury the bitterness that has lingered since the 1952 presidential election.

Don't count too strongly on an early Ike-Harry reunion.

The Man's on a Limb

PRESIDENT EISENHOWER'S apparent decision to continue using troops as an arm of the federal courts and as aids to education in Little Rock is distressing

It strengthens the doctrine of forced acceptance of ideas in a country whose internal peace and order has been based on the voluntary acceptance of and compliance with the rules that govern society

But the President's position is understandable He got out on a limb last year when he ordered troops into Little Rock to back up a federal court decision to integrate Central High School He still is there, and the only people who can get him off are the people of Arkansas

What they will do and how long they will keep the President in this embarrassing position is the most absorbing topic of the moment.

The threat to use troops once more to enforce the U S Supreme Court's decision to desegregate the public schools again emphasizes the heavy and unfair burden placed on the courts that must implement the decision Something is terribly wrong with a court ruling that requires federal troops to back it up

Out of the tragedy of Little Rock must come some good and it may be this There is a growing awareness among non-Southerners that integration must be voluntary if it is to be worthwhile

Rule of thumb, judgment from afar and the threat of bayonets are not ways to solve this problem.

The solution is on the local level The answer is in the hearts and minds of those affected and who must live with it The problem itself varies in degree from place to place, and there are as many different answers as there are places where this problem exists

G.F.

C. Fred

No. 1, Misc.

In the Supreme Court of the United States

AUGUST SPECIAL TERM, 1958

JOHN AARON, ET AL., PETITIONERS

v.

WILLIAM G. COOPER, ET AL., MEMBERS OF THE BOARD OF DIRECTORS OF LITTLE ROCK, ARKANSAS, INDEPENDENT SCHOOL DISTRICT, AND VIRGIL T. BLOSSOM, SUPERINTENDENT OF SCHOOLS

ON APPLICATION FOR VACATION OF ORDER OF COURT OF APPEALS FOR EIGHTH CIRCUIT STAYING ISSUANCE OF ITS MANDATE, FOR STAY OF ORDER OF DISTRICT COURT OF EASTERN DISTRICT OF ARKANSAS AND FOR SUCH OTHER ORDERS AS PETITIONERS MAY BE ENTITLED TO

BRIEF FOR THE UNITED STATES AS AMICUS CURIAE

J. LEE RANKIN,
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BRIEF FOR THE UNITED STATES AS AMICUS CURIAE

PRELIMINARY STATEMENT

The prior course of the proceedings in this case are fully set forth in the petitioners' application to Mr. Justice Whittaker, filed on August 22, 1958. The facts which pertain to the merits of the controversy, *i. e.*, the facts which bear upon the question whether

there was adequate legal basis for the district court's order suspending the operation of the previously approved plan of desegregation, are stated in the opinion of the court of appeals, reprinted in the Appendix, *infra,* pp. 21–37.

In this brief, filed in response to the invitation of the Court, we shall discuss, first, our reasons for believing that the Court has full power to grant the relief which is sought, and, secondly, the basis for our conclusion that this relief should be granted.

DISCUSSION

The Government is primarily interested in the preservation and maintenance of public education in accordance with the Constitution. The Government believes that the Nation must be sympathetic and understanding of the difficult problems that have to be dealt with by school districts in bringing about nonsegregation in the schools and cannot fail to appreciate the adjustments that have to be made in school systems which have been operated under a different assumption for a long term of years. It recognizes that plans for implementation of the Court's decree may be modified in accordance with equitable principles. As the Government reads the opinions of this Court in *Brown* v. *Board of Education,* 347 U. S. 483, 349 U. S. 294, the decision so provides. The Government considers that the Court has allowed wide latitude to carry into effect the decision in accordance with the conditions in the locality and the problems involved. However, there are certain primary considerations:—first, that there be a prompt start; sec-

ond, that the action be taken and continued in good faith and by all reasonable means, under the circumstances, to accomplish the plan; third, that opposition to the decision expressed in violence and unlawful acts does not, solely or of itself, justify the abandonment or modification of the plan; and, fourth, that any change of a plan once placed into effect must provide for active steps and progress toward its objectives during any period of modification.

In the light of these basic considerations, this brief is narrowly addressed to the issues before the Court in this particular proceeding.

I

THIS COURT HAS FULL POWER TO ACT AT THIS TIME UPON PETITIONERS' APPLICATION FOR RELIEF, AND, IN DOING SO, IT SHOULD CONSIDER THE MERITS OF THE CONTROVERSY

A. THE COURT HAS FULL POWER TO PASS UPON THE APPLICATION

There is no doubt that this Court has full power to act upon the present application to vacate the stay, even though a petition for certiorari has not yet been filed by respondents. In comparable cases in which delay would be prejudicial, individual Justices have exercised the power to consider a stay before the Court has been formally seized of the matter through the filing of a petition for certiorari or the taking of an appeal. See, *e. g., Rosenberg* v. *United States,* 346 U. S. 273, 285–286, 324; *Land* v. *Dollar,* 341 U. S. 737, 738; *Fahey* v. *Mallonee,* 332 U. S. 245, stay granted by Mr. Justice Rutledge, Sup. Ct. Journal, Oct. Term, 1946, p. 86 (Dec. 9, 1946); *Johnson* v. *Stevenson,* 335

U. S. 801. As these same cases show, the full Court also has the power to pass upon stay applications, and it has exercised that authority when the occasion arose. Cf. *United States* v. *Ohio,* 291 U. S. 644.

In two recent cases involving school problems, the Court has affirmatively exercised its stay powers in a similar situation. In *Tureaud* v. *Board of Supervisors,* 346 U. S. 881, a stay was granted of a Fifth Circuit judgment "which is to be brought here for review in a petition for certiorari." And in *Lucy* v. *Adams,* 350 U. S. 1, the Court reinstated an injunction which had been stayed by the district court (pending appeal) and which a circuit judge had refused to reinstate.[1]

The Court's plenary authority to grant or deny stays, interim injunctions, or other preliminary relief flows from its position as the highest judicial tribunal in the nation with both appellate and supervisory jurisdiction over the lower federal courts. The court of appeals' judgment will come before this Court on petition for certiorari,[2] and Section 2106 of Title 28 vests the Court with full power to affirm, modify, vacate, set aside or reverse that judgment. The All-Writs Statute (28 U. S. C. 1651) grants the Court full authority to issue all writs necessary or

[1] The district court had enjoined officials of the University of Alabama from denying admission to Autherine Lucy and another; the same court then stayed its injunction pending an appeal; a judge of the court of appeals thereafter denied a motion to vacate the suspension and to reinstate the injunction.

[2] The stay issued by the court of appeals assumes that the respondents will file a petition for certiorari.

appropriate in aid of its jurisdiction. And the Court likewise has a general supervisory authority over the federal judicial system. See *Rosenberg* v. *United States,* 346 U. S. 273, 285–287; *Calvaresi* v. *United States,* 348 U. S. 961. It goes without saying that this complex of powers cannot be defeated by postponing the filing of a petition for certiorari until appropriate interim relief can no longer be afforded.

B. IN PASSING UPON THE APPLICATION, THE COURT SHOULD WEIGH THE PROBABILITY OF A REVERSAL OF THE JUDGMENT BELOW

As indicated in the stay order of the court of appeals, the only purpose of a stay of that court's judgment at this stage of the litigation would be to give this Court an opportunity to consider whether or not to review the judgment below, and, if so, to consider the merits. It is therefore fully appropriate for the Court—now convened in an extraordinary Special Term to consider the application for relief—to determine whether or not it will grant certiorari to review the judgment below, and even to consider whether it would affirm if certiorari were granted. In *Lucy* v. *Adams,* 350 U. S. 1, the Court obviously considered the merits in passing upon the stay application,[3] and it apparently did so in *Tureaud* v. *Board of Supervisors,* 346 U. S. 881. See also *Johnson* v. *Stevenson,* 335 U. S. 801; *Rosenberg* v. *United States,* 346 U. S. 273 (in which the Court, on a motion to vacate a stay, extensively considered the merits). In this case, too, if at this Special Term the Court

[3] Cases dealing with the invalidity of school segregation were cited in the *per curiam* opinion.

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finds no reason to review the judgment below or if it agrees that that decision is correct, there could be no further reason for the stay granted by the court of appeals. In its *per curiam* opinion of last June 30th, the Court recognized the "vital importance of the time element in this litigation" and the need for judicial action "in ample time to permit arrangements to be made for the next school year." 357 U. S. 566, 567.

If there should be any doubt of the propriety of considering the merits at this time when only the application for relief is before the Court, it would be appropriate to call upon the present respondents (the Board of Directors of the Little Rock, Arkansas, Independent School District, and the Superintendent of Schools) to file a petition for certiorari at once, instead of waiting for thirty days as they may do under the Eighth Circuit's stay order. In *Ex parte Quirin,* 317 U. S. 1, the petitioners filed such petitions during the course of argument (317 U. S. at 6) and those petitions were promptly considered and granted (317 U. S. at 18).[4]

[4] We believe that actually there is no occasion for doubt. It is settled practice that the courts, in determining whether a judgment should be stayed in the interest of the losing party (here, the respondents), will make a determination as to whether there is any substantial likelihood that such party can prevail on the merits. See *Virginian Ry.* v. *United States*, 272 U. S. 658, 673–674; *Air Line Pilots Ass'n, Internat'l* v. *Civil Aeronautics Bd.*, 215 F. 2d 122, 125 (C. A. 2); *Madison Square Garden Corporation* v. *Braddock*, 90 F. 2d 924, 927 (C. A. 3); *Tennessee Valley Authority* v. *Tennessee Electric Power Co.*, 90 F. 2d 885, 892–893 (C. A. 6); *Embassy Dairy, Inc.* v. *Camalier*, 211 F. 2d 41, 43–45 (C. A. D. C.)

II

THE RELIEF SOUGHT BY PETITIONERS SHOULD BE GRANTED BECAUSE THERE IS NO LIKELIHOOD THAT RESPONDENTS CAN PREVAIL ON THE MERITS

A. THERE IS NO LEGAL BASIS FOR REVERSAL OF THE COURT OF APPEALS' DECISION

At the outset, it should be stressed that this case involves a petition to postpone the effective dates of a school plan duly adopted and in effect, not an issue as to whether a plan or particular type of plan should be accepted or approved.

The decision of the district court rested upon two basic misconceptions: first, as to the governing principles laid down by this Court for determining when a delay in carrying out a school desegregation plan may be allowed; and, secondly, as to the extent to which constitutional rights may be nullified or impaired because of hostile actions taken by those opposed to the exercise of such rights.

First. (*a*) On May 17, 1954, this Court unanimously declared that racial segregation in public schools is unconstitutional. *Brown* v. *Board of Education,* 347 U. S. 483, 495, and companion cases. Because the five cases before the Court arose under different local conditions and involved a variety of local problems, the Court requested further argument on the question of relief. It invited the Attorney General of the United States and the Attorneys General of all states in which racial segregation in public schools was required or permitted to appear as *amici curiae* to present their views. Comprehensive briefs on the question of relief were submitted to the Court by the parties and the *amici,* and the oral argument extended over a period of four days (April 11–14,

1955). The Court's opinion and judgment were announced on May 31, 1955. *Brown* v. *Board of Education,* 349 U. S. 294. Any analysis of the Court's opinion must take into consideration the arguments which were made to the Court, some of which were accepted and others rejected.

Essentially, three lines of argument were made to the Court on the question of relief. On the one side, the plaintiffs contended that there was no justification, legal or factual, for any delay in enforcing their constitutional right to enter non-segregated public schools, and that the Court should require desegregation "forthwith". On the other side, the defendants and some of the *amici* pointed out that racial segregation in public schools had been in existence in more than one-third of the states and in the District of Columbia for almost a century; that during its existence it enjoyed the sanction of decisions of the Court and was believed by many people to be necessary in order to preserve amicable relations between the races; and that school segregation was part of a larger social pattern of racial relationships which reflected the mores and folkways prevalent in large areas of the country. They contended, therefore, that the Court should not go beyond its declaration of the constitutional principle, and that it should leave implementation of the principle to the voluntary conduct of the communities and individuals concerned, without imposing any limitation as to time. The United States, however, proposed a middle course. It suggested that the cases be remanded to the lower courts with directions to require the defendant school boards either to admit the plaintiffs forthwith to non-segregated public schools or to propose promptly for the lower court's consideration and approval an effective plan for accomplishing desegregation as soon as practicable. It proposed that the defendants should bear the burden of proof on the question of whether, and how long, an interval of time in carrying out full desegregation is required, and that no program should receive judicial approval unless it called for an immediate and substantial start toward desegregation, in a good-faith effort to end segregation as soon as feasible.

This Court unanimously rejected the two extreme views and accepted, in essence, the proposed middle course. It stated explicitly that "the courts will require that the defendants make a prompt and reasonable start toward full compliance with our May 17, 1954, ruling." 349 U. S. at 300. If additional time for carrying out the ruling is requested, it added, the "burden rests upon the defendants to establish that such time is necessary in the public interest and is consistent with good faith compliance at the earliest practicable date." *Ibid.* The Court specifically enumerated factors which the lower courts might consider as justifying the allowance of additional time: "problems related to administration, arising from the physical condition of the school plant, the school transportation system, personnel, revision of school districts and attendance areas into compact units to achieve a system of determining admission to the public schools on a nonracial basis, and revision of local laws and regulations which may be necessary in solving the foregoing problems." 349 U. S. at 300–301. The factor of community hostility or

opposition to desegregation was not included in the list. The Court dismissed in a single sentence the suggestion that the plaintiffs should forego their "personal and present" right (cf. *Sweatt* v. *Painter,* 339 U. S. 629, 635) not to be segregated while attending public schools until such time as others in the community might be agreeable:— "* * * it should go without saying that the vitality of these constitutional principles cannot be allowed to yield simply because of disagreement with them." 349 U. S. at 300.

In short, the Court made it clear that mere popular hostility, where it exists, can afford no legal justification for depriving Negro children of their constitutional right. The Court was explicit in its insistence that there be "good-faith compliance at the earliest practicable date." Where additional time was sought, it could be allowed only where necessary in order "to effectuate a transition to a racially non-discriminatory school system." Additional time, where permitted, must be for the purpose of enabling the authorities to take necessary constructive measures—measures looking towards full compliance. The Court thus indicated that it will not countenance delay as a mere interlude during which little or nothing would be done to effectuate transition to a nonsegregated system.

(*b*) On the face of it, the district court's decision in the present case rests on the consideration of factors which this Court ruled out as inadmissible.

The Little Rock plan of school desegregation [5] was

[5] The full details of this plan are set out in *Aaron* v. *Cooper*, 243 F. 2d 361 (C. A. 8) and *Faubus* v. *United States*, 254 F. 2d 797 (C. A. 8).

carefully worked out over a period of three years. Under the plan, complete desegregation was not to be effected until 1963. Previously challenged by these petitioners as being too slow, it was nonetheless approved by the district court and by the court of appeals as being "in present compliance with the law" as expressed by this Court's mandate.

The plan, ordered put into effect "forthwith," [6] has been in operation for an entire school year. In the instant proceeding, however, the district court ordered a suspension in the operation of the plan theretofore approved. The justification, in the district court's words, is "the deep seated popular opposition in Little Rock to the principle of integration, which, as is known, runs counter to the pattern of southern life which has existed for over three hundred years." [7] The manifestation of this opposition by certain "overt acts which have actually damaged educational standards" is given as a further reason.

This Court's mandate, however, required a prompt beginning, and, thereafter, progress with "all deliberate speed." The Court countenanced the possibility of delay only to the extent that time might be necessary in order to work out constructive measures for accomplishment of the transition. It declared that the constitutional principles might not yield

[6] See *Aaron* v. *Cooper*, 156 F. Supp. 220, 225 (E. D. Ark.).

[7] The opinion suggests, in this connection, that "the people of Little Rock might be much more willing to acquiesce in integration as contemplated by the plan" after the completion of certain pending litigation in the state courts of Arkansas.

"simply because of disagreement with them." As it recently stated the proposition in another context (exclusion of Negroes from grand jury service in Orleans parish, Louisiana), "local tradition cannot justify failure to comply with the constitutional mandate requiring equal protection of the laws." *Eubanks* v. *Louisiana,* 356 U. S. 584, 588.[8]

The district court's disposition of this case, as the court below has held, cannot be squared with these admonitions. It does not require constructive measures of implementation; it endorses a moratorium in order to "wait and see" what may happen.

Second. The district court did not rely solely on its finding that there were traditions and attitudes in the community which were hostile to desegregation. It gave weight to the fact that the opposition "is more than a mere mental attitude" and has "manifested itself in overt acts which have actually damaged educational standards and which will continue to do so if relief is not granted."

[8] The Fourth and Fifth Circuits have both held that "local tradition" cannot excuse a failure to proceed expeditiously in compliance with this Court's decision in the school cases. *Allen* v. *County School Board of Prince Edward Co., Va.*, 249 F. 2d 462 (C. A. 4); *School Board of City of Charlottsville, Va.* v. *Allen*, 240 F. 2d 59 (C. A. 4); *Jackson* v. *Rawdon*, 235 F. 2d 93 (C. A. 5), certiorari denied, 352 U. S. 925. As Chief Judge Hutcheson stated in the *Jackson* case (235 F. 2d at 96), a school board has a duty to abolish segregation "completely uninfluenced by private and public opinion as to the desirability of desegregation in the community * * *".

This reliance upon overt manifestations of opposition to desegregation reflects the fundamental error in the district court's decision. For inherent in that ruling is the idea that the constitutional rights of some citizens may be suspended or ignored because of the antagonistic acts of others. If constitutional rights could be so easily negated, they would amount to little. Here, it should be noted, there is not the slightest suggestion that the colored children did anything to incite violence or disorderly conduct. Because they were colored, their mere presence in the school led others to engage in the conduct which the district court thought to be sufficient justification for suspending the children's constitutional rights—rights which can be enforced only while they are of school age, so that any "suspension" of their rights is actually a permanent and irretrievable deprivation.

This Court has rejected the claim that a restriction upon the rights of Negroes might be justified as a means of avoiding racial disturbance. "That there exists a serious and difficult problem arising from a feeling of race hostility which the law is powerless to control, and to which it must give a measure of consideration, may be freely admitted," the Court said. "But its solution cannot be promoted by depriving citizens of their constitutional rights and

privileges." *Buchanan* v. *Warley,* 245 U. S. 60, 80–81.[9]

The court below has stated in the instant case (Appendix, *infra,* p. 34), that it would create an "impossible situation" if the district court's order were sustained. "Every school district in which integration is publicly opposed by overt acts would have 'justifiable excuse' to petition the courts for delay and suspension in integration programs. An affirmance of 'temporary delay' in Little Rock would amount to an open invitation to elements in other districts to overtly act out public opposition through violent and unlawful means." *Ibid.*

B. BOTH THE SCHOOL AUTHORITIES AND THE DISTRICT COURT CAN ADOPT MEASURES CALCULATED TO PROTECT PETITIONERS' CONSTITUTIONAL RIGHTS

We believe that the decision of the court of appeals is correct in that it recognizes that the narrow grounds of opposition, violence and unlawful acts do not justify a postponement of the plan.

We point out additionally that, as in the case of any application for equitable relief, the respondents were obligated to do everything within their power before they could obtain relief from the court. Had an affirmative burden of proving need for additional time been assumed and the case proved on justifiable and equitable grounds, the Court would have a different problem before it.

As the court below observed (Appendix, *infra,* p. 34, the school authorities and the district court are not without means to deal with the prevailing situation and to protect petitioners' constitutional rights.

[9] Cf. *Moore* v. *Dempsey*, 261 U. S. 86, 90 (right to a fair and orderly trial may not be surrendered "to appease the mob spirit") and *Terminiello* v. *Chicago*, 337 U. S. 1, 5 (speech might not be suppressed because it "stirred people to anger, invited public dispute, or brought about a condition of unrest").

1. Respondents can obtain injunctive relief to protect them from outside interference with the performance of their constitutional duties

While it may be true, as the district court found, that "deep-seated popular opposition to the principle of integration" exists in Little Rock, it is clear that the active instigators of obstruction are limited in number. In response to interrogatories put to them by petitioners, respondents were readily able to name the individuals and the organization primarily responsible for the "campaign of opposition" to their plan.[10] Respondents can seek—and, if the practical necessities require, they have a duty to seek—injunctive relief against this band of troublemakers. This is precisely what was done by the school authorities of Hoxie School District No. 46, also in Arkansas, when their plan of desegregation met with massive interference spearheaded by a small group. Indeed, it should be noted that one of the defendants against whom injunctive relief was sought in that case,[11] Amis Guthridge, is also named by respondents here as being among the active obstructionists to school integration in Little Rock.[12]

[10] "The persons * * * are Amis Guthridge, Robert Ewing Brown, Theo Dillaha, Sr., Will J. Brown, the Reverend Wesley Pruden, and innumerable other persons who are members of Capitol Citizens Council, an association incorporated under the laws of the State of Arkansas, all of whom are residents of Little Rock. * * *"

[11] *Hoxie School Dist. No. 46 of Lawrence Co., Ark.* v. *Brewer*, 137 F. Supp. 364 (E. D. Ark.).

[12] Moreover, in addition to three other individual defendants, injunctive relief in the *Hoxie* case was sought and obtained against White America, Inc., a corporation organized and operating under the laws of the State of Arkansas, Citizens Com-

In the *Hoxie* case, the defendants challenged the authority of the School Board to seek injunctive relief. The district court responded by stating (*Hoxie School District No. 46 of Lawrence Co., Ark.* v. *Brewer,* 137 F. Supp. 364, 367 (E. D. Ark.)):

> If the defendants in fact conspired to deprive (among others) Negro pupils of their constitutional rights, then it would seem proper for the plaintiffs, so closely related as they were to the victims in this case, to bring a restraining suit. They were officials of a great state and an omission by them would, in effect, be a deprivation of rights under color of law.

The court of appeals agreed (*Brewer* v. *Hoxie School District No. 46,* 238 F. 2d 91, 101 (C. A. 8)):

> * * * [T]here is no question that * * * school board members may be protected by a federal injunction in their efforts to discharge their duty under the Fourteenth Amendment.

In similar fashion, the Court of Appeals for the Sixth Circuit sustained the right of the school authorities of Clinton, Tennessee, to petition the district court for injunctive relief against John Kasper and an organized group of followers who sought "to impede, obstruct and intimidate" them from carrying out a desegregation order of the court. *Kasper* v. *Brittain,* 245 F. 2d 92, 94 (C. A. 6), certiorari denied, 355 U. S. 834.

Even in the absence of an application for injunctive

mittee Representing Segregation in the Hoxie Schools, an unincorporated association, and White Citizens Council of Arkansas, an unincorporated association.

relief on the part of respondents, the district court, sitting as a court of equity, had ample power to direct that such relief be sought. *Faubus* v. *United States et al.,* 254 F.2d 797 (C. A. 8), pending on petition for a writ of certiorari, No. 212, Oct. Term, 1958. If intervention by the court was indeed necessary to deal with the threat of interference, then certainly the remedy to be fashioned was one directed *at* the obstructionists, not in their favor.

2. Respondents can maintain firmer discipline within Central High School

In Paragraph 11 of their "Substituted Petition," respondents, after reciting the outside interference which they have encountered, state:

> A large majority of the pupils in Central High School have exhibited the highest type of good citizenship in their daily scholastic activities, but a small group, with the encouragement of certain adults, has absorbed the prevailing spirit of defiance and has almost daily created incidents which make it exceedingly difficult for teachers to teach and for pupils to learn. The existing pupil unrest, teacher unrest, and parent unrest, likewise make it difficult for the District to maintain a satisfactory educational program.

The group of students interfering with the plan numbered no more than twenty-five (Tr. 72).[13] Despite numerous and repeated instances of slugging, kicking, spitting, name-calling and wanton destruction of school

[13] Of these twenty-five, there were "five or ten" students who were known to be the ringleaders of the group (Tr. 64).

property,[14] only two students were expelled (Appendix, *infra,* p. 28).

Mr. J. O. Powell, Central High School's own Vice-Principal of Boys, was convinced that if the school adopted and carried out a firm policy of long-term suspension and, if necessary, permanent expulsion of serious troublemakers, the problems of the past school year would be considerably reduced (Tr. 72, 74–75). These views were shared by petitioners' two expert witnesses, Dr. Rogers, Dean of the School of Education of Syracuse University, and Dr. Salten, City Superintendent of Schools at Long Beach, New York (Tr. 366–386; 446–458).

3. There has been no showing that respondents have invoked the assistance of other responsible state agencies

The primary responsibility for maintaining order in the community and taking all other necessary measures to the end that the decree of the district court may be duly carried out rests upon the State and its officials. See *City of Chicago* v. *Sturges,* 222 U. S. 313, 322; *Sterling* v. *Constantin,* 287 U. S. 378, 404. Respondents are state officials and, as such, obligated under the Constitution to administer the public schools of the District so that public education will be available on a non-discriminatory basis. *Board of Education* v. *Barnette,* 319 U. S. 624, 637. Respondents petitioned the district court to relieve them from this obligation on the ground that opposition to the admission of colored school children had assumed serious proportions. But, according to the

[14] See Tr. 50, 51, 111–112.

record, they failed to show that they sought assistance from other duly constituted authorities of the State to aid them in the performance of their duties.

Thus, there is no evidence in the record to indicate that determined local authorities cannot handle, if necessary, any future disturbance occurring in or around Central High School. There was no showing that, prior to coming into court, respondents had even consulted with local law enforcement agencies. Nor was there any showing that they sought to enlist the aid of the Mayor of Little Rock, the City Manager, or any other official of the State.

CONCLUSION

The jurisdiction of this Court has been properly invoked. Since the decision of the court of appeals is clearly correct and there is no likelihood that respondents can prevail on the merits, the relief sought by petitioners should be granted.

Respectfully submitted.

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AUGUST 1958.

APPENDIX

In the United States Court of Appeals for the Eighth Circuit

No. 16034

JOHN AND THELMA AARON, MINORS, BY THEIR MOTHER AND NEXT FRIEND, (MRS.) THOMAS AARON; ET AL., APPELLANTS

vs.

WILLIAM G. COOPER, ET AL., MEMBERS OF THE BOARD OF DIRECTORS OF THE LITTLE ROCK, ARKANSAS INDEPENDENT SCHOOL DISTRICT, AND VIRGIL T. BLOSSOM, SUPERINTENDENT OF SCHOOLS, APPELLEES

[August 18, 1958]

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF ARKANSAS

Before GARDNER, Chief Judge, and SANBORN, WOODROUGH, JOHNSEN, VOGEL, VAN OOSTERHOUT and MATTHES, Circuit Judges.

MATTHES, *Circuit Judge.*

This appeal is another in a series of legal actions which followed the adoption and implementation of a plan for gradual integration of the public schools in Little Rock, Arkansas, as set up by the school board in that district, and approved by the United States District Court for the Eastern District of Arkansas, and by this Court. See *Aaron* v. *Cooper* (E. D. Ark. 1956) 143 F. Supp. 855, *aff'd* 243 F. 2d 361 (8 Cir. 1957); *Thompson* v. *Cooper* (8 Cir. 1958) 254 F. 2d

808; *Faubus* v. *United States* (8 Cir. 1958) 254 F. 2d 797.

In conformity with the plan, and under the direction of the Superintendent of Schools of the Little Rock School District (hereinafter called "District") approximately sixty Negro students were meticulously screened prior to the opening of schools in September, 1957. Seventeen were accepted for entrance in the final two years in high school, but when eight of the students voluntarily withdrew, the nine remaining attempted to enter the school when it opened. After a series of skirmishes, resulting in the placing of troops around the Central High School building, (see *Faubus* v. *United States,* supra), the nine Negro students were admitted and eight of them attended the full year. On February 20, 1958, the members of the school board hereinafter called "Board") and the Superintendent, filed a petition in the United States District Court, Eastern District of Arkansas, Western Division, asking that the plan of integration "be realistically reconsidered in the light of existing conditions," and that it be postponed until such time as the concept of "all deliberate speed" could be clearly defined. Thereafter, the Honorable Harry J. Lemley, United States District Judge for the Eastern and Western Districts of Arkansas, was designated by the Chief Judge of this Circuit to hear and determine the issues presented by the petition. At the District Court's direction appellees filed an amended petition in which they alleged that in light of existing conditions they were of the opinion that a suspension of operations under the plan until January, 1961, was reasonable and advisable. Appellants attacked the petition by a motion to dismiss, contending that the petition was insufficient to state a cause for relief or a claim for relief which would be cognizant under

Rule 60 (b) of the Federal Rules of Civil Procedure. They also filed a response to the petition. Following an extended trial of the issues presented by the pleadings, the District Court filed an exhaustive opinion, . . . F. Supp. . . ., and entered its order granting permission to suspend the operation of the plan of integration until mid-semester of the 1960–61 school year.

From that order, plaintiffs (appellants) presented an appeal to this Court. Because of the vital importance of the time element in the litigation, and in line with the suggestion of the Supreme Court in its per curiam order of June 30, 1958, on petition for certiorari, we heard the appeal on its merits on August 4, 1958.

A review of the events leading up to the present appeal, as revealed by the record, is necessary to a proper understanding of the meritorious question for decision.

On May 20, 1954, following the decision of the Supreme Court in *Brown* v. *Board of Education* on May 17, 1954, 347 U. S. 483, the Board adopted a statement concerning the *Brown* decision, recognizing its responsibility to comply with Federal Constitutional requirements, and on May 24, 1955—several days prior to the supplemental opinion of the Supreme Court in *Brown* v. *Board of Education,* 349 U. S. 294, the Board approved a "Plan of School Integration", which provided for a gradual integration of all public schools, beginning with the high school level, in the Fall of 1957. See *Aaron* v. *Cooper,* 143 F. Supp. 855 for the plan in its entirety, *aff'd* (8 Cir.) 243 F. 2d 361.

It was the feeling of the Board that the plan, as proposed, was the most desirable and workable under all of the circumstances, and that as the result of an

active public relations program, the public generally approved of the plan. However, a systematic campaign developed which undermined whatever confidence the public might have had in the plan to integrate the public schools. In November, 1956, the people of the State of Arkansas adopted: (A) Amendment 44 to the State Constitution, which commanded the General Assembly to oppose by every constitutional method the "Un-Constitutional desegregation decisions of May 17, 1954 and May 31, 1955 (the two *Brown* decisions) of the United States Supreme Court" (1 Ark. Stat. 1947, 1957 Supplement); (B) A resolution of interposition which, inter alia, called upon the people of the United States and the governments of all the separate states to join the people of Arkansas in securing an adoption of an amendment to the Constitution of the United States which would provide that the powers of the federal government should not be construed to extend to the regulation of the public schools of any state, or to prohibit any state from providing for the maintenance of racially separate but substantially equal public schools within such state; (C) A pupil assignment law dealing with the assignment of individual pupils to individual public schools. The 61st General Assembly of Arkansas, which convened in January, 1957, enacted Sections 80–1519 to 80–1524, Ark. Stat. 1947, known as The Pupil Assignment Law; Section 80–1525, ibid, which relieves school children of compulsory attendance in racially mixed public schools; Sections 6–801 through 6–824, ibid, which established a State Sovereignty Commission; Section 80–539 ibid, which authorizes local school boards to expend district funds in employing counsel to assist in the solution of problems arising out of integration.

During the summer of 1957, anti-integration forces, pointing to the recent Arkansas enactments, petitioned for, and received from the Pulaski Chancery Court at Little Rock, an injunction directed against the Board, restraining any action towards integrating Little Rock Central High School during the school term beginning September 3, 1957. On August 29, 1957, on application of the Board, the United States District Court at Little Rock entered an order enjoining the use of the state court injunction in an attempt to block the integration plan. We affirmed this order. *Thomason* v. *Cooper* (8 Cir.) 254 F. 2d 808.

From the testimony of the Superintendent, and voluminous exhibits, consisting mainly of newspaper articles and paid advertisements, it is demonstrated that pro-segregationists carried on a relentless and effective campaign during the summer of 1957. The Governor of Georgia, Marvin Griffin, and Roy V. Harris, publisher, of the same state, and Reverend J. A. Lovell, described as a "Texas Radio Minister," appeared in Little Rock and delivered speeches against integration to large audiences. The effect of these efforts may be gleaned from the Superintendent's testimony; (Mr. Blossom)—"[B]ut there was a tremendous amount of opposition following the appearance of the Governor of Georgia * * * that this plan which had been developed as I explained over a long period of time, seemed to be driven out of everybody's mind. * * * In the minds of people who talked to me the thing that became prevalent [was] 'We don't have to do this when the Governor of Georgia says nobody else has to do it.'" On July 9, 1957, what purports to be a full page paid statement appeared in the Arkansas Democrat, the first two paragraphs of which are typical, not only of the statement in its

entirety, but of other articles appearing from time to time in the same publication:

> "PEOPLE OF ARKANSAS vs. RACE-MIXING! OFFICIAL POLICY OF THE STATE OF ARKANSAS
>
> "The People of Arkansas assert that the power to operate public schools in the State on a racially separate but substantially equal basis was granted by the people of Arkansas to the government of the State of Arkansas; and that, by ratification of the Fourteenth Amendment, neither the State of Arkansas nor its people delegated to the federal government, expressly or by implication, the power to regulate or control the operation of the domestic institutions of Arkansas; *any and all decisions of the federal courts or any other department of the federal government to the contrary notwithstanding.*"
>
> WHOSE STATEMENT IS THE ABOVE?
>
> It is the statement of Gov. Orval E. Faubus of Arkansas. It is the core of the Resolution of Interposition which he personally fathered. Governor Faubus hired the solicitors who circulated the petitions to place this Resolution on the ballot. Governor Faubus filed Resolution and petitions with the Secretary of State on July 5, 1956, and the Resolution was submitted to the people in last November's general election. THE PEOPLE OF ARKANSAS BY A TREMENDOUS, OVERWHELMING MAJORITY GAVE IT THEIR THUNDERING APROVAL.
>
> Sponsored by the Governor of Arkansas, adopted by a tremendous majority of Arkansas voters, THE ABOVE STATEMENT IS THE WILL OF THE PEOPLE OF ARKANSAS."

As September 3rd approached, the opposition to Negro children entering Central High School had

stiffened and solidified. On the night of September 2d, Governor Faubus appeared on television in Little Rock and announced that in the interest of preserving peace, he had called out units of the National Guard, and had directed that the white schools be placed "off limits" to Negro students, and that the Negro schools be placed "off limits" to white students. The subsequent events, which ultimately brought forth United States troops, and the entry of the nine Negro children in Central High School, are found in our opinion in *Faubus* v. *United States,* supra.

The record firmly establishes that although the Negro children attended Central High School during the 1957–58 school term under the protection of Federal troops, and later, federalized national guardsmen, the opposition to the plan of integration by many members of the public, and particularly parents of white students, failed to subside. Whether the white students who were the trouble makers, stood for segregation of the races in schools as the result of their environment over the years, or because of the intense campaign that was focused upon that issue by adults, does not appear, but the indisputable fact is that certain of the white students demonstrated their hostility to integration by overt acts of violence and misconduct, committed within the school building, as well as by destruction of school property through acts of vandalism. The events which occurred during the school year may be summarized as follows:

(1) Although there were no unusual events in the classrooms, there were a number of incidents in the halls, corridors, cafeteria and rest rooms, consisting mainly of "slugging, pushing, tripping, catcalls, abusive language, destruction of lockers, and urinating on radiators.

(2) Forty-three bomb threats necessitated searches of the school building, and particularly the lockers,

some 2400 in number. These bomb threats were broadcast on the local radio and television stations, precipitating calls from parents and withdrawal of students for the day.

(3) Numerous small fires occurred within the building, particularly in rest rooms where tissue paper and towels accumulated.

(4) The destruction of school property throughout the school necessitated the expenditure of school funds, which might otherwise have been used for general maintenance purposes, to repair the damage.

(5) Misconduct on the part of some students resulted in approximately 200 temporary suspensions for short periods of time, and two permanent expulsions.

(6) The administrative staff in the school spent a great deal of time making reports of incidents, alleged and real, arising out of opposition to the presence of the nine Negro students.

(7) Teachers and administrative staff were subjected to physical and mental strain and telephone threats.

(8) Inflammatory anti-integration speeches were made at public meetings by speakers from other states, and the local newspapers carried many anti-integration articles.

(9) Vicious circulars were distributed condemning the District Court, the Supreme Court of the United States, and the school officials who recognized the supremacy of the Federal law.

(10) Vulgar cards, critical of the school officials, were given by adults to school children for distribution within the school building.

(11) In general there was bedlam and turmoil in and upon the school premises, outside of the classrooms.

Careful and critical analysis of the relevant facts and circumstances in light of applicable legal principles, leads us to the inescapable conclusion that the order of the District Court suspending the plan of integration can not stand.

In *Brown* v. *Board of Education,* 349 U. S. 294, the Supreme Court, in dealing with the manner in which integration should be effected, recognized that full implementation of the constitutional principles involved may require solution of varied local school problems—and that the school authorities have the primary responsibility for "elucidating, assessing, and solving the problems." While the District Courts, aided and guided by equitable principles, may properly take into account the public interest in the elimination of obstacles in making the transition to school systems operated in accordance with the constitutional principles set forth in *Brown* v. *Board of Education,* May 17, 1954, 347 U. S. 483, it should be emphasized that the Court, in the opinion dealing with the relief to be granted, stated (349 U. S. at page 300): "But it should go without saying that the vitality of these constitutional principles *cannot be allowed to yield simply because of disagreement with them.*" [Emphasis supplied.]

The precise question at issue herein, i. e., whether a plan of integration, once in operation, may lawfully be suspended because of popular opposition thereto, as manifested in overt acts of violence, has not received judicial consideration. But there is sound and convincing authority that a school board, "acting promptly and *completely uninfluenced by private and public opinion* as to the desirability of desegregation in the community," must proceed with deliberate speed, consistent with proper administration, to abolish segregation, *Jackson* v. *Rawdon* (5

Cir. 1956) 235 F. 2d 93, 96, *certiorari denied* 352 U. S. 925; *School Board of the City of Charlottesville, Va.* v. *Allen* (4 Cir. 1956) 240 F. 2d 59, *certiorari denied,* 353 U. S. 910; and while "* * * a good faith acceptance by the school board of the underlying principle of equality of education for all children with no classification by race might well warrant the allowance by the trial court of time for such reasonable steps in the process of desegregation as appears to be helpful in avoiding unseemly confusion * * * [n]evertheless, whether there is such acceptance by the Board or not, the duty of the Court is plain. *The vindication of rights guaranteed by the Constitution can not be conditioned upon the absence of practical difficulties."* [Emphasis supplied.] *Orleans Parish School Board* v. *Bush* (5 Cir. 1957) 242 F. 2d 156 at p. 166, *certiorari denied* 354 U. S. 921. "The fact that the schools might be closed if the order were enforced is no reason for not enforcing it," *Allen* v. *County School Board of Prince Edward County, Va.,* (4 Cir. 1957) 249 F. 2d 462, 465, *certiorari denied* 355 U. S. 953, because, as the Court there stated, at page 465: "A person may not be denied enforcement of rights to which he is entitled under the Constitution of the United States because of action taken or threatened in defiance of such rights."

In his opinion * * * F. Supp. * * *, which incorporated findings of fact and conclusions of law, Judge Lemley, who has most carefully and conscientiously considered the problem presented, recognized that the occurrences which motivated the instant proceeding were the direct result of general community opposition to integration. He stated:

> "From the practically undisputed testimony of the Board's witnesses we find that although the continued attendance of the Negro students

> at Central High School was achieved throughout the 1957–58 school year by the physical presence of federal troops, including federalized national guardsmen, *nevertheless on account of popular opposition to integration* the year was marked by repeated incidents of more or less serious violence directed against the Negro students and their property, by numerous bomb threats directed at the school, by a number of nuisance fires started inside the school, by desecration of school property, and by the circulation of cards, leaflets, and circulars designed to intensify opposition to integration. * * *" [Emphasis added.]
>
> * * * * *
>
> "It is important to realize, as is shown by the evidence, that the racial incidents and vandalism which occurred in Central High School during the past year did not stem from mere lawlessness on the part of the white students in the school, or on the part of the people of Little Rock outside the school; nor did they stem from any malevolent desire on the part of the students or others concerned to bomb the school, or to burn it down, or to injure or persecute as individuals the nine Negro students in the school. *Rather, the source of the trouble was the deep seated popular opposition in Little Rock to the principle of integration,* which, as is known, runs counter to the pattern of southern life which has existed for over three hundred years. The evidence also shows that to this opposition was added the conviction of many of the people of Little Rock, that the Brown Decisions do not truly represent the law, and that by virtue of the 1956–57 enactments, heretofore outlined, integration in the public schools can be lawfully avoided." [Emphasis supplied.]
>
> * * * * *
>
> "* * * In reaching this conclusion we are not unmindful of the admonition of the Supreme

> Court that the vitality of those principles 'cannot be allowed to yield simply because of disagreement with them'; here, however, as pointed out by the Board in its final brief, the opposition to integration in Little Rock is more than a mere mental attitude; it has manifested itself in overt acts which have actually damaged educational standards and which will continue to do so if relief is not granted."

Appalling as the evidence is—the fires, destruction of private and public property, physical abuse, bomb threats, intimidation of school officials, open defiance of the police department of the City of Little Rock by mobs—and the naturally resulting additional expense to the District, disruption of normal educational procedures, and tension, even nervous collapse of the school personnel, we cannot accept the legal conclusions drawn by the District Court from these circumstances. Over and over again, in the testimony, we find the conclusion that the foregoing turmoil, chaos and bedlam directly resulted from the presence of the nine Negro students in Central High School, and from this conclusion, it appears that the District Court found a legal justification for removing temporarily the disturbing influence, i. e., the Negro students. It is more accurate to state that the fires, destruction of property, bomb threats, and other acts of violence, were the direct result of popular *opposition to* the presence of the nine Negro students. To our mind, there is a great difference from a legal standpoint when the problem in Little Rock is stated in this manner. From the record it appears that none of the Negro students was responsible for the incidents on the school property, and the one Negro expulsion seems to have resulted after the Negro student was physically struck in the face, following which it was found that the student had "failed to adjust", in

violation of an agreement with the school board not to become embroiled in incidents.

This Court recognizes that, following the first *Brown* decision, the members of the Board, acting in good faith, and working with the Superintendent of Schools, moved promptly to promulgate a plan designed to gradually bring about complete integration in the Little Rock public schools, and they are to be commended for their efforts in that regard. We are also not unmindful of the difficulties which were faced by the board members and school administrators in attempting to give life to the plan of integration. As we have seen, they have been constantly harassed; they have met with overt opposition from the public, and the legislature through passage of the 1957 enactments. The executive department of the State of Arkansas has openly opposed their efforts, as demonstrated by the statement by the Governor of the official policy of the state of Arkansas against integration, followed by the use of National Guardsmen to prevent entry of Negro students. The result was to place the Board between "the upper and the nether millstone." See *Thomason* v. *Cooper,* 254 F. 2d 808 at page 810. While it may appear to the members of the Board and the Superintendent, that they have a thankless task, they may be recompensed by the knowledge that throughout, they, as public officers, have recognized their duty to support the Constitution of the United States, and to respect the laws and courts of our Federal Government, and our democratic ideals, regardless of their personal convictions with respect to the wisdom of school integration.

It is not the province of this Court in this proceeding to advise the Board as to the means of implementing integration in the Little Rock Schools. We are directly concerned only with the legality of

the order under review. We do observe, however, that at no time did the Board seek injunctive relief against those who opposed by unlawful acts the lawful integration plan, which action apparently proved successful in the Clinton, Tennessee and Hoxie, Arkansas situations. See *Kasper* v. *Brittain,* 245 F. 2d 92 (6 Cir. 1957), *certiorari denied* 355 U. S. 834, *rehearing denied* 355 U. S. 886; *Hoxie School District* v. *Brewer* (E. D. Ark.) 137 F. Supp. 364, *aff'd Brewer* v. *Hoxie School District* (8. Cir. 1956) 238 F. 2d 91. The evidence also affords some basis for belief that if more rigid and strict disciplinary methods had been adopted and pursued in dealing with those comparatively few students who were ring leaders in the trouble making, much of the turmoil and strife within Central High School would have been eliminated.

An impossible situation could well develop if the District Court's order were affirmed. Every school district in which integration is publicly opposed by overt acts would have "justifiable excuse" to petition the courts for delay and suspension in integration programs. An affirmance of "temporary delay" in Little Rock would amount to an open invitation to elements in other districts to overtly act out public opposition through violent and unlawful means. The Supreme Court of the United States has specifically determined that segregation in the public schools is a deprivation of the equal protection of laws guaranteed by the Fourteenth Amendment. The Board, by public statement, has recognized its constitutional duty to provide non-segregated educational opportunities for the children of Little Rock; the District Court, in its memorandum opinion, *supra,* at page * * *, stated: "* * * it is not denied that under the Brown decisions the Negro students in the Little

Rock District have a constitutional right not to be excluded from any of the public schools on account of race;". Acting under a federal court order, the Board did proceed with a fair and reasonable program for gradual integration, which program had previously been approved by this Court. The issue plainly comes down to the question of whether overt public resistance, including mob protest, constitutes sufficient cause to nullify an order of the federal court directing the Board to proceed with its integration plan. *We say the time has not yet come in these United States when an order of a Federal Court must be whittled away, watered down, or shamefully withdrawn in the face of violent and unlawful acts of individual citizens in opposition thereto.*

Mindful as we are that the incidents which occurred within Central High School produced a situation which adversely affected normal educational processes, we nevertheless are compelled to hold that such incidents are insufficient to constitute a legal basis for suspension of the plan to integrate the public schools in Little Rock. To hold otherwise would result in "* * * accession to the demands of insurrectionists or rioters * * *", *Strutwear Knitting Co.* v. *Olson,* 13 F. Supp. 384 at 391, and *Faubus* v. *U. S.,* 254 F. 2d 797 at 807, and the withholding of rights guaranteed by the Constitution of the United States. Accordingly, the order of the District Court is reversed, with directions to dismiss the appellees' petition.

GARDNER, *Chief Judge,* dissenting.

I would affirm on the grounds stated by Judge Lemley in his opinion. *Aaron* v. *Cooper,* E. D. Ark., * * * F. Supp. * * *

Because of the limitation of time within which this case must be decided it is not possible to prepare a

dissenting opinion and, hence, I am preparing only a short memorandum.

It is conceded that the school authorities have acted in good faith both in formulating a plan for integrating and in attempting to implement that plan. Their efforts in this regard were met with unprecedented and unforeseen opposition and resistance as set out and enumerated in the majority opinion. This opposition included acts of violence to such an unprecedented extent that the armed forces of the United States were stationed in and about the school building. The events pertinent to the attempts of the school authorities during the school year to implement its plan for integrating are set forth in the majority opinion. The normal conduct of the school was continuously disrupted and the state of mind, both within and without the school, was to a greater or lesser extent in a state of hysteria. Under circumstances and conditions set out in Judge Lemley's opinion the school authorities made application for an extension of time so as to permit a cooling off or breathing spell so that both pupils, parents, teachers and the public might to some extent become reconciled to the inevitable necessity for public school integration. Having in mind that the school officials and the teaching staff acted in good faith and that the school officials presented their petition for an extension of time in good faith, it was the duty of the court "to consider whether the action of school authorities constitutes good faith implementation of the governing constitutional principles". *Brown* v. *Board of Education,* 349 U. S. 294. In this situation the action of Judge Lemley in extending the time as requested by the school officials was the exercise of his judicial discretion. The background is well set forth in Judge Lemley's opinion. For centuries there had been no intimate social rela-

tions between the white and colored races in the section referred to as the South. There had been no integration in the schools and that practice had the sanction of a decision of the Supreme Court of the United States as constitutionally legal. It had become a way of life in that section of the country and it is not strange that this long-established, cherished practice could not suddenly be changed without resistance. Such changes, if successful, are usually accomplished by evolution rather than revolution, and time, patience, and forbearance are important elements in effecting all radical changes. The action of Judge Lemley was based on realities and on conditions, rather than theories. The exercise of his discretion should not, I think, be set aside as it seems to me it was not an abuse of discretion but rather a discretion wisely exercised under the conditions. We should not substitute our judgment for that of the trial court. Judge Lemley's decision is not without precedent in principle. It is, I think, warranted by the decision of the Supreme Court in *Brown* v. *Board of Education,* 349 U. S. 294. See also *Allen* v. *County School Board of Prince Edward County,* E. D. Va., * * * F. Supp. * * *; *Davis* v. *County School Board of Prince Edward County, E. D. Va.,* 149 F. Supp. 431; *Wisconsin* v. *Illinois,* 278 U. S. 367, modified, 281 U. S. 179, 289 U. S. 395, 309 U. S. 569, 311 U. S. 107; *Standard Oil Co.* v. *United States,* 221 U. S. 1. It was the judgment of the school officials as indicated by their petition and, after hearing, the judgment of the trial court, that the extension of time requested should be granted. I do not think it can be said that the findings of the trial court and its conclusion based thereon are clearly erroneous. I would affirm.

U S GOVERNMENT PRINTING OFFICE 1958

THE WHITE HOUSE
WASHINGTON

THE ASSISTANT TO THE PRESIDENT

September 4, 1958

Dear Brooks:

I was very appreciative of your letter of the third with the observations and comments.

You may be sure that I will be looking forward to seeing you when you are in the vicinity.

My best as always.

Sincerely,

The Honorable Brooks Hays
214 Federal Building
Little Rock, Arkansas

SA:lrs

- Original sent 9/4/58 to the Attorney General for his information.

BROOKS HAYS
5TH DISTRICT, ARKANSAS

LITTLE ROCK OFFICE
214 FEDERAL BUILDING

Congress of the United States
House of Representatives
Washington, D. C.

MEMBER
FOREIGN AFFAIRS COMMITTEE

EXECUTIVE SECRETARY:
JOHN S. MCLEES

ASSISTANTS:
MRS. LURLENE WILBERT
MISS KITTY JOHNSON

LEGISLATIVE ASSISTANT.
WARREN I. CIKINS

IN CHARGE OF LITTLE ROCK OFFICE
H. A. EMERSON

Little Rock, Arkansas
September 3, 1958

Hon. Sherman Adams
White House
Washington, D.C.

My dear Sherman:

My principal reason in calling yesterday was to see if you had any impressions from the publicity given the Governor's "Face the Nation" comment to the effect that you and I had "forced" him to acknowledge that the 1954 decision was the law of the land as the basis for negotiations. The publicity received more attention than it deserved. There are, however, some implications that I want to discuss with you sometime. I plan to spend the week of September 15th in Washington and hope we can get together.

There is still considerable anxiety here over the school situation. As a result of the package laws passed by the special session in Little Rock last week, Federal authorities may be spared some tough decisions. If the Supreme Court grants the breather that I fervently hope for we will be given time to work toward some solutions. If it goes the other way, either the school board or the Governor will close Central High.

Of course, I know you have your own sources of information but you might be interested in my thoughts on the subject.

I had a fine talk with Bishop Brown this morning and am happy he is to see you tomorrow. Since my re-election gives me some relief from political pressures, I am able to give at least some time to the things in which Bishop Brown and other religious leaders (including my Baptist people)

are so deeply interested. The Bishop and I think that the strong potential from religious sources throughout the South needs more formal recognition. I hope that he will be regarded as a link between the indigenous church leadership and the White House. In my judgment, you do not need a new organization nor any formal action by the White House at this time. Bishop Brown will tell you about the beginnings of an organization of Southern churchmen which has real possibilities. It includes both clergy and laymen.

I am speaking, of course, of the Southern situation only. Perhaps the President is giving some thought to a conference of churchmen from all regions who would think in national terms but I assume you agree with me that a more immediate task is to cushion the shock in our Southern areas where the tension is greatest.

This letter is already too long but is just to let you know that I want to be helpful. I will give you a ring about the 15th.

With warm regards, as always

Brooks Hays

Newport, Rhode Island
September 4, 1958

Dear Bill:

One of my longtime heroes is the sometimes maligned Dr. Arthur E. Morgan. He was President of Antioch College when I went there long years ago.

Most of the letters on Little Rock I discard. But this one (see paragraph I marked on second page) contains an idea new, and appealing, to me.

I hate to bother you, but will you have some member of your staff thank Dr. Morgan? (I, too, have written him a note).

Sincerely,

Ann C. Whitman

The Honorable William P. Rogers
The Attorney General
Washington, D. C.

Enclosure

Newport, Rhode Island
September 4, 1958

Dear Dr. Morgan:

I am always interested in your suggestions, and I personally find particularly appealing your thoughts on the Little Rock situation. I sent a copy of the letter along to the Attorney General, who is -- in addition to being a very nice man -- a friend and both personally and professionally exploring every possible path to bring about an easement of that dangerous problem.

With all the best, and many thanks,

Sincerely,

Ann C. Whitman
Personal Secretary
to The President

Dr. Arthur E. Morgan
Yellow Springs
Ohio

ARTHUR E. MORGAN
YELLOW SPRINGS
OHIO

August 31, 1958

Mrs. Ann Whitman
The White House
Washington, D.C.

Dear Mrs. Whitman:

In the hope that a way may be found by which the Little Rock situation may be resolved without reaching an absolute impasse and violence, I have written a letter to Justice Douglas, of which a copy is inclosed. I am sure that it will not be used in any way which would embarrass Justice Douglas in case he should find any element of merit in it.

It seems possible that there may be a way of reconciling the position of Governor Faubus and that of the Supreme Court without a head-on collision of two social principles, both of which are of great value to our American society. Your experience will inform you what to do with this.

Sincerely,

Arthur E. Morgan

Arthur E. Morgan

AEM:jm

G.F.

THE WHITE HOUSE
WASHINGTON

RECEIVED
10 SEP
CENTRAL FILES

September 10

Governor:

Cong. Brooks Hays called from Little Rock to say the Superintendent of Schools Virgil Blossom was in Wn. at the Mayflower Hotel if you or anyone at the WH wished to talk with him.

I told Mr. Hays you were gone but would pass the info on to Mr. Morgan. (I did).

Mr. Blossom indicated he would be available to talk with anyone who so wished.

Mr. Hays said there were good reproductions of the letters from the AG to Little Rock officers in papers there today - and thought everything going pretty well.

Mr. Hays will be in Wn. next week (the 15th through 18th) and will call to see you.

Mary

Memo: G.F.

FROM: EUGENE G. EVANS, JR., M. D.
517 SIXTH AVENUE, WEST
HENDERSONVILLE, N. C.

TO: Mr. James C. Hagerty

Dear Mr. Hagerty:

Your attention is directed to previous correspondence and particularly to my most recent letter of 10 September 1958.

I am awaiting a reply to that letter.

Very truly yours,

Eugene G. Evans, Jr., M.D.

EGE/sd

DATE 6 November 1958

EUGENE G. EVANS, JR , M.D.
517 SIXTH AVENUE WEST
HENDERSONVILLE, N. C.
OX 23946 Office
OX 23196 Residence

RECEIVED

10 September 1958

Mr. James C. Hagerty
Press Secretary to the President
The White House
Washington, D. C.

Dear Mr. Hagerty:

You are referred to previous correspondence between us (vide infra). As you will note your letter of 23 April 58 stated that you would be glad to send me the answers to the questions in which I am particularly interested.

The Press Secretary referred my letter of 28 April 58 containing the aforementioned inquiries to the Special Counsel to the President whose reply dated 3 June 58 was considered evasive (i.e., a circumvention) and which prompted my letter of 6 June 1958 (copy enclosed and attached). No subsequent communication with the Special Counsel could be estabished but on 24 June 58 the Department of Justice sent me a note in reference to the preceding in which they stated that my letters to the Special Counsel had been referred to them and in connection with which they were supplying me with a copy of the Government's brief in the case of Jackson v. Kuhn. As you may know the Court of Appeals apparently dismissed that case on a legal technicality thus leaving the basic issues unresolved. However I have given careful study to the above brief and it would appear to me that the basic defense strategy involves: (a) expanding the meaning of the term "laws of that state and of the United States" to the point where it becomes a nebulous phrase devoid of a concrete legal definition. (This position is of course untenable; furthermore it is unacceptable to the normally constituted mind.) (b) reasoning from a false analogy, the premise being that the Constitution of the United States of America is what the Supreme Court says it is. This argument might at first blush appear to have some merit were it not for the abandonment of the Supreme Court's fundamental principle of Anglo-American jurisprudence known as stare decisis. Furthermore to carry the stated premise to its logical conclusion by deductive reasoning would mean that the citizen would have to read the opinions of the Supreme Court rather than the text of the instrument. If you will search the scriptures you may recognize that this is one of the stumbling blocks of the scribes and the Pharisees, viz: (Matthew 15:6) "-Thus have ye made the commandment of God of none effect by your tradition."

I believe, Mr. Hagerty, that it is apparent that one could not expect a direct answer to my question from the United States Department of Justice inasmuch as the department under the preceding Attorney General was an active party to the President's act. Perhaps it might not be far afield to view the former Attorney General as the actual master-mind in the events with which we are concerned. In connection with this and the previous paragraphs we next turn to a public statement of a prominent Tacoma, Washington, attorney, Mr. Edgar Eisenhower, who while attending a recent regional convention of the American Bar Association is alleged to have said: "I don't see how any-

EUGENE G. EVANS, JR., M.D.
517 SIXTH AVENUE WEST
HENDERSONVILLE, N. C.

OX 2-2221 Office
OX 2-2220 Residence

10 September 1958

(CONTINUED FROM PAGE I)

body could have justified his (the President's) sending in troops on a legal basis. I'll just say he got some bad legal advice." (This was in reply to a reporter's question about the ordering of federal troops to Little Rock.)

I am requesting a direct reply from the President to my question which I am repeating as follows: What "laws of that state and of the United States" did the President have in mind when he issued Proclamation No. 3204 and Executive Order No. 10730?

I respectfully submit the supposition that the failure to render a satisfactory reply infers: (1) a reliance upon the Fifth Amendment to the Constitution and (2) the utilization of the executive power as a shield to avoid prosecution for an unlawful act punishable by a specific criminal statute (18 USC 1385), the latter if successfully litigated being sufficient basis to adjudicate the President as being constitutionally unworthy of retaining the power vested in him as stated in Article II, Section 4 of our Constitution for the United States of America.

Very truly yours,

Eugene G. Evans Jr.

References:

1. White House Correspondence : My memo to the Press Office dated 18 April 58, the Press Secretary's letter dated 23 April 58, my letter to the Press Secretary dated 28 April 58 and my subsequent request for reply dated 27 May 58, the Special Counsel's letter dated 3 June 58, my reply dated 6 June 58 and my subsequent request for a reply dated 18 June 58,.

2. Department of Justice Correspondence: Letter to me from Assistant Attorney General, Civil Rights Division, by Acting Executive Assistant dated 24 June 58 and marked 144-100-9-1 with Brief No. 15899 enclosed. My letter to same dated 30 June 58 requesting copy of appellants' brief also if such were available and reply from Justice Department stating that such was not available (note dated 3 July 1958).

3. Executive Order 10730 dated 24 September 1957, and Presidential Proclamation No. 3204 dated 23 September 1957.

4. Statutes: (a) Civil Rights Act of 1957 (Public Law 85-315, 85th Congress, HR 6127, 9 September 1957, particularly Part III and Sec. 122)

(b) Section 1989 of the Revised Statutes (42 USC 1993)

(c) Section 18 (a) of the Act of 10 August 1956, 70 Stat 1, 18 USC 1952 Ed., Supp.IV) 1385, and President's Press Conference remarks concerning 'Posse Comitatus Act', latter carried in New York Times on 12 Sept. 1956, page 18, column 8.

(d) 10 USC, 332,333,334

6 June 1958

Mr. Gerald D. Morgan
Special Counsel to the President
The White House
Washington, D.C.

Dear Mr. Morgan:

Thank you for your letter of 3 June 1958.

You state that, " The law of the State and of the United States referred to is the Constitution of the United States as interpreted by the Supreme Court and as implemented by the District Court of the United States for the Eastern District of Arkansas."

It is requested that the above sentence be further clarified. Please quote from the Federal Constitution verbatim the exact words, phrases, and sentences alluded to; a direct quotation of the pertinent words is required.

The Newport Presidential Proclamation as published in the public press uses the plural noun " laws" whereas the Special Counsel employs the singular form "law." Kindly specify which laws of the State of Arkansas are applicable. The United States Constitution in Article 6 states: " This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the Supreme law of the land;-" Now please cite the " laws of the United States" as distinguished from the Constitution itself which the President thought were hindered.

Furthermore does the Special Counsel in his letter infer that a supreme Court interpretation is a " law of the State and of the United States?" This is a very important point and it is necessary that full clarification be given. If your sentence is correctly understood, please indicate the authority for the judiciary to enact laws.

Very truly yours,

Eugene G. Evans, Jr. M.D.

EGE/ jal

mgt

June 20, 1958

MEMORANDUM FOR

The Honorable William P. Rogers
The Attorney General

Enclosed are two letters, dated June 6th and June 18th, from Dr. Eugene G. Evans relative to the use of federal troops at Little Rock. I would appreciate it if you would make a direct reply to this correspondence.

Also enclosed for your information are copies of Dr. Evans' letter of April 28th to Mr. Hagerty and my reply thereto.

Gerald D. Morgan
Special Counsel to the President

Enclosures

EUGENE G. EVANS [illegible] M.D.
517 SIXTH AVENUE [illegible]
HENDERSONVILLE [illegible]

OX 2-2221 Office
OX 2-2220 Residence

6 June 1[illegible]

Mr. Gerald D. Morgan
Special Counsel to the President
The White House
Washington, D.C.

Dear Mr. Morgan:

Thank you for your letter of 3 Jun[illegible].

You state that, " The law of the [illegible]nd of the United States referred to is the Constitution of the United State[illegible] interpreted by the Supreme Court and as implemented by the District Court of the United States for the Eastern District of Arkansas."

It is requested that the above sentence be further clarified. Please quote from the Federal Constitution verbatim the exact words, phrases, and sentences alluded to; a direct quotation of the pertinent words is required.

The Newport Presidential Proclamation as published in the public press uses the plural noun " laws" whereas the Special Counsel employs the singular form "law." Kindly specify which laws of the State of Arkansas are applicable. The United States Constitution in Article 6 states: " This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the Supreme law of the land;-" Now please cite the " laws of the United States" as distinguished from the Constitution itself which the President thought were hindered.

Furthermore does the Special Counsel in his letter infer that a supreme Court interpretation is a " law of the State[illegible] of the United States?" This is a very important point and it is necessary that full clarification be given. If your sentence is correctly understood, please indicate the authority for the judiciary to enact laws.

Very truly yours,

Eugene G. Evans, Jr. M.D.

EGE/ jal

Justice draft -- mgt

G.F.

June 3, 1958

Dear Dr. Evans:

This is in reference to your letter of April twenty-eighth asking certain questions regarding the Presidential Proclamation issued at Newport, Rhode Island, on September 23, 1957, and relating to obstruction of justice in the State of Arkansas. You asked to be advised what "laws of the state and of the United States" and what "orders of the United States District Court for the Eastern District of Arkansas" are referred to in the Proclamation. You further asked to be provided with the text of the laws and orders.

The law of the State and of the United States referred to is the Constitution of the United States as interpreted by the Supreme Court and as implemented by the District Court of the United States for the Eastern District of Arkansas.

The orders of the United States District Court for the Eastern District of Arkansas, referred to in the Proclamation, are the orders of that court entered in the case of Aaron v. Cooper.

I regret that we do not have copies of the court order available for public distribution.

Sincerely,

Gerald D. Morgan
Special Counsel to the President

Dr. Eugene G. Evans, Jr.
517 Sixth Avenue, West
Hendersonville, North Carolina

ASSISTANT ATTORNEY GENERAL

DEPARTMENT OF JUSTICE

JUN 2 1958

MEMORANDUM FOR

Mr. Gerald D. Morgan,
Special Counsel to the President

On behalf of the Attorney General, and in accordance with your request of May 23, 1958, I enclose a draft of a suggested reply to the letter which Dr. Eugene G. Evans wrote to Mr. Hagerty, which is returned herewith.

W. Wilson White
Assistant Attorney General
Civil Rights Division

Enclosures (2)

DRAFT

Eugene G. Evans, Jr., M. D.
517 Sixth Avenue, West
Hendersonville, North Carolina

Dear Dr. Evans:

This is in reference to your letter of April 28, 1958, asking certain questions regarding the Presidential Proclamation issued at Newport, Rhode Island, on September 23, 1957, and relating to obstruction of justice in the State of Arkansas. You ask to be advised what "laws of the state and of the United States" and what "orders of the United States District Court for the Eastern District of Arkansas" are referred to in the Proclamation. You further ask to be provided with the text of the laws and orders.

As the President has repeatedly emphasized in subsequent statements, the Proclamation was issued because the integrity of the judicial process was being obstructed and frustrated by mob violence against which the state authorities were taking no action. Such a breakdown of the authority of the courts is contrary to the law of the United States and the laws of all of the states.

The orders of the United States District Court for the Eastern District of Arkansas, referred to in the Proclamation, are the orders of that court entered in the case of Aaron v. Cooper.

I regret that we do not have copies of the court order available for public distribution.

Sincerely,

James C. Hagerty
Press Secretary to the President

IMMEDIATE RELEASE September 23, 1957

James C. Hagerty, Press Secretary to the President

THE WHITE HOUSE

U. S. NAVAL BASE
NEWPORT, RHODE ISLAND

OBSTRUCTION OF JUSTICE IN THE STATE OF ARKANSAS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

#2034

WHEREAS, certain persons in the State of Arkansas, individually and in unlawful assemblages, combinations, and conspiracies, have wilfully obstructed the enforcement of orders of the United StatesDistrict Court for the Eastern District of Arkansas with respect to matters relating to enrollment and attendance at public schools, particularly at Central High School, located in Little Rock School District, Little Rock, Arkansas; and

WHEREAS, such wilful obstruction of justice hinders the execution of the laws of that State and of the United States, and makes it impracticable to enforce such laws by the ordinary course of judicial proceedings; and

WHEREAS, such obstruction of justice constitutes a denial of the equal protection of the laws secured by the Constitution of the United States and impedes the course of justice under those laws:

NOW, THEREFORE, I, Dwight D. Eisenhower, President of the United States, under and by virtue of the authority vested in me by the Constitution and Statutes of the United States, including Chapter 15 of Title 10 of the United States Code, particularly Sections 332, 333 and 334 thereof, do command all persons engaged in such obstruction of justice to cease and desist therefrom, and to disperse forthwith.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Newport, Rhode Island this twenty-third day of September in the year of our Lord nineteen hundred and fifty-seven, and of the Independence of the United States of America the one hundred and eighty-second.

(SEAL)

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES

Secretary of State

(OVER)

Chapter 15, Title 10, United States Code

Section 332
Whenever the President considers that unlawful obstructions, combinations, or assemblages, or rebellion against the authority of the United States, make it impracticable to enforce the laws of the United States in any State or Territory by the ordinary course of judicial proceedings, he may call into Federal service such of the militia of any State, and use such of the Armed Forces, as he considers necessary to enforce those laws or to suppress the rebellion.

Section 333
The President, by using the militia or the Armed Forces, or both, or by any other means, shall take such measures as he considers necessary to suppress, in a State, any insurrection, domestic violence, unlawful combination, or conspiracy, if it

(1) So hinders the execution of the laws of that State, and of the United States within the State, that any part or class of its people are deprived of a right, privilege, immunity, or protection named in the Constitution and secured by law, and the constituted authorities of that State are unable, fail or refuse to protect that right, privilege or immunity, or to give that protection; or

(2) Opposes or obstructs the execution of the laws of the United States or impedes the course of justice under those laws. In any situation covered by Clause (1), the State shall be considered to have denied the equal protection of the laws secured by the Constitution.

Section 334
Whenever the President considers it necessary to use the militia or the Armed Forces under this Chapter, he shall, by Proclamation, immediately order the insurgents to disperse and retire peaceably to their abodes within a limited time.

EUGENE G EVANS, JR , M.D.
517 SIXTH AVENUE WEST
HENDERSONVILLE, N C

OX 2-2221 Office
OX 2-2220 Residence

27 May 1958

Mr. James C. Hagerty
Press Secretary to the President
The White House
Washington,D.C.

Dear Mr. Hagerty:

It is suggested that you may now be prepared to reply to my letter of 28 April 1958.

Sincerely yours,

Eugene G. Evans, Jr.,M.D.

EGE/ jal

mgt

May 23, 1958

MEMORANDUM FOR

The Honorable William P. Rogers
The Attorney General

May I have a draft of a suggested reply to the attached letter which Mr. Hagerty received from Dr. Eugene G. Evans concerning statements by the President with respect to the use of troops to preserve order?

Gerald D. Morgan
Special Counsel to the President

Enclosure
Ltr, dtd 4/28/58

(Ltr rec'd fr Mr. Hagerty's office 5/23/58 -- mgt)

You may want to send us a draft reply -

Mabel -

This letter seems to have buried down here in our office. I really do think that it is one your office would want to answer. I have checked the quote from the President's press conference on 9/11/56 and it is exactly as he says. The enclosed press release may be helpful.

Helen Peterson
Press Office

EUGENE G EVANS, JR , M D.
517 SIXTH AVENUE WEST
HENDERSONVILLE, N C

OX 2-2221 Office
OX 2-2220 Residence

28 April 1958

Dear Mr. Hagerty:

Thank you very kindly for your letter of 23 April 1958 and for the reference you supplied. I appreciate your offer to send me the answers to the questions in which I am interested.

I now believe that the press conference transcript that I was interested in was on 11 September 1956 instead of 11 November 1956. It had to do with the President's statements reported as follows: "I do know this: In a place of general disorder, the Federal Government is not allowed to go into any State unless called upon by the Governor, who must show that the Governor is unable with the means at his disposal to preserve order. I believe it is called a 'Posse Comitatus Act' of 1882 - and I am now going back to my staff school of 1925 - and that is the thing that keeps the Federal Government from just going around where he pleases to carry out police duties."

Now in regard to the Presidential Proclamation at Newport, R.I. on 23 September 1957 I would like to have clarified what "laws of that state and of the United States" the President was referring to. Also what "orders of the United States district court for the Eastern District of Arkansas-" did the President have in mind? I would like to know what is the text of these laws and orders.

Sincerely yours,

Eugene G. Evans Jr., M.D.

Mr. James C. Hagerty; Press Secretary to the President
The White House; Washington, D. C.

G.F.

April 23, 1958

Dear Dr. Evans:

Many thanks indeed for your recent note.

As much as I would like to be able to accede to your request, I do not have transcripts of the President's press conferences available for distribution. If, however, you will let me know the questions in which you are particularly interested, I will be glad to send you the answers.

You may be interested in knowing, too, that the New York Times always carries the entire transcript on the following day and if your local public library maintains files on the leading newspapers in the country, they may have the issue that you wanted.

With best wishes,

Sincerely,

James C. Hagerty
Press Secretary
to the President

Dr. Eugene G. Evans, Jr.
517 Sixth Avenue, West
Hendersonville
North Carolina

FROM: EUGENE G. EVANS, JR., M. D.
517 SIXTH AVENUE, WEST
HENDERSONVILLE, N. C.

TO: Press Office, The White House
Washington 25, D.C.

Sirs:

I would like to obtain a copy of the transcript of Mr. Eisenhower's press conference of Nov. 11, 1956.

Sincerely yours,

Eugene G. Evans, Jr. M.D.

DATE 18 Apr. 58

G.F.

EUGENE G. EVANS, JR., M.D.
517 SIXTH AVENUE WEST
HENDERSONVILLE, N. C.

OX 2-2221 Office
OX 2-2220 Residence

23 Nov. 57

Hon. Dwight D. Eisenhower, President
United States of Ame rica
White House
Washington, D. C.

Dear President Eisenhower:

The burning question in the minds of many of us is whether in accordance with the Posse Comitatus Act with which you are familiar you will permit yourself to be prosecuted (or will voluntarily confess your breaking of the law) and subject yourself to the penalties which I believe provide a fine of $10,000 and a jail sentence for the use of the Army, Navy, or Air Force for the enforcement of court orders and decrees except in such cases and under such circumstances as such employment of said force may be expressly authorized by the Constitution or by Act of Congress?

The Lord Himself has stated (in Matt. 20:25-): "But Jesus called them unto him, and said, Ye know that the princes of the Gentiles exercise dominion over them, and they that are great exercise authority upon them. But it shall not be so among you: but whosoever will be great among you, let him be your minister; and whosoever will be chief among you, let him be your servant:"

And as regards servitude the Lord set an example when he washed the disciples' feet.

You can see then, Mr. President, that you have judged the people of the State of Arkansas as having broken the law yet in my opinion you yourself have broken the law. Remember how King David condemned himself in 2 Sam. 12:7 ? Remember how in Matthew 7:2 that - "For with what judgment ye judge, ye shall be judged: and with what measure ye mete, it shall be measured to you again."

I call upon you privately Mr. President to confess your great sin which in the minds and hearts of many of us is greater than the Soviet rape of Hungary. In Matthew 23:12 I leave you this closing thought: "And whosoever shall exalt himself shall be abased; and he that shall humble himself shall be exalted."

Respectfully yours,

Eugene G. Evans Jr.

G.F.

September 11, 1958

Dear Mr. and Mrs. Huntington:

Due to the stresses of various national and international crises, it is not possible for the President to answer all of his personal mail at this time. He appreciates your interest in writing, and will give every consideration possible to the views contained in your friendly letter.

Sincerely,

E. Frederic Morrow

Mr. and Mrs. Howard Huntington
Lyme
Connecticut

EFM/pk

HOWARD HUNTINGTON
LYME
CONNECTICUT

August 25, 1958

Mr. President
The White House
Washington
D. C.

Dear Mr. President:

Mrs. Huntington and I have studied carefully your statements at press conferences and on television regarding the "white supremacy" danger to our national security. We are encouraged by your 1957 stand at Little Rock to do whatever was necessary to uphold our constitution. We are inspired by your statement now that you stand this year in just the same position as you stood last year. We pray for your continuing courage and strong leadership.

We wonder if you would consider us wrong in our firm conviction that a larger proportion of our population, even in the South, would go along with you in your sending United States forces into Little Rock again, and into any other town or state which defies our nation's laws, whenever force is necessary for the upholding of our constitution,

I F

we injected, more boldly and with greater emphasis than we have, into the national discussion, our Judaic-Christian heritage of justice and love as more American than "white supremacy" and hate, and

I F

we injected into our national discussion, more boldly and with greater emphasis than we have, our American faith in equality and brotherhood as more Christian, as more in line with our Judaic, Catholic and Protestant religious tenets than white dictatorship and discrimination?

You see, we believe that, in the long run, it would be wiser, more Christian, and more American, to lead our nation along the course of principle rather than along the course of expediency, no matter how serious the short-range consequencies might seem to be.

Will you do us the honor, My President, of a reply? Will you help us, as our national leader, with your advice and counsel? Are we wrong, or right, in our firm conviction, as outlined in this letter? Is our suggestion of any value to you, or usable by our Government?

Faithfully yours,

Howard Huntington
Howard Huntington

Anna E. Huntington
Anna E. Huntington
(Mrs. Howard Huntington)

G.F.

September 15, 1958

Dear Mrs. McCrorey:

The President and Mrs. Eisenhower have asked me to thank you for your recent letters addressed to them.

The President is grateful when citizens share their views with him and offer their services to help maintain a complete democracy for everyone in the Nation.

However, it is not within the province of the President's office to grant the request you make to act as an official envoy of good will in the South. This is a personal thing, and it would have to be carried out in that spirit.

Sincerely,

E. Frederic Morrow

Mrs. Harry J. McCrorey
2430 Charles Avenue
Kalamazoo 62
Michigan

pk

- Dec 23, 1958

Mrs. Dwight D. Eisenhower
Whight House
Washington D. C.

Mrs. Dwight D. Eisenhower

I wrote a letter to the President which is in-closed. But I want you to read it first, because if you think it is wroth whiled I wish you would please forwarded it.

It is about segregation as you may read. It would please me very much for you to read it.

Thank You

Mrs Harry McCrorey

Mrs. Harry J. McCrorey

MRS. HARRY J. McCROREY
2430 Charles Avenue
Kalamazoo 62, Michigan

August 23, 1958

President Eisenhower
White House
Washington, D. C.

Dear Mr. Preasident Eisenhower

I am writing you this letter, because of the Little Rock situation, which looks like it has poped up all over again. I have been reading things in magizines and my home town newspaper about the whole situation.

I know that you are a very busy man, and have lots of problems on your hands right now. But I hope you will take time out to hear what I have to say.

All the three years that I was in high school, segregation was never taking place in are schools. But it was always poping up down south. I think it is about time there should be a stop put to it all. Ever since Lincoln there was suppose to be a stop to it then, but it is still going on. And if somebody don't do something about it, it will keep write on going on. And the Negro people that want a higher education will never get it. It was said that they wanted a 2 1/2 years post-ponement. Now just what would that help any way? NOTHING. Look at how many negro children could get a nice education in that time.

The main reason why I am writing you is because I would like to go down there when their school reopens. I would like to try and explain to those kids how to try and get along, and how they could get along. I am asking and pleading with you that I mite do such a thing.

I know that it is'nt the kids that don't want to get along, but it is there parents behind them that make some of them act and do some of the things that they do. They follow in there parents foot steps. I think that in order to get the kids to act right you l st. got to get their parents to.

My name is Mrs. Harry McCrorey. I am 19 years old soon to be 20. I am married and have ~~2~~ 2 children. I want to go down there and maybe talk some since in to those kids' heads, because threw them you can get things started a new.

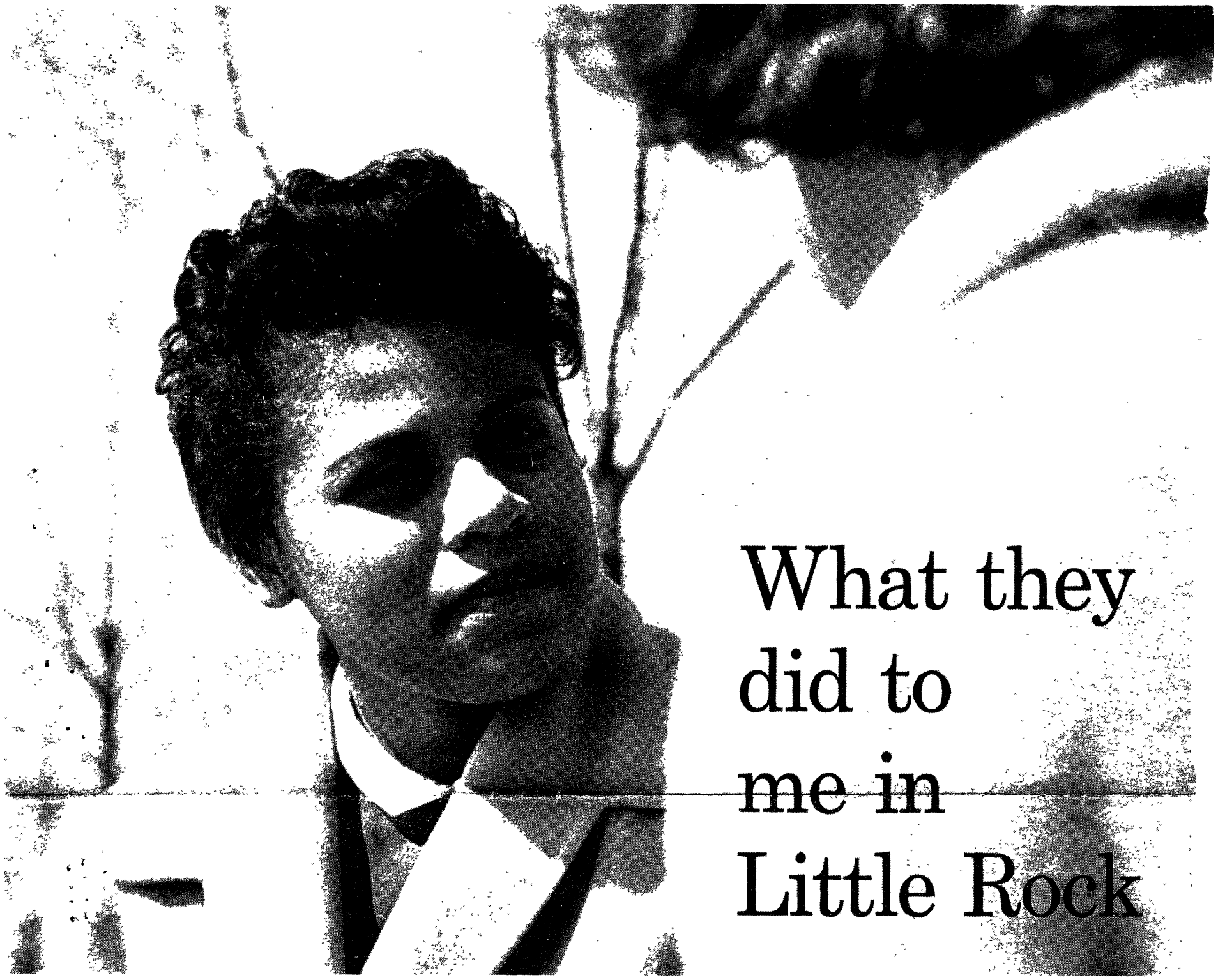
Thank You

Mrs Harry McCrorey

Mrs. Harry J. McCrorey

Please excuse my typeing

MRS. HARRY J McCROREY
2430 Charles Avenue
Kalamazoo 62, Michigan



What they did to me in Little Rock

Minnijean Brown was one of Negroes who attended all-white Central High.

"Nigger, nigger, nigger," the kids called her. "Is your mother black?" they asked. And officials warned this 16-year-old girl not to fight back.

By MINNIJEAN BROWN

as told to J. ROBERT MOSKIN LOOK STAFF WRITER

I'M NEVER sorry that I'm a Negro. I've heard it said that every Negro child has times when he wishes he was white, but I've never had times like that.

While I was growing up, I never ran into that deep prejudice when someone pushes you in the street or says something to you. But I do remember reading about someone who was lynched and asking my mother what that meant.

The first time I realized that life could be different for a Negro was when a girl from Syracuse, New York, came to visit good friends of mine. At the station, she started to enter the white waiting room, and my friends had to grab her. In her home town, this girl could go into any waiting room or restaurant or school.

When my tenth-grade teacher in our Negro school said there was a possibility of integration in Little Rock, I signed up. We all felt good. We knew of so many kids who had been graduated from Negro schools and couldn't get jobs. We knew that Central High School had many more courses, and dramatics and speech and tennis courts and a big, beautiful stadium.

I was one of the kids "approved" by the school officials. We were

continued

At first, National Guard turned away Minnijean, at center, other Negroes

Delighted with the right to join in Lincoln School affairs Minnijean helps her classmates decorate cafeteria for dance

At private New Lincoln School, Minnijean struggles to answer teacher in French. School officials found her bright and adaptable, but labeled her past education "impoverished."

With New York schoolmates, Minnijean enjoys entertainment at her first "integrated" dance She now dreams of going to college after she graduates from high school next year

Her first trouble: A boy told her she'd have to kill him to walk by

told we would have to take a lot and were warned not to fight back if anything happened. But when we went to the school, Governor Faubus's National Guard troops turned us away. Two weeks later, when the court ordered the Guard withdrawn, the police took the nine of us going to Central in very quietly by a side door. We were in school.

One girl ran up to me and said, "I'm so glad you're here. Won't you go to lunch with me today?" I never saw her again.

We were taken to the principal's office and had a discussion about books and courses. Just like anyone might who's going to a new school. I didn't even know there was a mob outside until I heard noise and clapping and saw them out of a window.

We walked to class on the third floor. There was just one of us in a classroom Never more. Chemistry was in session. A boy let me use his book He was never friendly again either. Then we went to English class on the first floor and then to glee club. That day, everybody was so nice. We all sat together. I tried out for the chorus to find my voice range. I'm a first soprano and love to sing. After I tried out, some of the kids said, "Oh, you're so good." I was just like anybody else.

Fifteen minutes before the period was over. Mrs. Huckaby, the girls' vice-principal, came and got me. The officials feared the mob might try to get in the school and we had to get out.

We didn't go back until the Army troops arrived and took us to school in an Army station wagon, guarded by a jeep front and back. That was a wonderful feeling, knowing that no mob would have the nerve to come through the Army troops.

My first real trouble came in French class: a boy put his feet on the seat across the aisle. I asked if I might go by, very politely. He said, "Nigger, if you want to go by me, you'll have to kill me or walk around the room." Then he told me to walk over his legs, and when I did, he kicked at me. In stepping over him, I touched his foot; he was ready to beat me up. I called my guard (each of us had a soldier who met us at the school door, walked behind us and stood outside our classroom). The teacher told the guard to leave the room. She said she would keep order in her classroom.

One day, a boy whose locker was near mine said, "Don't touch my locker, nigger, or I'll kick the —— out of you." I was mad and answered him back. He reported it, and it went on my record as using unladylike language. My guard heard the whole thing and reported my side of the story, but it didn't help.

I never had a temper before: I was a very happy person. I suppose I never had to take this sort of thing But when I was called on to recite in French class, some kid would say out loud, "Jees, look at the

continued

Photographed by CHARLOTTE BROOKS

Minnijean lives with family who invited her north Dr Kenneth B Clark is college professor. Mrs Clark directs Northside child development center.

"We knew we were going to get it."

nigger reciting." I changed. I grew up a great deal Not a day went by that I wasn't called something dreadful.

The day the 101st was taken off duty inside the school, the kids "massacred" us. We went to General Clinger and said we would have to go home, because the white kids didn't respect the National Guard. The officers didn't want us to leave; they put two guards with each of us. The guards acted real unhappy about their job. The next day, the 101st was brought back inside the building

While the 101st was there, we had an abundance of friends, but after they left, I had only one. She made me realize that everyone didn't hate me. But most of the time, it was lonely. When the teacher said we could talk in class, I'd be sitting there with no one to talk to.

We could tell when the "incidents" would get worse. It was always when Governor Faubus or Amis Guthridge, attorney for the White Citizens' Council, or the leaders of the Central High Mothers League made a statement. We'd kid about it, and say we'd go and buy knee pads because we knew we were going to get it

I know how I got to be the most hated girl in Little Rock. The glee club at Central decided to have a special Christmas program. We had already had a program in class, and I sang in it. A girl played *Chances Are* for me. I was so nervous. After hating you for just sitting there, what must they think of you up there singing? If you are lower than they are, they can love you, but just don't be equal.

Everyone had to try out for the Christmas program. They needed three sopranos, and I made it. Mother was going to make me a white dress for the performance, but she warned me I would never be allowed to sing. She was right. One day, the teacher said that Mr. Matthews, the principal, didn't know if it would be best if I was on the program. I asked to talk to him. He said he feared the kids would walk out or throw things or riot. Anyway, I was never allowed to sing in the auditorium at Central.

After that, the kids picked me out more and more. One white girl told a reporter, "I hate Minnijean. She thinks she is as good as we are."

One day in the cafeteria, I tried to walk in the narrow aisle between the tables, holding my tray high as we always had to do. Five boys in a row pushed their chairs back to block me. I stepped back. They moved their chairs in. Then one boy pushed his chair out again. I spilled my bowl of chili over two of the boys.

A National Guardsman took me to the principal's office. Mr. Matthews became very upset. He called the superintendent, and I was suspended for 10 school days. Later, Mr Blossom, the superintendent, asked me if I did it on purpose. I said I didn't really know. He said I

continued

"Gym was the most heartbreaking."

made more trouble than anyone, so I must have invited trouble. He even complained to me that he was getting threatened. I suggested that he was older, and he ought to be able to take it as well as I could. He complained that they called him a "nigger lover." That he certainly was not. Nothing was done to the boys.

I walked home. I didn't want to go home. I felt I had failed someone and made a flop of the whole thing. I wished a car would run over me. I held off crying until I got home.

After the Christmas holiday, I was allowed to go back to school. I promised to say nothing to anyone—not to fight back. The kids would boo me down the hall, and they told the other eight Negro kids that if they had anything to do with me, they would get it. They said they were getting it anyway, so it didn't make any difference.

When I was back four days, I was paid back for the chili. A boy, David Sontag, spilled soup on me. He walked behind me and stood there. Then he tilted the tray and dropped the bowl on my head. It hurt so bad, but I couldn't cry. The kids gave the boy 15 rahs. He was a hero.

A guardsman took me to the principal's office. I put on a smile. Mr. Matthews asked what happened, and I said they paid me back. He just said, "Too bad!" But he suspended the boy.

Gym was the most heartbreaking class. Girls can be cruel. They would stand around and dance what they said were Ubangi dances. Basketballs and deck-tennis rings would fly at your head. The girls would ask, "Is your mother black?" They'd draw pictures and say that's how your mother looks. That is the kind of thing you want to choke people for. It hurt so.

Elizabeth Eckford was with me in gym class; we were put together for partner games. Elizabeth and I would think of Jackie Robinson. We said if somebody else could do it, we could do it too. We were kicked often. If something happened to me, they'd laugh so hard, and they'd clap when I did something wrong. When I got real mad, I'd just go over in a corner by myself until I got over it. Once I was so mad, I sat in the dressing room a long time, and when I came out, they hissed —almost all of the 70 girls.

When the hate started to creep in, I'd just sit there and convince myself that I didn't hate them. I just had to. I'd have to pick out one person to hate most of all and make allowances for the rest. If you hated them all, you couldn't walk through the halls. I decided not to

continued

MINNIJEAN BROWN continued

"I went home and cried for hours."

hate the kids, so I hated someone I didn't see every day—the school officials.

I had a very wonderful Sunday-school teacher. One time, I asked her if you can pray to make someone like you. She said, "No. You pray to make yourself so that this person will not hate you." I would pray every night at bedtime and in the mornings before I would go to school, and all nine of us went to chapel in the school until they started getting us there too.

We Negro kids had a ritual. After school, Melba, Thelma and I would mark the day off on Melba's calendar. One more day finished. And we would bow our heads. Then we'd laugh and clap to sort of break the tension.

There was more and more violence. We had a lot of bomb scares at Central, and once they found some dynamite in the school. After the Army was gone, I felt that those kids would do anything. Boys would come up behind me and kick me; you can't get much lower. I had to wear special clothes for soup days, and they would squirt ink at us from their pens. Sammie Dean Parker, who was expelled and later reinstated, was called the "Queen of the Segregationists." Kids like her would wear little cards on their sweaters saying things like "Brotherhood by Bayonet" and one with a little black man saying, "I come here to integrate for the NAACP."

That "Here-We-Go-Again" Feeling

There was one boy I was especially scared of—Richard Boehler. The day he was suspended for poor schoolwork, I was walking to the car after classes when he kicked me hard. I cried that time. I couldn't help it. Mother saw him do it. She asked a guard if he saw it. He didn't even answer her. This time, mother took me to the prosecuting attorney. He said they would look into it, but, so far as I know, nothing ever came of it.

The last day, I went to school in a happy mood. When I would walk into the building, I used to get that "here-we-go-again" feeling.

At my locker, there was a blonde, Frankie Gregg. She would follow me up to the third floor every morning, saying, "Nigger, nigger, nigger," all the way. This morning, I didn't think anything about it when she and some other kids did the same thing. But this time, she even stepped on my heels and ran right into me. Then she said if *I* did that again, she'd beat me up. I didn't answer her even then.

When I went into my home room, she kept yelling from the door. Finally, I turned to the girl and said, "Don't say anything more to me, white trash."

Then I walked to my seat. Frankie got so mad she started screaming at me. She threw her pocketbook and hit me in the back of the head. My first impulse was to beat her with it, but I just picked it up and threw it down again and walked to the office. Frankie and the guard came into the office too.

Frankie said, "Minnijean called me 'white trash.'" I said, "Frankie has been calling me 'nigger' for a week and threw her pocketbook at me after I called her 'white trash.'" Frankie refused to apologize. I said I would if she would. I guess I was supposed to apologize whether she did or not.

When I went back to class, everyone was saying, "Did you hear that Minnijean called Frankie 'white trash'? We'll have to do something about her." In glee club, I had to sit in a row by myself. This time, all the bad ones got behind me and said things. I told the teacher I wanted to go home. I couldn't take any more.

I tried to phone mother, but three boys wouldn't let me in the phone booth. I telephoned from the office, but mother wasn't home. At lunch, a boy threw hot soup on me. They gave him 15 rahs too. When I finally went home, I cried for hours.

That night, the radio said I had been suspended. At 11:30, mother called the superintendent. She was pretty angry. She said I'd be in school the next day. In the morning, Mr. Matthews phoned to say officially that I was suspended. Several days later, the school board

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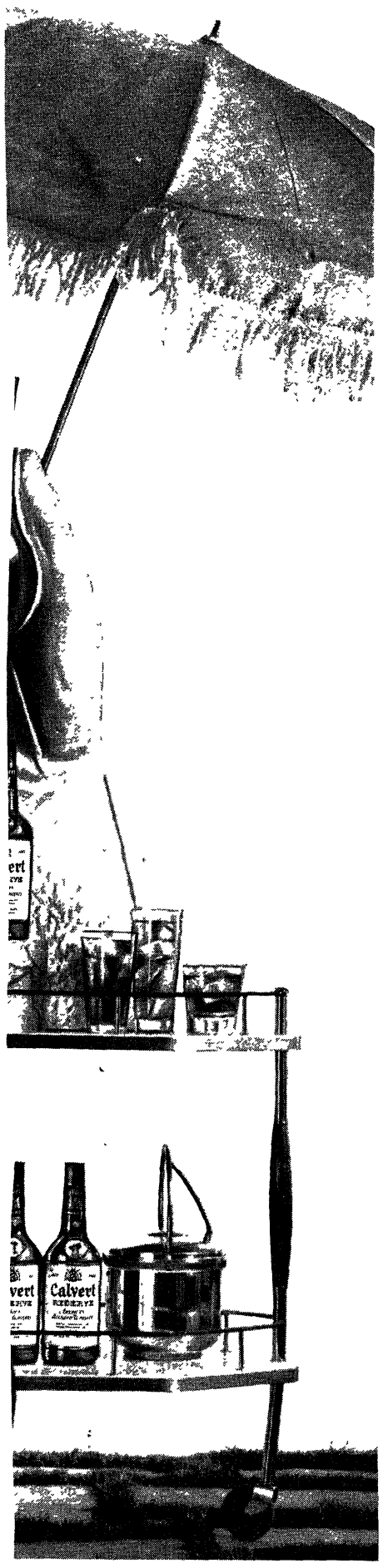

S AGREE
BETTER

at a pleasure on a summer
me-mellowed flavor that ice
enius makes it light in body.
is better. Try it tonight!

id for you!" **Calvert** RESERVE

NEUTRAL SPIRITS · AMERICAN BLENDED WHISKEY

"I'm going to try to go back next fall."

expelled me for the rest of the term. I haven't been back to Central High since.

Mrs. Daisy Bates of the NAACP said not to worry. I could go to school in New York. I just didn't believe anything that good could happen. Then Mrs. [Kenneth B.] Clark wrote a letter inviting me to live with them, and Dr. [John J.] Brooks sent a wire inviting me to go to the New Lincoln School.

I've heard that the incidents at Central kept on after I left. The segregationists next picked out Ernest Green and tried to stop him from graduating. They kept throwing rotten eggs and tomatoes and water. White kids spit on Elizabeth and Thelma. One boy started to spit on me once, and I said I'd hit him with my book, and he didn't do it.

When we first started, I felt I was breaking new ground for Negroes. But after the 101st left and nobody who was causing trouble was caught, I got to feel it wasn't doing any good. Mother would say it does help, and, even though he lost his business and has to work nights as a bartender, daddy still said education is the most important thing you can have in your life. But I never had any hope for the next day.

Still, I know it can work. In Van Buren, Arkansas, a friend of mine has gotten along very well in an integrated school. The police chief there said this was not going to be a Little Rock. My friend was called a "nigger" just once, and the boy who said it was suspended.

In Little Rock, the whole thing would have been different if Governor Faubus hadn't called out the Guard, and if General Clinger's Arkansas troops had protected us better. And if people like Mr. Blossom—I'm sure he really was not in favor of integration—had done more.

The Bill of Rights seemed to be a joke in Little Rock, like it was planned for white people, and they didn't expect us to get in on it.

Maybe you have to start this when kids are young—before they have all this hate. But people fear that if you start them in school together in the first grade, they'll end up marrying each other. I don't know anyone whose big idea is to marry a white person. But at least, if they start school together when they are young, little children won't be hurt. Teen-agers get hurt easily and know how to hurt each other.

It's not all that much pleasure to sit next to someone white in a classroom, but you want the same education and chance in life as they have. I'm going to try to go back to Central next fall. This summer, I'll ask the superintendent to get reinstated. I'm so happy in New York, but I have eight friends in Little Rock. One thing I know: It's hard not to fight back.

END

LOOK FRITZ WILKINSON

"That's men for you—falling for the old-fashioned girl."

G.F.

September 23, 1958

Dear Dr. Monroe:

The President has asked me to thank you for the offer of your personal services in the interest of alleviating the unrest in the various areas of the Nation where school desegregation is an issue. It is not within the province of the President to do other than he is doing to carry out his personal responsibilities of office, which are inherent in his oath.

Sincerely,

E. Frederic Morrow

Dr. Walter F. Monroe
Hartford
Wisconsin

EFM/pk

8/22

Aug. 21, 1958.

To Dwight D. Eisenhower,
President of the U.S.
Washington, D.C.

Dear Mr. President-

I firmly believe that God has given me the inspiration to go to Little Rock, Ark. and do away with entirely, or at least quiet down the quarreling & bickering that is going on now. Please give me a chance - (on the quiet, though) a couple of strong men to go with me and stay on the sidelines is all that I need. I have practiced dentistry for 41 yrs here and have stacked long on this subject and I'll bet you - a set of golf clubs that I can handle the pestering sore.

Your friend,
Walter F. Monroe.
Hartford, Wis.

Walter F. Monroe, D.D.S.
Hartford, Wisconsin

C.F.

Personal and Confidential

Draft

THE ARKANSAS PLAN

A State Plan of Voluntary Progress in the Field of Negro Education and Integration, Presented to the Arkansas State Board of Education April 7, 1958 by Herbert L. Thomas, Sr.

I feel that men and women of good will all over Arkansas--men and women of both races who have the good of the state and her people at heart--view with deepening concern the growing strife and bitterness attendant upon the question of desegregation of the races in our public schools. The fires of hatred and distrust, which have been fanned to intense heat by the events of these past few months, are rapidly destroying the respect which had been built up between the races over a period of several generations.

I am firmly convinced--and I know that my feelings are shared by many thousands of our citizens--that the whole future of our state, with its bright promise of cultural and economic advancement, will be seriously jeopardized unless our people turn their backs upon racial hatred and, in a spirit of charity one toward another, resolutely seek statesmanship-like solutions to these complex problems.

Because I feel such deep concern in these matters, and because of my deep devotion to Arkansas and her people, I have accepted--but with hesitancy and even some reluctance--responsibility for leadership in this new effort to restore peace between the races to the end that just and lasting solutions may be acheived.

I am not a stranger to the many problems which impinge upon the question of desegregation, for circumstances forced me to face squarely the issue and its many attendant circumstances a decade ago, and I never searched my mind and heart to a greater depth than I did at that time, for I knew that the lives of countless thousands would be affected, directly or indirectly, by the decisions reached upon that occasion.

I am confident that if every mature white person in Arkansas were called upon to answer the question: "Would you prefer to see a continuation, in principle, of the separation of the races in their economic, cultural, and social pursuits?" that the overwhelming number would reply in the affirmative. It is only natural that they should feel as they do, for racial ties and racial loyalties lie deep in our hearts.

Unfortunately, the question of issues involved cannot be so simply phrased, and our answers cannot be so glibly stated. Whether we wish it or not, the two races are bound together in Arkansas by ties which cannot be broken--ties which human decency and the spirit of fair play demand that we recognize and respect. Even though both races may find group advantages and deeper personal satisfaction in adhering to the principle of separateness in most things there are innumerable problems common to us all, and there are high hopes and laudable aspirations which dwell deep in the hearts of all men of character,

regardless of racial background. In dealing with these matters of common concern and in considering these human hopes and aspirations, men and women of both races should eagerly welcome every opportunity to work together in full harmony and in complete trust of each race toward the other.

It is in that spirit that I earnestly entreat the people of Arkansas to forget the acts of hatred and strife of these past several months; and it is in that same spirit that I urge upon both races a thoughtful and unprejudiced consideration of a plan of voluntary cooperation looking toward a just, and workable, resolution of our differences.

I acknowledge with sympathetic understanding the longings and the aspirations which prompted members of the Negro race to seek for themselves cultural and educational advantages far beyond those provided within the limits of the South's doctrine of separate but equal facilities for the Negro race. We of the white race view as something sacred the aspirations of a similar nature which have marked our own cultural advancement.

The Supreme Court of the United States handed down its first decisions which, in effect, discarded the old philosophy of separate but equal facilities for Negroes in higher education while I was serving as chairman of the Board of Trustees of the University of Arkansas. In each of the several cases, legal action had arisen because some state-supported institution of higher learning had refused admission to a member of the Negro race who had met the same conditions of admission required of white students. Not one of those cases involved Arkansas or its University, yet we members of the University's Board of Trustees were deeply concerned about them. We felt confident that sooner or later we would face the same issue. We could not pretend a claim to protection under the doctrine of separate but equal facilities, for nowhere in Arkansas was it possible for a member of the Negro race to secure even a bachelor's degree in a state-supported educational institution of accredited standing.

The Board discussed the problem in generalities on several occasions but without rendering a formal decision. Most members of the Board faced the prospect with misgivings, but at the same time they accepted the principle of court decisions as the basis of interpretation of law.

Late in January 1948 the then president of the University telephoned to inform me that a Negro student--a college graduate and a veteran of World War II--reportedly was enroute to Fayetteville to seek admission to the University's School of Law. Should he be admitted? I immediately began telephoning other members of the Board, seeking a special meeting to deal with the question. The weather was very bad, however, and it soon became apparent that a meeting of the Board was out of the question, but without exception each member assured me his full support of whatever action circumstances dictated. With a deep awareness of the seriousness of the implications involved, I accepted the responsibility of saying "Yes" for the Board of Trustees. I telephoned the University president and gave him the answer, and he expressed agreement with the appropriateness of the action.

I followed that action with a public statement in which I said, in substance, that qualified Negro students would be admitted to graduate and advanced professional work not provided for them in any other state-supported institution, and that the University board would give full support to Arkansas A.M.&N. College, the state-supported college for Negroes, in its efforts to achieve an accredited standing. I expressed the opinion that while it would be folly for Arkansas to attempt to build and maintain separate graduate and advanced professional schools for Negroes, it was essential that it provide fully accredited undergraduate institutions for members of the Negro race. It was my conviction--and subsequent events have proved the soundness of that conviction--that most undergraduate Negroes would prefer to attend A.M.& N. College once it achieved the academic recognition that it sought. I felt then, and I feel now, that A.M. & N. College has a vital role in the educational life of our state, and if it should ever cease to be a vital cultural center for the Negro race, and interpreter of their hopes and aspirations, then the educational loss to all the people of the state will be great, indeed.

I was both commended and condemned for the decision which was made ten years ago in January, but the messages of commendation far outnumbered those of condemnation. I did not know then, and I do not know now, whether we were exactly right in all aspects of our decision, but I do know that I had a feeling of satisfaction about the results of it then, and I still have that feeling even after ten years of reflection. I think the action laid the groundwork and the basis for a state program of race relations and Negro educational advancement that has not yet been met by any other Southern state, and perhaps has not been equalled in good faith and sincerity by many other states, north, south, east or west.

Subsequently, Arkansas A.M. & N. acquired accreditation as its academic offerings were expanded and strengthened. And as need became apparent, other divisions of the University and of the various state-supported colleges of the state were opened to qualified Negro students. But there was no rush on the part of the Negro students to enter the institutions previously attended only by white students. A few Negroes did enter these institutions, but generally their action was dictated by proximity of residence or academic needs not provided at Arkansas A.M.&N. College. The Negro students demonstrated that--all other circumstances being satisfactorily met--they preferred to be in an institution attended predominantly by members of their own race, but they do object, and understandably so, to imposed circumstances which strait jacket their legitimate aspirations and deprive them of educational opportunities open to other races throughout the nation.

Here and there in the state, where circumstances were favorable, where relatively few Negro students were involved, and where economy and efficiency of operation were at stake desegregation occurred in public school systems. Up to that point, not a suit to compel integration had been filed, and Arkansas was being hailed throughout the country as a state which had risen above blind prejudice to solve a complex problem with fairness to all.

No one in Arkansas could visualize the wisdom, or lack of wisdom, in the timing of this program, or the wisdom of resorting to court action when cautious or reluctant delays were encountered. Some public schools faced problems of a more complex nature than those faced by the University and the State Colleges, and more time to think, to plan, and to consider would have been profitable for both races.

We were as a child who, in taking its first steps, is easily upset by the smallest obstacle. A seemingly undue showing of caution or the least indication of impatience with delay, became cause for suspicion. Suspicion can quickly become distrust, and distrust is the fuel from which spring the flames of hatred and strife.

I do not know just when, or where, we departed from our program of voluntary cooperation and mutual good will in seeking a solution to our problems, but somewhere along the line distrust, hatred and prejudice crept in.

Then came the Little Rock Central High School affair. Little Rock was the first sizable city in Arkansas to confront the problem in the light of the Supreme Court decisions--and it is not so easy to ascertain the minds and reaction of a large city as it is a small one. The School Board moved, I believe, with commendable caution and then followed court action in protest against the slowness of the program, and it was complicated by organized opposition outside the courts. There is no need for me to recount here the unhappy events which have brought sorrow and strife to this state.

In view of my experience with this problem as a member of the University's board of trustees, and in the light of the evident good will which existed between the races for so long, I have found it difficult to think of other matters since the violent upheaval of last September. I have felt that in view of the past working of good will in the state, that with a Governor pledged to carry out the wishes of the majority of our people, that with the President of the United States expressing reluctance to take a hand in the controversy--in view of all these circumstances I feel that surely there is an answer infinitely more satisfactory to both races than is the position in which we now find ourselves.

I am here today to propose to you a plan that represents the best thinking of my ability, and it has found support among the dozens of members of both races with whom I have discussed it in detail. It gives tremendous weight and consideration to the attitude and position of our Governor. It gives great weight and respect to the decisions of the Supreme Court of the United States, and to the desire of our Federal Judges that practical and acceptable means be found to carry out the spirit of the Supreme Court decision.

It seems to me that we have tried two plans. One was what I should like to call the State Plan of Voluntary Progress. It was first tried with much success by the University of Arkansas and later adopted with equal success by the State Colleges and by many elementary and high schools of the State.

The other is the plan that so many other states have tried--a plan entangled in legal procedures, in court orders, and in bitterness between factions. It has failed. It has created a statewide conflict which has brought upon us the condemnation of many peoples.

I am convinced that it is in the State Plan of Voluntary Progress--and only there--that we can find an answer to our problem, an answer that gives recognition to the finer aspirations of both races without working undue hardship on either.

Let us return to the problem with clean hands and with honest hearts. Let us give concrete evidence that Arkansas is a progressive, law-abiding state that is capable of dealing in statesmanship-like manner with its complex problem. If we take that attitude and give that evidence of our earnest desire I have no doubt but that the Courts will give sympathetic understanding to our efforts--at least until such a time as other states have caught up with us.

The plan I am recommending is so simple that many will say it does not offer the Courts--or the Negro race--anything that we were not already doing. To that I answer it is quite obvious that this plan, when it was operating free from prejudice and coercion, was accomplishing more in the area of good race relations than any other plan ever devised in any state. It was conceived in sincerity and carried forward in good faith, and it was because of its good spirit and its far-reaching accomplishment that it seemed so simple. It is an idealistic plan, yet it is down-to-earth in its practicality. It means voluntary progress, at a speed faster than that shown by any other Southern State, toward the attainment of principles set forth in the Supreme Court decision, yet at a pace deliberate enough to enable us to solve the complex problems along the way. I do not offer this plan as a "status quo" or "negative" maneuver while the state engages in a delaying action; I offer it with sincere motives and I urge our leadership of both races to accept it in a spirit that calls for freedom to progress toward greater understanding, toward greater cultural and educational opportunities for all.

All communities in this State are not alike. They are not all faced with the same problems. As a state, we are equipped with greater knowledge and with a more nearly perfect understanding of those varying problems than any court could possibly be on the basis of evidence offered in a hearing. Only in an atmosphere of freedom toward progress can we give full consideration to those problems as we move forward. Had we shown obstinacy, or a desire to circumvent the wishes of the Court while purportedly carrying forward our program of voluntary progress, we would not now be entitled to ask for freedom of action, but we exercised no such traits or desires. I believe we have earned the right to exercise once more the principle of freedom of action.

I have a strong feeling that Courts have a desire to be reasonable both in their demands for compliance and in their appraisal of progress. In order to demonstrate to the Courts our good faith and honest desires, I would recommend that we commit ourselves to two courses of action in return for Court acceptance of the State Plan of Voluntary Progress:

First, I would recommend that we not press for dismissal of the Negro students now enrolled in Central High School until the end of the term, when they have finished their year's work and some of them have received their diplomas. That point in time would then end a plan which we have tried but which did not work.

Second, I would recommend that this state establish a Committee, or Commission, composed of outstanding citizens with Negro representation which would be dedicated to the orderly conduct of the voluntary program. Members of the Commission would sit with representatives of individual school districts, study their problems, weigh evidence offered, and arrive at a practicable determination of what constitutes "all deliberate speed" in that particular school district. In those communities where

circumstances warrant complete or partial desegragation, the Commission could help resolve the attendant problems in such a way as to secure sufficient community support to make compliance workable. In areas where, for perfectly valid reasons, desegregation is not now practical the Commission could promote the improvement of educational facilities for Negroes. The Commission would operate without legal authority of enforcement, but because of its very nature it would operate with tremendous moral persuasion toward improved race relationships.

The plan which I offer does not contemplate that Negroes would be asked to guarantee that suits for compliance would never be filed, but I am convinced that the Negro leadership in this state is not any happier over the present stalemate than are the Governor, the educators, or the private citizens--including myself. And while I would not ask for a guarantee of no legal action, I feel certain that once our sincerity of effort is made plain our Negro citizens will refrain from undue aggressiveness which can destroy, as has been demonstrated, a program of progress and good will between the races.

I have not asked Governor Faubus whether or not he would accept any specific plan of action designed to bring about a solution to the present problem. I did ask him, however, whether he would encourage or discourage my working on a plan which was conceived in a spirit of harmony and good will, and which I felt might hold an answer to the hopes and prayers of our people. He assured me that nothing would please him more than the offer of a plan which would have the acceptance of our people. I feel completely confident that he wants to act in accord with the wishes of the majority of the people of this state. I have studied his every utterance, and as I interpret his statements he is positive that he is following the wishes of a substantial majority of the people of this state, that he is not personally opposed to the wishes of the Supreme Court, that he is not personally opposed to desegregation, but that he is opposed to the enforcement of desegregation in opposition to the will of the people.

It was on the basis of my conversation with him that he revealed to the press on March 20 that a new plan, designed to bring peace to the troubled situation, was in the making and would be made public in due time. It seems to me that he has given a clear invitation to the people of Arkansas to come forward with an acceptable solution.

If this plan of voluntary action which I propose is to be a State Plan then it should be sponsored by a State agency, and it is for that reason that I petitioned a meeting of this Board today. Yours is the only agency primarily endowed with statewide responsibilities in educational affairs. To you we look for leadership.

I respectfully offer to you this plan which I have explored to the full extent of my ability. I have talked to dozens of people of both races about it, and not one with whom I have discussed it in detail has failed to endorse it in principle. I ask that you consider it with great care, that you talk to people back home about it, that you seek the opinion of people on the local level.

In ascertaining the mind of our prople it is not enough to conduct a poll with the single question of, "Do you favor racial segregation or racial desegregation?" It is not enough that we answer that question. We must ask ourselves whether we favor law and order over lawlessness and disorder. We must ask whether we favor negotiation and compromise if necessary to the working out of complex problems.

And we must ask whether we prefer the bitterness and hatred, which has marked the Little Rock situation to the orderly working of good race relationships based upon mutual confidence and respect. Do we believe in a democratic philosophy which guarantees to all men the right to strive toward realization of their God-given desires and hopes? If all men would give honest answers to these and related questions, I am sure that we would find ourselves closer to racial harmony than we now realize, for many of our dogmatic attitudes and blind prejudices would be swept away.

If you find that this plan has merit, and if you feel that it will command the support of the people of the state, I respectfully urge that you file an intervention in the action now pending in Federal Court in reference to the Central High School case; that you offer to the Court this plan, not just as a substitute for the Central High School plan, but as a plan which once operated with such great success on a statewide basis, as a plan which justifies the dropping of a plan which has brought chaos, disorder, and confusion to our program of race relations.

If this plan should receive the endorsement of the Court and the support of the people of the State, I urge that you immediately appoint a Commission of able personnel, with Negro representation, to guide and promote the advancement of this program, and that you ask the Governor to lend the weight of his good office in support of the Little Rock School Board in maintenance of adequate discipline during the remainder of the school year. Our support of discipline during the short period from now to the latter part of May would not constitute "enforced integration." This action on our part would be supporting an orderly return to our voluntary State Plan. The immediate withdrawal, on a standby basis, of these troops--looking toward complete withdrawal--is badly and urgently needed to restore the good name of our state and our own self-respect. Let us not have a commencement under military supervision for our graduates to remember in shame.

So, Gentlemen of the Board of Education, I feel that this is an opportunity for you, for me, and for men and women of good will all over the state to serve Arkansas in this time of crisis. If this plan which I have offered to you should prove not to be the answer I shall be happy to join you in whatever amount of time and effort is necessary to formulate a workable plan.

Should this plan be acceptable to the people of Arkansas, submitted by you and approved by the Federal Court, I have so much confidence in its workability that I would have one further recommendation to make:

That we sit down around the table with all the parties involved and ask that every lawsuit in Arkansas dealing with the racial question be withdrawn, that we begin again with a clean slate and a clear conscience, and with a plan that beckons to other states and challenges them to catch up with the spirit and program of Arkansas--an Arkansas which ten years ago was a beacon light in the matter of good race relationships.

We are continually giving lip service to an Almighty God who gave only to man the power of reason. Then let us use this God-given privilege to solve this problem in a Christian spirit.

I thank you.

HLT:ab
March 31, 1958

8

G.F.

October 1, 1958

Dear Mrs. Yunker:

The President has asked me to acknowledge and thank you for your letter to him.

Your observations regarding the sensitive issue of school integration have been noted, and I assure you that the President greatly appreciates having them. In these difficult times it is most helpful to obtain a cross section of the thinking of conscientious citizens like yourself.

The President also wants you to know that he is grateful for your support.

Sincerely,

E. Frederic Morrow

Mrs. J. A. Yunker
1824 Rosedale Avenue
Louisville 5
Kentucky

rfl

8

40-B

Louisville, Ky., September 13, 1958

Hon. Dwight D. Eisenhower,
President of the United States,
The White House,
Washington, D. C.

Honorable and dear Sir:

The Organization which I have the honor of serving, has authorized me to express our appreciation for the moderate tone of your remarks to the people of the United States in general, and Little Rock, Arkansas, in particular. Kind words do so much more than bullets or bayonets.

But kind words, nor bullets, nor bayonets, can ever change the basic fact that forced integration is merely adding to the problems and burdens of the poor. Poor whites and poor blacks live in a state of more or less bitterness because of their depressed financial condition. And when they are forced to live too close together, they turn their angers and frustrations on each other.

Wealthy whites and wealthy blacks choose their own habitations, their own schools, their own environments. This privilege is out of reach for the economically depressed. Public officials, either Federal or of the state, may never be able to correct social and economic injustices, but they certainly can refrain from adding to the burdens of the poor.

Sincerely and respectfully,

Mrs. Yunker

Executive Secretary,
CHRISTIAN SENTINELS OF KENTUCKY, Inc.

Mrs. J. A. Yunker,
1824 Rosedale Ave., Zone 5

THE WHITE HOUSE

WASHINGTON

October 2, 1958

MEMORANDUM FOR MR. HAGERTY

The original of this letter was sent to the President. // Inasmuch as these people are employees of the U.S. Government (even though through a devious route, with a short tenure), I, yesterday, sent the letter to the State Department for handling.

I agree it would be useless to try to answer their questions on Faubus. I am not sure you should reply but, if you do, my advice is to say that the President has repeatedly called the facts in the situation to the attention of the people of our country and has urged that the people in Little Rock, and in other areas likewise affected, observe the decisions of the Court. A point should be made that this matter is still being litigated in the courts.

You could attach copies of the statement made at the August 20 press conference, the President's letter to Mr. Rolston in Charlottesville, as well as the statement made at the October 1 press conference.

Rocco C. Siciliano

American Pavilion
Brussels, Belgium
September 24, 1958

Mr. James Hagerty, Press Secretary
Press Department
White House
Washington, D.C.

Dear Sir:

As members of a group of American Guides working in the U.S. Pavilion at the Brussels World Fair, we have been trying for five months to explain the various phases of life in America to visitors from all parts of the world.

With the Little Rock issue of prime importance, we have been swamped with questions and accusations concerning the racial situation and the actions of Governor Faubus. At first we answered these questions by explaining that besides a segregation-integration controversoy, there is also a struggle between the powers of State and Federal Government. But now many of us are at a loss to explain our democratic way of life when a single city and state under the leadership of one man seems to be successfully challenging the very basis of our government and the heart of our legal system, hich is respect for the law of the land as set down by the decisions of the Supreme Court.

We find ourselves faced with the obvious contradiction to Gov. Faubus's cry that integration is impossible when we know that other schools have integrated peacefully since the Supreme Court's decision in 1954 including the high school in Hoxie, Arkansas. And an even further denial of the Arkansas Governor's position was revealed in Walter Lippman's words as found in the New York Herald Tribune of Sept. 18th,

> "Later on, in questions by Mr. Justice Frankfurter, it came out, with Mr. Butler agreeing, that the people of Little Rock would have acquiesced in the school board's plan of integration, had the authority of the state, meaning Governor Faubus, not incited and led the mob of resistance and defiance."

The major questions and comments from foreigners which we face daily might be summed up as follows:

1) Does Governor Faubus support the United States Government and its Constitution?

2) Does he have any respect for the supreme law of the land?

3) Did he realize that in an effort to keep nine Negro students out of a white school he had deprived 2,000 white students of their education and is now depriving an entire city of a high school education?

We want to be truthful in answering these questions. What do we say?

We have faith that the people of Little Rock want to find out for themselves whether or not the law of the land can be obeyed peacefully. We believe that they are intelligent enough to know what is right and are capable of striving for the right way, although traditional but wrong ways may be easier.

The action of the people in Little Rock in the next few weeks and the steps that the Federal government will take against this assault on our Constitution will provide the answers that we as guides will give to the European, Asian and African visitors to the World Fair.

But our problem remains, for how can we strive for honesty and justice in international relations when we cannot justify our actions abroad by exemplary actions at home?

Sincerely,

UNITED STATES GUIDE CORPS
American Pavilion, Brussels

Grace Hayes

(Miss Grace Hayes, Little Rock, Arkansas)
Representing Michigan

Ann E. Hurd

(Miss Ann E. Hurd, Kennewick, Washington)

Jeri Fluegelman

(Miss Jeri Fluegelman, Scarsdale, New York)

THE WHITE HOUSE OFFICE

ROUTE SLIP

(To Remain With Correspondence)

TO MR. SICILIANO

PROMPT HANDLING IS ESSENTIAL. WHEN DRAFT REPLY IS REQUESTED THE BASIC CORRESPONDENCE MUST BE RETURNED. IF ANY DELAY IN SUBMISSION OF DRAFT REPLY IS ENCOUNTERED, PLEASE TELEPHONE OFFICE OF THE STAFF SECRETARY.

Date September 30, 1958

FROM THE STAFF SECRETARY

ACTION:

Comment _____

Draft reply _____

For direct reply _____

For your information _____

For necessary action _____

For appropriate handling X

See below _____

Remarks:

GPO 16—71264-1

Ltr to P 9/24/58 from US Guide Corps, American Pavilion, Brussels - Grace Hayes, Ann E. Hurd, Jeri Flugelman - ask for answers regarding Gov. Faubus and the Little Rock school issue, as they are unable to explain when questioned by visitors from all parts of the world.

By direction of the President:

A. J. GOODPASTER
Staff Secretary

Fam

G.F.

October 6, 1958

Dear Robert:

The President asked me to thank you for your friendly expressions and to tell you that your words of commendation pleased him ever so much.

Your comments regarding the sensitive issue of school integration have been noted, and I assure you that the President greatly appreciates having them. In these difficult times it is most helpful to obtain a cross section of the thinking of conscientious citizens like yourself.

The President also wants you to know that he is grateful for your prayers.

Sincerely,

E. Frederic Morrow

Robert Lewis
1403 Fourth Street
Orange
Texas

mbh/gls

16 9/26

1403 Fourth Street
Orange, Texas
September 24, 1958

Mr. Dwight D. Eisenhower
President of United States
Washington D.C.
Dear Mr. President,

I am very well pleased with your work in America, and I'm sure every American citizen will say the same to you.

After watching the situation in Little Rock at the present date, I am praying to Almighty God to help you, to give you the strength to make our th clearly that all men are created equal under the ~~Same~~ God.

I am just a student in the nineth grade, and I feel it is my duty to write you and thank you for all the wonderful things you bestow in our country.

I'm sure the students will be very glad in Little Rock to get back in school. I sure was glad to be in school once more, because the summer vacation foot ball team had me kindy tired. (We all do get tired of vacation fun sometime)

Now it is time I closed my letter but never will I forget you in my prayers.

Sincerely Yours Robert Lewis

G.F.

October 6, 1958

Dear Miss Knudsen:

Your recent letter to the President has been received. He and his staff are most interested in your views regarding the rights of Negro citizens.

Please be assured that the President will resolutely continue to carry out the responsibilities of his office, which are inherent in his oath.

I am enclosing for your reference a transcript of the President's statement made on September twelfth.

Sincerely,

E. Frederic Morrow

Miss Elaine Knudsen
137 Columbia Road
Ephrata
Washington

Enclosure

las/ge

11ea

Chuck

Note-O-Gram

acted 10-6-55 9/29/55 16 ge

42-17

FROM Elaine Knudsen

TO President Eisenhower DATE Sept 24, 1955

I want to talk to you about negros in arkansas.

The people are wrong about them. There are the same as us.

You are the only one that can help the Negro and the people of this state. that.

The negros fought in the last war and others wars for us.

(over)

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If they are willing to
fight for their
country they would be
able to live in it peace
and not have to be
driven from their
homes like animals.
It's what is inside
that counts, not the
skin or the color.
I'm very disappointed
in you because you're
too lazy to do anything
about it and help your
countrymen the innocents.

Note-O-Gram

FROM

TO DATE

If you your being smart by letting this go on your mot. You will be glad To have them back at the next war.

Yours Truly,

Elaine Knudsen
137 Columbia Rd.
Ephrata, Washington

G.F.

October 6, 1958

Dear Lonnie:

Your recent letter to the President has been received. He and his staff are most interested in your views regarding the rights of Negro citizens.

Please be assured that the President will resolutely continue to carry out the responsibilities of his office, which are inherent in his oath.

I am enclosing for your reference a transcript of the President's statement made on September twelfth.

Sincerely,

E. Frederic Morrow

Master Lonnie Carmouche
1243 West 5th Street
Port Arthur
Texas

Enclosure

las/ge

C.E.

acbd 10-6-58 C 42-1

1248 west 5th Street
Port Arthur, Texas
Sept. 24, 1958

Mr. President,

My friends fill the same way I do about the Little Rock incident. We would like you to stand strong on your decision on intergration in Little Rock.

This school and others should be intergrated so white and colored students can learn to live and work together. There is no reason why white and colored cannot become friendly with each other.

Respectly yours,

Lonnie Comeaux

G.F.

WALTER A. LYNCH, JR.
5 CONCORD ROAD
PORT WASHINGTON, N Y
PORT WASHINGTON 7-5845

October 27, 1958

Mr. Edward A. McCabe
Administrative Assistant to the President
The White House
Washington, D. C.

Dear Mr. McCabe:

This will acknowledge your letter of October 20th, in reply to my telegram urging the President to establish a temporary high school district in Little Rock, Arkansas. I strongly resent both the reference material you use and the flippancy with which that reference material deals with my sincere suggestion as to how our government might effectively bring an end to a national crisis.

To date, the Administration, in dealing with resistance to integration, has chosen to either send in federalized troops to enforce the law of the land temporarily, or to adopt a wait and see attitude while misguided local officials lock thousands of students out of their classrooms to evade the law of the land. Both policies have failed miserably. I cannot believe, Mr. McCabe, that either you or the President considers the use of federal troops or the wide-spread closing of schools as more desirable than the positive action I suggest.

Your own letter infers that I suggested wide use of federal school districts in the South. I do not think it is really necessary to remind you that I suggested such action only in Little Rock, where the government would be dealing directly with Governor Faubus, the leader of unlawful resistance to integration. I believe that, if Faubus is stopped in Little Rock, it would break the back of segregationism throughout the South. Once that goal is attained, it would be a must in our democracy that control of the Little Rock high schools would be returned to the local level. But, in the preceding process, an acute threat to our most precious national asset - - our young minds - - would be wiped out.

You took the liberty of enclosing with your letter reference material of a highly objectionable nature. I am taking the liberty of dealing with some misconceptions in that material point by point: The reference material states:

> "As you must know, the President firmly believes that functions of the state and local governments should not be usurped at the Federal level."

Does this mean that the President feels that the Federal government should not take any action whatsoever against segregationists of Faubus' ilk? If the President refuses to deal with them, who is to deal with them?

The reference material states:

> "May I say it is difficult to conceive a more arbitrary or ill-advised undertaking than the one you suggest."

WALTER A. LYNCH, JR.
5 CONCORD ROAD
PORT WASHINGTON, N Y.
PORT WASHINGTON 7-5845

This statement is rudely critical, Mr. McCabe, especially so, in the glaring lack of constructive counter or alternate suggestions.

The reference material states:

> "The Founding Fathers of this Republic saw the great wisdom of state and local participation in public affairs. They knew, as does the President, that education serves its purpose best when it is centered in the home and in the local community."

The Founding Fathers of this Republic also saw the great wisdom of a Constitution that all men are created as equals. On several occasions, our forefathers have taken drastic action on the local level when the rights of individuals were in jeopardy: the Civil War for instance. I deplore armed intervention. My suggestion would accomplish the desired purpose before the situation again gets so far out of hand that the use of troops would again be necessary.

The reference material states:

> "Your suggestion does violence to one of the great principles upon which a great nation has been built. In short, it can be said that your cure for a passing ailment is to kill or main the patient."

I challenge that statement completely, Mr. McCabe, and suggest that it would apply more more aptly to what is going on now in Little Rock.

Sincerely,

WAL:ln

Walter A. Lynch, Jr.

October 20, 1958

Dear Mr. Lynch:

This will acknowledge your recent telegram urging that the President establish a Federal school district in Little Rock, Arkansas.

The President recently received a suggestion from Mr. Corliss Lamont of New York, who urged that the Federal Government operate schools which have been closed in the South. Because of the similarity between your own and Mr. Lamont's suggestion, I am taking the liberty of enclosing a copy of the response which was sent to Mr. Lamont.

Sincerely,

Edward A. McCabe
Administrative Assistant
to the President

Mr. Walter . Lynch, Jr.
Concord Road
Port Washington, New York

EAM/bjm

DEPUTY ATTORNEY GENERAL

WASHINGTON

October 9, 1958

MEMORANDUM FOR GOVERNOR HOWARD PYLE

It may be that the answer to this telegram should come from H.E.W. but as a telegram sent by a candidate during a political campaign, I think the attached answer should be adequate.

Lawrence E. Walsh

DRAFT
10/14/58

Dear Mr. Lynch:

Respecting your October 5 telegram, the President asked me to respond, first, that it is, in his judgment, difficult to conceive of a more arbitrary, unconstitutional and ill-advised undertaking than for the Executive Branch of the Federal Government to attempt to arrogate to itself the responsibility for providing education in States or local school districts; and second, that he would be far more fearful for the future of this Republic were such an act attempted and accomplished than he is as a result of the present interruption of education -- an interruption he deeply deplores and has publicly counselled against -- as a result of actions by State officials in Arkansas and Virginia.

It was thoughtful of you to give the President your own viewpoint on these matters.

Sincerely,

Draft
10/9/58

Mr. Walter A. Lynch, Jr.
Concord Road
Port Washington, New York

Dear Mr. Lynch:

On behalf of the President, I thank you for your telegram of October 5 regarding the Little Rock school problems. You may be sure that your interest in telegraphing is appreciated and that your views will receive appropriate consideration.

Sincerely yours,

THE WHITE HOUSE OFFICE

ROUTE SLIP

(To Remain With Correspondence)

TO GOVERNOR PYLE

PROMPT HANDLING IS ESSENTIAL. WHEN DRAFT REPLY IS REQUESTED THE BASIC CORRESPONDENCE MUST BE RETURNED. IF ANY DELAY IN SUBMISSION OF DRAFT REPLY IS ENCOUNTERED, PLEASE TELEPHONE OFFICE OF THE STAFF SECRETARY.

Date October 6, 1958

FROM THE STAFF SECRETARY

ACTION:

Comment _____

Draft reply _____

For direct reply _____

For your information _____

For necessary action _____

For appropriate handling X

See below _____

Remarks:

GPO 16—71264-1

Tele 10/5 to the P from Walter A. Lynch, Jr., Dem candidate for Congress, Port Washington, NY. -- suggests P establish a Federal School District in Little Rock, in view of defiance of laws and bombing of Clinton school.

By direction of the President:

A. J. GOODPASTER
Staff Secretary

4

The White House
Washington

1958 OCT 5 PM 5 07

WA014 RX PD AR

TDHE PORT WASHINGTON NY OCT 5 1958 310PME

THE PRESIDENT

THE WHITE HOUSE

STRONGLY SUGGEST ESTABLISHMENT OF FEDERAL SCHOOL DISTRICT IN LITTLE ROCK AS ANSWER TO DEFIANCE OF LAWS OF THE LAND BY FAUBUS WITH EDUCATION MORE OF A NATIONAL ASSET THAN OUR NATURAL RESOURCES WE CANNOT AFFORD TO ALLOW A SHUTDOWN OF OUR SCHOOL SYSTEMS AND WEAKEN OUR FIRST LINE OF DEFENSE AN EDUCATION DAY LOSS IS NEVER

REGAINED. AS IN OTHER TIMES OF WASTING OF NATIONAL
RESOURCES OR TIMES OF CRISES THE FEDERAL GOVERNMENT
MUST INTERCEDE FOR THE GOOD OF THE COUNTRY. TODAY IS A
TIME FOR STRENGTHING AND EXPANDING OUR EDUCATIONAL
PROGRAM TO MEET THE GROWING SOVIET THREAT NOT A TIME TO
ALLOW ONE MAN TO RALLY UNAMERICAN FORCES TO HIS FLAG
OF HATE. YOUR LEADERSHIP IN ESTABLISHMING A FEDERAL
SCHOOL DISTRICT IN LITTLE ROCK UNDER THE DEPARTMENT OF
HEALTHWELFARE AND EDUCATION CAN BREAK THE FOOTHOLD
FAUBUS HAS ESTABLISHED THE CLINTON BOMBING SERVE

NOTICE THAT ONLY BOLD STROKES BY THE FEDERAL
GOVERNMENT CAN HANDLE THESE SEGREGATIONISTS
WALTER A LYNCH JR DEMOCRATIC CANDIDATE FOR CONGRESS SECOND
CONGRESSIONAL DISTRICT NEW YORK 5 CONCORD RD.

Tau Gamma Delta Sorority

ETA CHAPTER

FROM THE OFFICE OF: Basileus of Eta Chapter
ADDRESS: 634 St. Nicholas Avenue
New York, New York

RECEIVED
NOV 24 [illegible]
CENTRAL FILES

TO: The President of the United States
Hon. Dwight D. Eisenhower
White House
Washington, D.C.

Dear Mr. President:

We, the members of Tau Gamma Delta Sorority, in our 14th Annual Boule' in session, at Cleveland, Ohio, are greatly concerned with the integration problem in Little Rock, Arkanaas, and the magnificent stand taken by Mrs. Daisy Bates, which has caused her life to be jeopardized.

In a recent letter received from your office addressed to the Eastern Regional Director, Tau Gamma Delta Sorority, Mrs. Anne L. Felder, New York City it was noted that you were interested in our thinking on the above named issue, which is adversely affecting our Democracy.

Tau Gamma Delta Sorority solicits your support and requests that a statement go on record in response to Mrs. Bates' plea for protection.

We would be indeed grateful for a firm stand by the head of our nation in this matter.

Yours respectfully,

Marion Nixon, Basileus
Eta Chapter, Tau Gamma Delta Sorority

Juanita Barnes
Corresponding Secretary.

G.F.

124-A

RECEIVED
FEB 4

January 29, 1960

Dear Mr. Brady:

The President has asked me to acknowledge your letter to him of January eighteenth.

There is no connected relation between the two episodes you mention.

Sincerely,

E. Frederic Morrow
Administrative Officer
Special Projects Group

Mr. Harold Brady
Lambuth College
Jackson, Tennessee

lrs

1/29/60

Dear Madlyn:

I know the answer to this letter, but I would like to know if President Eisenhower served under Gen. MacArthur as this letter mentions. I don't have any book here at the moment and will appreciate your checking at your convenience

Thanks a lot,

Laura (234 E 0B)

1/23

January 18, 1960

The Honorable Dwight D. Eisenhower,
President of The United States
White House
Washington, D. C.

Dear Mr. President:

This inquiry is not intended to cause any political or social embarrassment to yourself or to your party. It is strictly a honest curiosity of a student of history. Records indicated that you served under General Douglass MacArthur when he was commissioned to use the tanks at Anacostia Flats during the Bonus Army's episode in Washington in 1932. My question is : Did this use of Federal Troops have any influence upon your decision to use Federal Troops in Little Rock, Arkansas?

Sincerely,

Harold Brady

Harold Brady
Student, Lambuth College
Jackson, Tennessee