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CIVIL RIGHTS POLICIES IN THE EISENHOWER YEARS

by

Ronald Schlundt

A THESIS SUBMITTED
IN PARTIAL FULFILLMENT OF THE
REQUIREMENTS FOR THE DEGREE OF

DOCTOR OF PHILOSOPHY

Thesis Director's Signature:

Houston, Texas

May, 1973
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CHAPTER I

INTRODUCTION: CIVIL RIGHTS GROUPS AND THE EISENHOWER ADMINISTRATION

For most black Americans the 1950's were a time of frustration, a period in which their unique problems were generally ignored by the country's major political leaders. The black migration of the twentieth century had given black Americans new opportunities, but it had also brought new problems. No longer concentrated in the rural South, Negroes found that lack of good industrial jobs in the northern cities limited their advancement almost as much as the southern agricultural system had. They also found that their opportunity for economic advancement was limited by housing segregation as rigid as that practiced in many areas of the South. At the same time, the old injustices faced by the southern black remained. Voting deprivation continued to be a problem, especially in the black belt areas, and school segregation limited the opportunities of blacks who hoped that
education might aid their children in securing industrial jobs. This lack of coherence in black complaints made the search for relief of grievances difficult. Civil rights groups often could not agree among themselves on what problems should receive top priority or what tactics could be most effectively used to combat evils. Frustration increased when black leaders realized that President Eisenhower had no intention of responding to black complaints with a comprehensive civil rights program. Feeling that the federal government had already taken too much power in the life of the nation and fearful of an unwarranted expansion of executive branch authority, Eisenhower allowed federal agencies to determine policies in those civil rights areas under their control and proved unconcerned with monitoring or guiding their actions in any significant way.

The large scale migration of blacks in the twentieth century changed the living patterns of the nation and proved to be a population shift as widespread in its effects as the late nineteenth century immigration of Europeans to America. In 1890, most blacks lived in the rural South, where they practiced an agricultural life not
greatly different from that of their ancestors before the Civil War. Sharecroppers and tenant farmers, they found their economic opportunity seriously limited by a society which confined them to the poorest agricultural jobs. In the early twentieth century, however, blacks began to leave the South's rural areas in search of better jobs in southern cities. Between 1910 and 1950, the South's population became gradually more urban, and blacks participated in the change in living patterns. According to census figures, only 21% of the region's blacks and 23% of southern whites lived in urban areas in 1910. The percentage had increased to 37% of each group by the outbreak of World War II. By 1950, almost half the residents of the region lived in its urban areas.¹

Although many non-agricultural jobs were opened to blacks as the South's economy diversified, blacks continued to seek better employment and living conditions. Southern Negroes heard of job opportunities in northern cities as well, and beginning in the early twentieth century, they departed the South in large numbers to seek success in the North. The promise of opportunity in World War I defense plants lured 450,000 blacks to leave
the South in the war decade. In the twenties, industrial prosperity combined with agricultural depression convinced 750,000 more to migrate North. The depression decade of the 1930's brought a slump in the migration process, but the outbreak of World War II stimulated the movement again. During the 1940's, 1,600,000 blacks went North, and in the 1950's, 1,500,000 more joined them.²

By mid-century, blacks had become an urban people. In 1950, 62% of all blacks lived in urban areas, 38% in rural areas. In the North and West, a rural black was especially rare. Only 5% were found outside the cities in that region.³ Significantly, the black migration was accompanied by a movement of whites out of the central cities. Between 1940 and 1950, while black population in the twelve largest metropolitan areas increased by 68%, the white population increased by only 4%. In the fifties, this trend continue.⁴ During the decade, the twelve largest American cities lost 2,000,000 white residents, while gaining about the same number of black citizens. As a result by 1960, while about half of the non-white population lived in the central cities of metropolitan areas, 52% of the whites lived in the suburbs.⁵
Segregation in American cities, north or south, had become more pronounced than ever.

The black movement to the cities enabled Negroes to organize effectively for the first time. No longer scattered throughout the rural South, blacks were concentrated in large enough numbers to make formation of organizations for black welfare possible. In addition, since the absence of voting restrictions in most cities made them an important political force, blacks found that politicians were interested in their opinion on important issues. As a result, from the early years of the migration, black organizations sprang up in America's cities. Some groups, such as Marcus Garvey's Universal Negro Improvement Association were poorly-managed, short-lived, and based on the ability of a popular leader to inspire belief. But others placed organization above personality and became permanent institutions in the life of their community. During the first half of the twentieth century, the most influential of these civil rights groups were the National Urban League and the National Association for the Advancement of Colored People.
The Urban League devoted primary attention to getting better jobs for blacks, improving minority housing opportunities, and developing better community services in the cities. The League worked primarily on the local level in these efforts, concentrating especially on better relations between the black community and influential business leaders. Because the League avoided legal action and seldom lobbied for civil rights legislation, many blacks felt that it was less effective than it might have been. The cautiousness of the group led to an organizational shake-up in the mid 1950's, when several activist trustees were purged from the board of directors--an action which only increased the belief of many blacks that the Urban League had lost touch with those it claimed to represent.  

The NAACP was founded in 1910, about the same time as the Urban League. From the beginning, it was a less conservative group, concentrating on national action to improve the plight of the black American. Through its legal arm it brought dozens of significant court actions, affecting such areas as housing discrimination, voting rights, and school desegregation. With these suits, the
NAACP succeeded in ending legal sanctions for many of the discriminatory practices about which blacks complained most bitterly. Through its local organizations and its national board of directors, the NAACP also had a large group of well-organized, articulate blacks who could pressure politicians to act favorably on issues of Negro concern. This lobbying function composed a significant part of NAACP operations. For tax purposes the NAACP political arm was separate from the legal defense and education fund—a split that sometimes led to conflict within the organization. The lobbyists, conscious of the need to work with whites, often favored more conservative action than civil rights lawyers who were less hampered by political considerations. Like the Urban League, however, the NAACP proved able to resolve these internal disagreements and generally spoke with a unified voice on black problems.  

Through the early 1950's, supported by white liberals, these two groups remained the voice of the Negro protest movement in the United States. Most whites in powerful positions in American cities accepted the existence of the NAACP and Urban League, tried to work with them, and in some cases, strived for their political aid and support.
In the mid-1950's, however, the NAACP was taken by surprise by a development in Montgomery, Alabama. In December, 1955, a black seamstress named Rosa Parks refused to give up her seat in the front of one of the city's buses to make room for white riders. After her arrest, members of a Montgomery women's political group decided to organize a black boycott of the city's bus line, a system which depended for its economic survival on black patrons. With the aid of two Montgomery ministers, Martin Luther King, Jr. and Ralph Abernathy, the Montgomery bus boycott began in late 1955 and continued for nearly a year. By the end of 1956, thanks in part to NAACP support of a court suit against the bus line's discriminatory practices, the city's transportation facilities were open to all on a non-segregated basis. The victory was significant, but more important for the NAACP was the realization that this major, highly publicized protest had been organized without NAACP aid or prior approval. A New Yorker reporter attended an Atlanta regional meeting of the NAACP shortly after the successful conclusion of the bus boycott and noted the confusion of the NAACP leaders in attendance. He wrote:
I got the impression from the people I talked to that this passive resistance movement... had taken the NAACP almost as much by surprise as it had the white citizens of Montgomery. The NAACP leaders appeared to me to not know quite what to make of it even while taking pride in the spirit it revealed.9

By this time, disagreements had already developed between the NAACP and the followers of King. At the 1956 NAACP convention, King had emphasized the necessity of passive resistance to segregation. The NAACP's Roy Wilkins insisted that the NAACP should intensify its political effort in its battle against discrimination. In addition, Wilkins insisted that the boycott was not generally an effective device for change, while King chided the NAACP leaders for their reluctance to "stand up and go to jail."10 Although King and the NAACP tried to minimize their differences through the rest of the 1950's—uniting, for example, in the efforts to pass the 1957 and 1960 Civil Rights Acts—their differences were clearly discernible.11

In 1960, the NAACP received a greater blow to its position of preeminence in the civil rights protest movement. In February, a group of black students in Greensboro, North Carolina decided to protest the segregation of one of the city's lunch counters by sitting
peacefully on its stools and refusing to leave until they were served. As sit-ins spread, the Congress of Racial Equality sent representatives to the South to advise the black students on tactics. CORE had been an obscure, pacifistic black group, founded in 1942 in Chicago by James Farmer and other blacks inclined toward Ghandi-like social protest. Within months, it became one of the most publicized civil rights organizations in the nation. Again the NAACP was taken by surprise. It attempted to claim a share of the credit for the sit-in movement. NAACP spokesmen noted that many of the students participating in the protests were long-time NAACP members. They pointed to sit-ins by local NAACP chapters in Wichita and Oklahoma City in 1958 and insisted that NAACP legal action had made the non-violent action an effective protest device by 1960. At its 1960 convention, the group endorsed the sit-in movement with no reservations, but its very defensiveness confirmed the obvious: the NAACP had been left behind in another major civil rights struggle.

The NAACP and the Urban League lost their preeminence in the 1950's in large part because of their failure to accomplish significant change during the decade. In the
1940's, both Franklin Roosevelt and Harry Truman had showed a large degree of responsiveness to Negro demands. Blacks were welcomed to the White House, rewarded for their contributions to the Democratic victories of the decade, and consulted for their views on important issues affecting the Negro community. Truman was especially conscious of the value of the black vote and advocated far-reaching civil rights reforms in a successful effort to preserve black loyalty to the Democrats. In such an atmosphere, conciliation and willingness to work with high-level officials seemed both prudent and productive. Under Eisenhower, however, progress slowed significantly. Blacks were only able to secure a limited presidential commitment to civil rights, and then they were often unsure of the strength of the President's resolve. As cautious civil rights activities began to produce fewer results, a larger number of blacks grew restive and dissatisfied with black leadership.

Eisenhower's view of the presidency made any significant White House commitment to civil rights reform difficult to procure. The development of the federal executive branch ensured that matters which concerned
Negroes were handled by various agencies. Black housing problems, for example, were handled by three different federal agencies, with a supervisory agency guiding overall policy. Despite presidential open-hiring directives, each agency employed Negroes according to its own standard, and each bureau let government contracts according to its own criteria of equal employment compliance by the contractor. Earlier presidents had sometimes intervened in agency matters which affected blacks, serving as powerful high-level ombudsmen for black complaints. But Eisenhower felt that such intervention in federal agency policy was both an unwise extension of presidential power and unnecessary if the government were organized efficiently. He "paid little attention to the day-to-day details of government... He insisted that problems be resolved within the government itself and that the few that could not be winnowed out at lower levels be brought to him as one-page memorandums to which he could say 'yes' or 'no.'"14 In short, the President dealt with the major questions, such as problems of war and peace, but he rarely concerned himself with small problems until they built into crises. When he did take note of a problem
faced by blacks in dealing with a federal agency, he regarded the concern as a minor annoyance, which a quick presidential directive could solve. Frequently the agency accepted the President's order, declared a discriminatory policy ended and continued operations with only slight change in its attitudes toward blacks. Convinced that the bureaucracy had been set back on a smooth-running course, the President returned to larger concerns and ignored failure to implement his directive.

By assiduous use of a carefully organized staff, Eisenhower made possible this disregard for the details of the federal government's operation. Sherman Adams occupied the top position in the executive branch hierarchy. As Special Assistant to the President, Adams dealt with all agency and department heads (except Secretary of State John Foster Dulles), received their suggestions, handled many of their problems, and granted access to the President. Specialization within the White House staff itself ensured that staff members only discussed their areas of assignment with the President, leaving broad policy to Adams' consideration.
Black groups found this staff system especially frustrating, for it served to exclude them from Eisenhower's attention. Civil rights groups began seeking a meeting with the President almost immediately after his inauguration. In May, 1953, Attorney General Herbert Brownell told the NAACP's Walter White that any such meeting with Eisenhower would be delayed until the administration had developed firmer civil rights programs. In 1955, the NAACP was still waiting, when Eisenhower's only black staff assistant, E. Frederic Morrow, suggested that a meeting with black leaders might aid in relieving some of the tension existing in the Negro community. Morrow's suggestion was ignored.\(^{16}\) Black efforts to gain access to the President continued in 1956. A. Philip Randolph of the Brotherhood of Sleeping Car Porters sought to discuss black problems with Eisenhower, but the President's Committee on Appointments turned down his request. Southern governors had been denied access to the President, aides explained, and a meeting with Randolph might make them angry.\(^{17}\) In 1957, when Wilkins, Randolph, and King requested a conference with Eisenhower, the staff again refused. This time, they claimed that such a meeting
would anger southern senators and endanger passage of the civil rights bill then before Congress. As a result of these refusals, Eisenhower did not meet with black leaders until the summer of 1958—five and a half years after his inauguration. Although Randolph was impressed with Eisenhower's willingness to listen to black spokesmen (a marked contrast with Roosevelt, Randolph said), the meeting apparently accomplished little of substance. After the conference, the black leaders issued a list of civil rights demands which they had presented to the President. By all evidence, the President continued to act with little regard for their wishes. The meeting apparently satisfied the President's desire for consultation with civil rights leaders. He never again held such a meeting while he was in the White House.

But more than unwillingness to interfere with agency policies marked the President's civil rights attitudes. On several occasions, he expressed his belief that law could accomplish little in civil rights matters, that hearts must change before significant progress could be made. "But I continue to say that the real answer here is in the heart of the individual," he told his press
conference on May 13, 1959. "Just law is not going to do it. We have never stopped sin by passing laws; and in the same way, we are not going to take a great moral ideal and achieve it merely by law."\textsuperscript{20} Or, as he said during his 1956 re-election campaign: "I believe...that there must be intelligent understanding of the human factors and emotions involved, if we are to make steady progress in the matter rather than simply to make political promises never intended to be kept."\textsuperscript{21}

Finally, Negro political loyalties discouraged Eisenhower from responding to black demands. Since the depression years, blacks had voted overwhelmingly for the Democrats--especially on the presidential level. Roosevelt and Truman had rewarded them for their support, and the civil rights measures instituted or proposed in the 1930's and 1940's had strengthened black allegiance to the Democrats. Through the 1950's, the majority of blacks continued to support Democratic presidential candidates. In 1952, despite the nomination of Alabama Senator John Sparkman as the Democratic Vice-Presidential candidate, blacks cast almost 80% of their vote for the Democratic ticket. In 1956, although the Republicans made greater
effort in seeking their support, almost two-thirds of the black voters still chose Stevenson over Eisenhower.\textsuperscript{22} As long as blacks gave the Republicans little aid, they could expect few benefits from the Eisenhower administration.

In the 1950's, political realities, bureaucratic organization, and government philosophy all combined to hamper black advancement by ensuring that civil rights policy-making rested in the hands of the federal agencies and received little White House attention. Only by convincing a powerful department head of the need for change could blacks receive serious attention or significant redress of their grievances. But to obtain such a lower-level commitment to civil rights without a presidential intervention in the problem required an unusual combination of circumstances. Throughout the Eisenhower years, black protest groups continued to look to the White House for aid which the President was unprepared to give.
Footnotes to Chapter I


11 Lomax, Negro Revolt, p. 47.


22 Time, January 28, 1957, p. 22.
CHAPTER II

A PRESIDENTIAL PLEDGE: DESEGREGATION OF
WASHINGTON AND THE ARMED FORCES

When Eisenhower ran for President in 1952, political considerations determined his treatment of civil rights in his campaign speeches and press conferences. In the months before the Republican convention, Eisenhower was especially eager to convince southern Republican delegates that he was "safe" on the race issue. By avoiding the subject as often as possible and noting his faith in the power of the states to correct inequities, Eisenhower quieted southern fears and gained crucial convention delegate votes. After the nomination, however, the candidate's strategy shifted slightly. Although still eager for southern white votes, Eisenhower had no desire to offend blacks who might consider voting Republican. He balanced these two concerns by appearing concerned about civil rights problems but vague about what action he might take. In Columbia, South Carolina, he warned that no society
should treat a group as "second class citizens"; he did not specify, however, what problems existed or what he might do to solve them.\(^2\) Similarly, in a Newark speech, he attacked Truman for advocating an "all or nothing" civil rights package, which, he said, Congress would never pass. But he refused to say what parts of Truman's program he approved.\(^3\) In this campaign, Eisenhower carefully confined specific pledges of presidential civil rights action to two areas: he promised to use executive power to end segregation in Washington, D. C., and he vowed to complete the desegregation of the armed forces begun by Truman.\(^4\) In each case, Eisenhower's assurances to blacks promised minimum political repercussions among southerners. Residents of Washington did not have the right to vote, so fears of desegregation among its white residents could have little electoral effect. Desegregation of the armed forces was nearly complete by the fall of 1952; even the most segregationist southerner did not expect the process to be reversed. Both issues, on the other hand, had symbolic significance to blacks, eager for signs that Eisenhower would not move backward on race relations.
Blacks had long noted that the racial policies of the capital served as a poor example of American democracy for foreign visitors. Eisenhower was apparently influenced by this argument, for he mentioned in a 1952 campaign speech that discrimination against a foreign non-white visitor was "a humiliation to his nation," and he warned that "this is the kind of loss we can ill-afford in today's world."  

In the Cold War years after World War II, black efforts to change the city's racial policies had gained special impetus. Soon after the war, blacks and whites formed the Committee for Racial Democracy in the Nation's Capital and the Committee Against Segregation in Washington, education and pressure organizations committed to altering Washington's racial patterns. Both groups sought allies in their efforts, but they met with little success until 1947 when Truman's Committee on Civil Rights issued its final report. The study vigorously attacked the capital's segregated policies and called their continued existence an example of a "failure" in American democracy. In the same year, a report by the private National Committee on Segregation in the Capital vividly described the living conditions faced by Washington's blacks and succeeded in
convincing many previously apathetic citizens that desegregation of the capital was imperative.  

In the years after these two reports, black groups gained new allies in their efforts to open the city's facilities to all. Actor's Equity, the major theatre union, joined the Citizens' Committee Against Segregation in Recreation to urge the privately-run National Theatre to admit blacks to its performances. The Department of the Interior also aided the recreation group by pressuring the District Recreation Board to desegregate the facilities under its control. But success was limited. The National Theatre closed rather than desegregate. The Recreation Board consented only to gradual lifting of restrictions in its facilities. Key city officials still refused to back black attempts to change racial practices. The District Board of Commissioners proved especially reluctant to end segregation, apparently because it feared fund cut-offs from the southern-dominated House District Committee.

For some blacks, court action appeared a more promising avenue for bringing change. In 1947, the father of a black pupil sued the superintendent of Washington's
schools to compel him to transfer his child from an overcrowded black school to a sparsely attended white one. The school board sought to avert desegregation by providing better facilities for blacks. Congress cooperated by voting larger appropriations for city schools. Federal aid to public education in the capital did increase significantly in the late forties and early fifties. But inequities could not be remedied so quickly, and black parents persisted in their suits to secure equal education for their children. 10

Other civil rights groups approached the problem on a broader front. In 1952, the Leadership Conference on Civil Rights, a coalition of protest groups, passed a resolution favoring home rule for the District of Columbia. At its annual convention, the NAACP, the most influential of the groups, formally endorsed the suggestion. 11 Since blacks composed 35% of the city's population in 1950, home rule meant greater influence for blacks in a city where almost all office-holders were white.

With desegregation efforts by local groups well under way by the time of his election, Eisenhower began action in late 1952 to aid Washington's black citizens in their
efforts. Soon after his election, he met with the chairmen of the House and Senate District Committees to discuss methods of encouraging desegregation in Washington. Whether the President urged home rule at this meeting is unknown, but the House committee soon showed its reluctance to give up its power over Washington affairs when it blocked House consideration of a submitted home rule bill.¹²

Eisenhower had a greater opportunity to affect Washington racial policies by persuading the District Commissioners to desegregate facilities under their control. In a few areas under the commissioners' auspices, desegregation had begun before Eisenhower took office. D. C. General Hospital had desegregated its wards during World War II, and the city's welfare department had gradually opened facilities to blacks during Truman's second administration.¹³ In general, however, the commissioners resisted desegregation and had done little to aid Washington's blacks. In the first months of his administration, Eisenhower decided to make the board of commissioners an effective force for change. In choosing a new member to fill a vacancy on the three-man board,
Eisenhower proved responsive to black complaints that their desires had been ignored by previous commissioners. At a meeting with Bishop D. Ward Nichols of the African Methodist Episcopal Church, Eisenhower revealed that he was considering nominating a Negro for the open position on the board. Black complaints about the racial views of possible white nominees also received serious White House consideration. When local and national Negro groups announced their opposition to the nomination of D. C. Budget Director Walter Fowler, an opponent of desegregation while a member of the Recreation Board, the White House eliminated his name from serious consideration.

Samuel Spencer, Eisenhower's ultimate choice for the commissioner's post was white, but because he had held no position in the city administration, he was untainted by the District government's segregationist policies and acceptable to black groups. Eisenhower gave Spencer the position with the specific understanding that he would work vigorously to end discrimination in those areas under the commissioners' control. He told Spencer that he should keep the White House closely informed of any progress made. As long as the President monitored his actions,
Spencer proved cooperative and diligent in battling District segregation. He informed reporters that he fully agreed with Eisenhower's determination to end discrimination in Washington. After White House pressure made him president of the Board of Commissioners, he worked with his fellow members to outlaw segregation in areas under their control. On November 25, 1953, by board decree, discrimination in facilities and departments under its control was banned.

In the following months, however, the commissioners made little effort to see that city agencies carried out the order. Departments continued discriminatory practices with little opposition from the board. The commissioners gave the fire department until August, 1954 to begin its desegregation, fearing disorder if change occurred too quickly in fire houses where men both lived and worked. But as late as 1957, twenty two of the city's thirty three fire squads were still all black or white. Even within the eleven segregated units, blacks were often excluded from higher level positions. A June 1958 survey revealed that only about 10% of black firemen held a post above the lowest rank, compared to 25% of the whites. The record
was worse in the department's administrative division, where blacks served in only two of its five sections and only in the lowest positions. 18

The NAACP complained that the D. C. Police also complied poorly with the board's orders. Officials rarely placed blacks and whites in the same squad car. 19 An informal quota system kept the percentage of blacks on the force at about ten per cent, and promotion policies made it difficult for them to rise into the department's high ranks. 20 Police procedures ensured continued white dominance of the department, the civil rights group charged, and law enforcement officials had no desire to change them.

Other departments under the commissioners' control seemed more willing to obey the order but moved slowly to implement it. D. C. Welfare, with a history of desegregation attempts, continued segregation in its cottages for the mentally retarded for nearly two years after the ban. It also operated an all-black home for delinquents until the fall of 1956. 21 D. C. Health Department ended separate living quarters in its tuberculosis center at the time of the ban, but Capital School
of Nursing at D. C. General Hospital remained all-white for three more years. 22

In all these cases, the board faced a bureaucratic problem. Although it had authority to oversee the city departments, it could have no detailed knowledge of their operations. Since the smooth functioning of the city was the commissioners' first priority, they willingly accepted claims that too hasty desegregation would cause disruption in operations. Perhaps more important, White House pressure was lifted after the issuance of the desegregation ban. The President seemed content with the promulgation of the order and unconcerned about the details of its implementation.

Eisenhower's efforts to end segregation in the District's schools followed a similar pattern; Presidential action to secure a desegregation ban was followed by White House unconcern about the mechanics of change. In 1952 the District Board of Education had begun preparing for the end of separate schools. In that year, it asked prominent citizens for suggestions for speeding desegregation; 23 later it discussed the proposals received and announced that it intended to obey any court orders that
might be issued. By the spring of 1954, school officials had held seven conferences on race for administrators and organized the first inter-racial teachers meeting ever held in the city.

In taking such preparatory action, the board operated with the knowledge that the Eisenhower administration favored desegregation of the city's schools. In the spring of 1954, when the Supreme Court heard the Washington school case, Bolling v. Sharpe, along with Brown v. the Board of Education of Topeka, the Justice Department argued that racially separate education violated the fourteenth amendment. After the decision, the White House asked the D. C. Corporation Counsel to prepare a congressional bill eliminating the city's dual school system. Later when opponents of desegregation asked that it be delayed until the court ruled on implementation of Brown, Justice successfully protested any delay in federal district court. Finally, to leave no doubt about the White House position, Eisenhower asked the commissioners to keep him informed of all progress made by the Board of Education, which operated outside the commissioners' sphere of authority.
With the public prepared for change and the White House encouraging prompt action, the school board moved quickly. A few days after the Bolling and Brown decisions, it announced that it would begin desegregation in September, 1954. The board redrew school districts on non-racial lines, but, to minimize disorder, it compelled only new students to attend according to the revised boundaries. The Washington branch of the NAACP joined black Washington parents in protesting the decision. They insisted that all children should be allowed admission on a non-racial basis. When school opened, the limited desegregation worked so well that officials yielded to the protests and decided to let any students who wished enter the new school designated for his neighborhood. 30

This plan brought gradual desegregation with minimum protest. The only significant disorder occurred in October, 1954 when 2500 white students boycotted schools in the Anacostia area for a few days. 31 Individual racial incidents were also fewer than school officials or desegregation opponents expected. A few cases of black attacks on white students occurred, and in one school, a student body voted to cancel its senior prom rather than desegregate
But such occurrences were unusual departures from a pattern of cooperation by students, faculty, and parents. As the years passed, whites had less reason to protest school desegregation. During the fifties, the number of Washington's white students attending classes with blacks steadily decreased. Whites were the minority in the city's schools as early as 1950. As white movement to the suburbs and black migration to Washington continued, the percentage of white students decreased to 37% by 1955 and to 20.3% by 1961. The school board's insistence on neighborhood schools ensured that the few whites remaining in the public schools had contact with blacks only in those few Washington neighborhoods where housing desegregation was the rule. The resulting school patterns were predictable: A 1958 survey showed that in 70% of Washington's schools, the student body was ninety to one hundred per cent white or black. Assignment of students to schools further from their homes might have brought greater mixing of the races, but school officials never considered such a policy. White House disinterest in the details of school desegregation gave education officials a free hand to draw boundaries and set policies however
they wished. Content with the formal end of legal segregation, Eisenhower was unconcerned with the actual racial patterns of the city's schools.

By the time that Eisenhower took office, a court case testing the legality of segregation by Washington's restaurants had also reached the Supreme Court. This case had begun in 1951 when Mary Church Terrell, a black civil rights leader, had brought suit in city court when one of the capital's Thompson restaurants refused to serve her. Terrell's lawyers cited an 1873 law which required restaurants to serve all well-behaved persons. Lower court judges insisted that the law had become invalid from disuse, but the Supreme Court agreed to hear the case in 1952. In the first hearing, Truman's Attorney General did not involve the Justice Department. When the case was reargued in the spring of 1953, however, Eisenhower approved Justice participation as a friend of the court. In its decision, the high court agreed with Justice's contention that the law should be found valid.36

While the case was pending in the courts, Eisenhower attempted to persuade hotel and theatre owners to end restrictions voluntarily. He invited them to the White
House to discuss the matter, but most refused to change their policies until after the Thompson restaurant decision, when all Washington theatres, hotels, and restaurants dropped formal admission restrictions.\textsuperscript{37}

Eisenhower also devoted attention to the desegregation of public recreation facilities. Although the D. C. Commissioners appointed a majority of the members of the D. C. Recreation Board, the Group operated independently. It was not subject to the commissioners' desegregation ban and resisted black demands that it opened facilities under its control to blacks. The Board's resistance to desegregation was not new. During the Truman administration, efforts to persuade the board to drop admission restrictions had brought few results.\textsuperscript{38} In the early fifties, the American Friends Service Committee had organized bi-racial programs on two city playgrounds, but, despite their success, it was unable to convince the board of the effectiveness of desegregation.\textsuperscript{39}

When Eisenhower became President, 110 of the capital's 140 public recreation areas remained segregated.\textsuperscript{40} Eisenhower decided to end discrimination in all these facilities. In 1953, after the administration urged a policy
change, the board opened one public swimming pool to blacks, ended staff segregation, and conducted an interracial training program for its employees. After the Brown decision, when the board gave no sign that it intended to extend its desegregation program, the White House informed it that the President wanted all recreation facilities opened to the public immediately. Within weeks, the board lifted all racial restrictions.

Eisenhower's interest in recreational desegregation was strictly limited however. After he secured formal desegregation of the city's restaurants, hotels, theatres, and public recreation, he refused to exercise White House pressure to end restrictions in other areas. After the Thompson decision, blacks still found service in Washington's hotels "uncertain." Similarly, blacks found widespread discrimination continuing in places of public amusement, such as bowling alleys. In late 1953, the American Veterans Committee, a civil rights group composed of black and white veterans, asked the city commissioners to enforce old District laws banning segregation in those facilities. The commissioners refused to do so until late 1954, when the AVC instituted suit
against a city bowling alley to test the statute's validity. A city court found the laws still in effect, and the D. C. Municipal Court of Appeals upheld the decision. But the city council which had passed the laws during a brief period of home rule in Washington had had authority only over the central city of Washington. Seeking a loophole, the bowling alley's lawyers appealed to the federal courts. Fearing a reversal, the NAACP asked the commissioners to formally extend the laws to the entire District. They finally agreed to do so in May, 1956. White House action might have stimulated the commissioners to respond more quickly to civil rights groups' requests in this matter. But the White House apparently felt that the legal decisions rendered gave blacks power to secure their rights, without the necessity of any further presidential interference in city government policies.45

By so restricting his intervention in discrimination matters in the capital, Eisenhower ensured that his efforts to end Washington's segregation would have limited success. Secure in a belief that discrimination bans brought desegregation and fearful of extending the authority of the President too far, Eisenhower's policies improved
conditions for blacks but left large areas of their lives basically unchanged. Housing segregation continued in the capital; job discrimination received little White House attention. District citizens still could not vote for local or national office—a situation with increasing racial implications as the black percentage of the District's population grew in the fifties. Some progress had occurred: By the time Eisenhower left office, blacks could use most restaurant and theatre facilities in the city, and black visitors had increased success in securing room in the city's hotels. By 1961, blacks and whites used public recreation freely, and although little intermingling of races occurred in the schools, Washington had taken the lead in eliminating its dual school system and the built-in inequities which it had brought. In general, however, city officials resistant to significant change for Washington's blacks retained control of the racial policies of the city—a control they guaranteed by their willingness to accept White House demands for formal desegregation.

Similarly, in the armed forces, the second area in which Eisenhower pledged presidential action to end
segregation, the White House secured the end to segrega-
tion of service units but never acted to force the services
to end discriminatory practices in its other facilities.
Again Eisenhower showed an initial interest in the problem,
exercised his influence to end formal segregation and paid
little further attention to the problems of black service-
men.

During the Second World War, Eisenhower had been
involved in the first stages of the desegregation of the
army. After the infantry shortage brought about by the
Battle of the Bulge, General John C. H. Lee, Commander of
the Communications Zone of the European Theater urged that
black troops be given the opportunity to serve as infantry
replacements. Eisenhower agreed to the plan, but, at the
advice of his Chief of Staff, Walter Bedell Smith, avoided
total desegregation by assigning entire Negro platoons to
serve in formally all-white companies. After the war,
an army board recommended continued use of black platoons
within white companies; Eisenhower, then Army Chief of
Staff, approved the suggestion. But the General hesi-
tated to encourage further action in desegregating the
army. In 1948, he testified before the Senate Armed
Service Committee that "if you make a complete amalgamation, what you are going to have is in every company the Negro is going to be relegated to the minor jobs." 48

Such a viewpoint was typical of high army brass at the time. Many of them felt that segregation must end gradually, and some saw the complete desegregation of the army as a fifty year process. 49 President Truman had other ideas, however. In 1948, he issued an executive order banning discrimination in the armed forces and appointed a special committee to study ways of implementing the order. This group, called the Fahy Committee, after its chairman Georgia liberal Charles Fahy, recommended that the Army abolish its policy of restricting the number of blacks in its service and assign soldiers to units without regard to race. 50 In 1949, the Defense Department accepted these suggestions, sealing the fate of army segregation. 51

When the Korean War greatly increased the need for manpower and efficient use of troop strength, segregation seemed indefensible even from a strictly military standpoint. 52

By 1952, the changes which had been forced on the army made Eisenhower's recorded positions on desegregation
seem both out-of-date and short-sighted. When President Truman called attention to Eisenhower's 1948 reluctance to endorse total desegregation of the army, candidate Eisenhower was forced to defend his views on armed forces desegregation. He pointed to his Battle of the Bulge approval of the use of black platoons on the front lines as evidence of his true feeling on the matter and pledged White House action to complete desegregation of the armed forces. 53

In the first months after his inauguration, Eisenhower acted to keep that pledge. In March, 1953, when he learned that segregation still existed on several Army posts, he pressed the Defense Department to correct the situation. Attention by high Pentagon officials brought improvement; by October, 1953, 95% of the Negroes in the Army were serving in units with whites. 54 Still blacks continued to complain about army attempts to circumvent desegregation orders. In 1954, Rep. Adam Clayton Powell of New York charged that Negro members of the 1802nd Special Regiment, assigned to West Point lived in an all-black barracks and performed menial tasks never assigned to white members of the regiment. When Powell's charge
came to the attention of the Secretary of Defense, Charles E. Wilson, the practice ended.\textsuperscript{55} By June 30, 1954, the Defense Department announced, the Army would no longer contain any all-black units.\textsuperscript{56}

Whatever the Defense Department might order, military customs did not change easily. In 1956, Rep. Powell charged that less than 1% of the soldiers in the Army's special services divisions were black. He also noted that the morning report forms used by the Army contained a place for indicating the soldier's color, and he demanded an end to their use. After Powell's protests, the Defense Department announced that in the future all reference to race would be omitted in army daily reports, in volunteer call forms, and in all forms used by the Pentagon.\textsuperscript{57}

When Eisenhower became President, segregation still existed in the Navy as well. In June, 1953, the President instructed Presidential aide Maxwell Rabb to tell Navy Secretary Robert Anderson to end all segregation of facilities on naval bases as soon as possible. Anderson responded quickly, sending navy officials to Southern installations to investigate the problem. On August 21,
Anderson sent written orders to all bases, ordering an immediate end to all segregation. On September 3, he announced that all civilian employees on naval bases would be desegregated as well. By late November, 1953, Eisenhower was able to report that 59 of America's 60 naval bases had ended segregation, and that the final base would desegregate in early 1954. But a glaring example of Navy discrimination still remained: The Steward's Branch remained all black or Filipino, and its continued segregation was a particular sore point to such black spokesmen as Adam Clayton Powell. In March, 1954, as a response to complaints about the stewards, the Navy announced an end to separate recruitment of blacks for the branch. But since no whites were assigned to the branch, it remained segregated, although black stewards were allowed to transfer to other Navy branches after January, 1955.

The Navy Stewards were an exception to a general pattern of desegregation within regular armed service units. The record of the National Guard and the ROTC was much less impressive. In both cases, defense officials allowed segregation to continue, with no interference from
the White House. In the case of the ROTC, colleges with
ROTC programs determined whether units on their campuses
would be desegregated. All-white colleges, North or South,
were unlikely to have integrated units. The National Guard,
similarly, was controlled by the state governors. Jealous
of their right to operate the Guard within their state as
they saw fit, with minimum interference from Washington,
the governors, especially in the South, proved strong
barriers against Guard desegregation.

As late as May, 1955, when desegregation of regular
army units was well-established, Michigan Rep. Charles
Diggs charged that thirteen southern states excluded
blacks from the Army and Air National Guard, although the
federal government supplied ten million dollars for the
support of those forces. Adam Clayton Powell attempted
to correct this condition by offering an amendment to the
Army Reserve bill then pending before the House of Repre-
sentatives. He proposed forbidding any enlistment in or
transfer to any Guard units which were segregated. The
House accepted the proposal, but the leadership, feeling
that such an amendment would never win Senate approval,
dropped the bill. When Powell proposed a similar amendment
to a substitute proposal, southern congressmen opposing the rider found themselves with a surprising ally: Eisenhower himself. The President tried to persuade Powell to abandon his amendment, calling it extraneous to the Reserve bill. Powell refused, and the House again refused to approve the amendment. Over NAACP protests, National Guard units in Southern states continued to be segregated through the rest of the Eisenhower years. In late 1961, ten southern states still excluded blacks from the Guard.

The White House showed no more support for Powell's efforts to desegregate the ROTC program on the nation's campuses. In Georgia, Mississippi, and Arkansas, the congressman charged in 1953, the army provided no college officer training for any black. The Defense Department's reply to this claim was disingenuous. According to Assistant Secretary of Defense John Hannah, the ROTC program was non-restrictive as far as the federal government was concerned. The only requirement for entrance was that a student be accepted and enrolled at a college with ROTC. The Defense Department, he insisted, could not dictate the entrance requirements of the nation's colleges and
universities. In fact, Defense could have taken steps to encourage desegregation, but the White House showed no desire to institute such a change. Instead, the President continued to allow segregation and discrimination in ROTC programs, while urging the Defense Department to institute ROTC at more all-black colleges.

Civil rights spokesmen also pressured the President to order an end to segregation in schools attended by the children of army personnel. But their protests received limited response. Soon after Eisenhower's inauguration, Clarence Mitchell of the Washington branch of the NAACP met with Oveta Culp Hobby, then head of the Federal Security Administration, to protest that agency's cooperation with local authorities in segregating service children attending school on military bases. Hobby promised to ask for a memorandum on the subject, but Mitchell was dissatisfied with this bureaucratic answer. He insisted that the problem was one which the President could "settle calling the Pentagon on the telephone." Black reporters joined Mitchell in fighting segregation of schools attended by service personnel dependents. At his March 19, 1953 press conference, Eisenhower was asked about rumors that
Hobby was delaying segregation of those schools, and the President promised to look into the matter. On March 25, he announced that segregation in all schools operated entirely with federal funds would end in the fall of 1953.\textsuperscript{70} The promise was easily kept. Only six schools received only federal money, and five of them were already desegregated. All other schools attended by service children were operated by local authorities with federal aid, often in buildings owned by the federal government.\textsuperscript{71} Eisenhower promised only a study of the problems in desegregating those facilities.\textsuperscript{72}

At least 21 locally-run schools existed in federal buildings on Army, Air Force, or Navy bases.\textsuperscript{73} In November, 1953, Clarence Mitchell charged that the administration had taken no action to desegregate them and in addition had allowed the army to open a new school at Fort Hood, Texas, without bothering to ensure that it would be desegregated.\textsuperscript{74} In December, Mitchell met with Commissioner of Education Samuel Brownell to discuss these complaints. Brownell assured Mitchell that the Defense Department would soon solve the problem of segregation in those twenty-one schools.\textsuperscript{75} In early January, 1954,
Secretary of Defense Wilson announced that by September 1, 1955, all schools located on military installations would be desegregated. According to press reports, Wilson took this action at Eisenhower's request, over the opposition of Secretary Hobby. But Wilson's promises proved difficult to keep. In the fall of 1955, local officials controlling nine of the schools refused to desegregate them. Assistant Secretary of Defense Hannah had promised in 1954 that the federal government would take over the operation of those schools if local officials refused to cooperate. In September, 1955, Defense began operating seven of them, in accordance with Hannah's pledge. But in two cases, local authorities had signed long-term leases which Defense lawyers found unbreakable. Despite Wilson's pledges, those schools continued to be segregated.

Segregation also continued in schools operating on land not owned by the federal government, even though such schools received government funds to aid in their operation. Since on-base schools could not legally serve students living off-base, the segregation of these schools affected a large number of students, a majority of the dependents on most bases according to a study made in the
early 1960's. The administration refused to take any action against the racial policies of these schools, feeling that the government should not interfere with local customs. As late as August, 1958, for example, the Air Force announced that it would not oppose segregation at a federally-aided elementary school near its base at Little Rock. As long as the federal government did not own the land on which the school was built, the Air Force said, it did not intend to interfere with its racial policies. This remained federal policy into the Kennedy administration, which continued to approve large amounts of "impacted area" funds for segregated schools used by the children of service personnel.

In other areas as well, the Eisenhower administration showed an unwillingness to press the armed services for an end to discriminatory practices. On most service bases, housing was assigned on the basis of seniority, eliminating most blacks from a chance to obtain on-base residence. Forced to seek housing off-base, they faced widespread discrimination and paid more for equivalent lodging than white personnel. This situation was not confined to the South. President Kennedy's Committee on Equal Opportunity
in the Armed Forces found rigid patterns of discrimination in North and South Dakota as well as in southern towns and cities. Blacks faced a similar problem in finding recreation facilities. Despite desegregation orders, service clubs on base often excluded blacks, who had difficulty finding entertainment in the towns surrounding the bases. As late as 1963, the Kennedy Report found that 34% of Army bases and 43% of Navy bases had segregated restaurants in the adjacent communities. 31% of the Army base towns and 40% of the Navy base communities segregated their theatres. 84 Placing good relations with local residents ahead of the problems faced by black soldiers, commanders accepted local housing and recreation customs and did little to encourage changes. Most commanders felt that any disruption which occurred as a result of their attempts to desegregate local facilities would reflect poorly on their chances for promotion. The upper ranks of the services did nothing to dissuade them from that belief. 85

Blacks also faced discrimination in seeking promotion. Through the 1950's, personnel folders used by promotion boards contained photographs, and some branches of
the services still used racial designations in promotion forms. In addition, since promotion boards were composed only of persons above the rank of colonel (captain in the Navy), a position attained by few blacks, the committees were almost always all white. In the Army .2% of the officers in those ranks were black; in the Air Force .43%, and in the Navy, none. 86 The absence of blacks from most boards brought predictable results. As the services completed formal desegregation during the Eisenhower years, the percentage of black officers in the services changed insignificantly. In the Army, where blacks composed 13.7% of all enlisted men in 1954 and 12.2% in 1963, the percentage of black officers remained at about 3% throughout the fifties. In the Navy, where blacks composed 3.6% of all personnel in 1954 and 5.1% in 1963, the percentage of black officers increased from .1% of all officers to .2%. 87

Presidential pressure might have brought change in such practices, especially since the President formally oversees all service promotions. But Eisenhower took interest only in the highest level appointments, those for which he had direct responsibility. Satisfied with
armed service desegregation, he saw no reason to intrude further by forcing changes in promotion regulations. As in dependent schools, housing, recreation and other areas in which blacks charged that the services continued to allow discrimination, Eisenhower's reluctance to compel change ensured that the unfair practices continued.

By removing presidential pressure after the services had officially desegregated their units, Eisenhower guaranteed that his armed forces desegregation attempts brought only limited change for black servicemen. Although the President forced the end to segregation within units, service officials retained control of the far-reaching racial policies of the armed forces, with little White House interference. As in the effort to desegregate Washington, Eisenhower had shown a disinterest in sustained, coherent presidential action to change the policies of a bureaucracy toward black Americans under its influence. By the end of 1955, White House disinterest in efforts to secure further change in either the capital or the armed forces showed the shallowness of Eisenhower's commitment to civil rights—even in areas to which he had specifically pledged presidential attention.
Footnotes to Chapter II


24 Hansen, Miracle of Social Adjustment, p. 40.


28 Race Relations Law Reporter, I (April 1, 1956), 305.


34 Hansen, Danger in Washington, p. 56.


Nichols, Breakthrough on the Color Front, p. 198.


Nichols, Breakthrough on the Color Front, p. 198.


81 Pittsburgh Courier, September 6, 1958, p. 12.


84 U. S., President's Committee on Equal Opportunity in the Armed Forces, Initial Report, p. 45.

85 U. S., President's Committee on Equal Opportunity in the Armed Forces, Initial Report, p. 45.


CHAPTER III

A FAILURE TO EMPOWER: DISCRIMINATION IN
FEDERALLY-RELATED HIRING

Eisenhower's attitude toward desegregation of Washington or the armed forces affected only a small percentage of black Americans. Whether heartened by the progress made or disturbed by Eisenhower's failure to provide consistent leadership in the battle to end discrimination, black Americans faced injustices more significant than those practiced in either the capital or the services. Eisenhower's reluctance to fight persistently for changes in these areas had a broader significance, however. Through his actions, the President indicated his preference for government efficiency over nondiscrimination efforts and showed that he intended to keep White House interference in agency policies at a minimum.

Such attitudes had a drastic effect on the continuing effort of black protest organizations to end discrimination in federally-related employment. During World War II, pressure from organized black groups had led President
Roosevelt to force federal agencies to institute more equitable hiring procedures. His action and Truman's subsequent support of open hiring improved black opportunity and encouraged black leaders, who hoped that Eisenhower would follow the example set by his predecessors. Instead, even before his nomination, Eisenhower announced his opposition to meaningful efforts to enforce job equality. After his inauguration, he instituted programs to aid the black federal worker but refused to give the newly-created committees the powers necessary for effective action. Because Eisenhower was again unwilling to challenge the federal bureaucracy, patterns of job discrimination in government-related employment changed little during his presidency.

The problem of discrimination against blacks in tax-supported jobs first became significant during World War I when blacks began moving to the cities in large numbers. Seeking work in defense-related industries or with the burgeoning federal government itself, they were disappointed in their effort. Lack of sufficient education or training combined with racial prejudice to exclude them from all but the most menial jobs in defense plants. The federal
government was unconcerned about the employment patterns in the war industries. In the emergency situation, production was its concern, not hiring policies.\textsuperscript{1} Opportunities in the government itself were little better. During the Wilson administration, many government bureaus which had been desegregated under the Republicans were divided again into separate black and white units.

When war threatened again in 1940, blacks were better-organized, more politically influential and determined to ensure that they received their share of the increased number of jobs brought by massive defense spending. A. Philip Randolph, President of the Brotherhood of Sleeping Car Porters, led demands for White House action to ensure nondiscrimination in defense firms and the government itself. When Roosevelt hesitated, Randolph threatened to bring one hundred thousand demonstrators to Washington to protest his failure to act. Such pressure tactics succeeded. In June, 1941, Roosevelt banned employment discrimination by the federal government or defense industries and created a Fair Employment Practices Committee to oversee enforcement of the order. During the war years, this Committee especially aided the progress of
the urban black. When the war began, only 29% of black non-farm workers held semi-skilled or skilled positions—a figure which had remained steady since 1920. By 1950, 43% of the black workers held jobs in the higher categories.²

This black advancement occurred without significant aid from either of the major labor organizations in America. Many unions affiliated with the American Federation of Labor excluded blacks from their ranks. During the post-war construction boom, the discriminatory practices of construction unions proved especially important in blocking black progress. Similarly, the Congress of Industrial Organizations allowed its associated craft unions to bar Negroes, despite the national organization's repeated pledge to fight for equal opportunity in hiring.³

Congress was similarly unconcerned about black job opportunity. In 1946, it refused to vote additional funds for the Fair Employment Practices Committee created by Roosevelt. Once again, the White House proved the black American's most important ally. Truman joined the NAACP in calling for congressional establishment of a permanent fair employment commission, modeled after the Federal Trade
Commission or Interstate Commerce Commission. When Congress refused to pass such legislation, Truman sought a mechanism for enforcing non-discrimination in government hiring without congressional approval. In 1948, he created a Fair Employment Board as a part of the Civil Service Commission. This group had authority to hear complaints of discrimination by federal agencies and ordered government officials to follow its recommendations. If an agency refused to comply, the board had the power to bring the case to White House attention. Although the board had no authority over discrimination by government contractors, its establishment was a significant step in White House efforts to aid the black worker.4

Pressure for creation of a permanent FEPC continued through the early fifties with Republicans leading the opposition. In 1952, Eisenhower told reporters that he felt that the establishment of an FEPC-type agency to oversee federal hiring was unwise. Although he believed that tax money should not be used to foster discrimination, he rejected efforts to compel agencies or plants to guarantee job equality. The problem, he said, was one best handled on the local level, through state action. In
1953 and 1954, the NAACP and Urban League both proposed establishment of an employment commission. Secretary of Labor James P. Mitchell joined in supporting the proposal and urged its passage. But despite Mitchell's endorsement, the White House refused to lend any support to the bill. Mitchell's comments about the bill were personal in nature, Eisenhower told a press conference. They did not reflect administration policy on fair employment legislation.⁵

Eisenhower's opposition to coercive action to enforce open hiring seriously weakened attempts to guarantee nondiscrimination by government agencies. The Fair Employment Board's power to force agencies to follow its recommendations and to involve the White House in hiring policy especially disturbed Eisenhower. Preferring conciliation to force, he abolished the board in 1954 and replaced it with the President's Committee on Government Employment Policy. Unconnected with the Civil Service Commission, this new committee had power only to suggest action to agencies, with no recourse if officials refused to follow its recommendations.⁶
The Fair Employment Board had used the Civil Service Commission's large staff to investigate complaints received. The Government Employment Committee had a staff of only three persons and was unable to conduct its own investigations. When it received a charge of discrimination, the Committee referred it to the agency involved where officials studied the complaint and tried to resolve it. If the agency or the complainant was dissatisfied with the outcome of any case, either had the right to ask the Committee for an advisory opinion.  

When its recommendations were asked, the Committee rarely found against federal agencies. In its six year life, it heard 225 complaints but ruled that agency personnel had discriminated in only 15% of them. The presence of agency representatives on the Committee probably affected these findings. By Eisenhower's original order, the Department of Labor and the Office of Defense Mobilization each chose one of the five Committee members. In 1957 when the President increased the size of the Committee to seven, he gave the Defense Department power to appoint another member. The Committee certainly did not lack evidence of widespread discrimination by federal
agencies. Its own 1956 survey showed that in five large cities 85.4% of the black employees were classified as GS-4 or below, compared to 33.3% of the whites. Similarly, only .3% of the blacks held positions above GS-11, compared to 17.9% of the white employees.\textsuperscript{10}

Instead of opposing agency decisions, the Government Employment Committee busied itself with activities less likely to annoy or embarrass officials responsible for hiring. It issued guidelines for training supervisory personnel to avoid discrimination. It prepared a pamphlet for federal workers, explaining the government's open hiring policy.\textsuperscript{11} It sent all employment policy officers a checklist of their responsibilities and began a quarterly newsletter to inform the public about its activities.\textsuperscript{12} Memoranda poured from the Committee's Washington offices: asking agencies to add an investigation of discriminatory practices to their inspection programs;\textsuperscript{13} explaining procedures which agencies should follow to avoid discrimination; and informing departments of typical complaints received.\textsuperscript{14} The Committee also held thirty-three regional meetings with employment policy officers in the capital.\textsuperscript{15} But in every case the federal
agencies were free to ignore the Committee's suggestions, and the group's own unwillingness to find instances of discrimination only encouraged such disregard of its advice.

In its final reports the Committee acknowledged its failures. It saw its educational program and the establishment of a complaint procedure as its main accomplishments, but its own figures show that concrete results were limited. In cities surveyed, the civil service above grade four had been 3.7% black in 1956; by 1960 it was only 5.7% black, with almost half the increase occurring in grade five. Since at that time almost 11% of all federal employees were black, Negroes were clearly found in the lower-grade and non-classified positions out of proportion to their numbers. In January 1961 the Government Employment Committee went out of existence, but because its successor, Kennedy's Committee on Equal Economic Opportunity, adopted the complaint procedures it established, government agencies retained the responsibility for investigating their own hiring practices.

The administration's attempt to end discrimination by plants with federal contracts proved no more successful.
Again the President appointed a Committee with few powers. Although his mild encouragement of its action and his appointment of the Vice-President and Secretary of Labor as Chairman and Vice-Chairman of the group showed the Committee members that he took their task seriously, the group found itself faced with an overwhelming problem which presidential good-will alone could not solve.

After the abolition of the FEPC, federal agencies did little to guarantee equal opportunity in hiring by plants with federal contracts. In 1951, Truman appointed the President's Committee on Government Contract Compliance, a study group assigned to review federal procedures for enforcing the nondiscrimination clause included in most contracts with the federal government. After investigation, the Committee discovered that only two federal agencies were making any significant attempt to see whether its contractors obeyed the clause. It suggested establishment of a central agency to receive complaints of discrimination and recommended contract cancellation if an employer refused to guarantee open hiring.
In May, 1953, presidential aide Maxwell Rabb told Jacob Seidenberg, the Truman Committee's staff director, that Eisenhower wanted to re-institute a nondiscrimination program for government contractors. At Rabb's request, Seidenberg prepared a draft of an order creating a new presidential committee. 

Eisenhower accepted his suggestions, and on August 12, 1953, he created the President's Committee on Government Contracts. The group consisted of fifteen members, nine chosen by the President and six appointed by the heads of the federal agencies with the largest number of government contracts. Eisenhower specified that the Committee should recommend ways to make the nondiscrimination provision more effective, receive complaints of clause violations, and develop an educational program. As Seidenberg suggested, however, the President gave the Committee no authority to order agencies to take any specific action.

Despite the group's limited powers, the President insisted that he did not want delay in ending violations of the nondiscrimination clause. After his appointment of members he met with them to demand action and to insist that he had not created the Committee solely for
publicity purposes. His pep-talk given, the President withdrew from the scene, leaving the Committee to discover how it could end contractor discrimination with no power to enforce its recommendations.

In the fall of 1953 the Committee tried to meet this problem by establishing a subcommittee to investigate possible courses of action. In December, the group, headed by department store owner Fred Lazarus completed its study and issued its recommendations. The report recognized the severe limitations on the Committee's action. Because of its lack of power, it reminded the Committee that the chief responsibility for guaranteeing nondiscrimination by contractors continued to rest with the federal agencies. It urged the group to ask each agency to investigate its contractors' compliance with open hiring and recommended Committee consultation with firms reluctant to eliminate discrimination. The Lazarus report established the course which the Committee followed during the next eight years: conciliation combined with demands for agency action.

The Committee quickly notified the agencies of their responsibilities. Vice-President Richard Nixon, the
Committee's chairman, sent a letter to the twenty-seven principal government contracting units asking them to report on the compliance procedures which they had established or planned. Soon after that Vice Chairman Mitchell headed a subcommittee which met with the armed forces secretaries to discuss problems involved in enforcing open hiring among defense contractors. As a result of this conference the Department of Defense issued a new set of regulations designed to make discrimination by the firms more difficult.

Another subcommittee, headed by Deputy Attorney General William Rogers studied changes in agency procedure which might make the nondiscrimination clause easier to enforce. The Rogers group recommended that the President set a required form for the clause, that an employer post notice when he signed a government contract, and that employment be defined broadly to include training and promotion as well as hiring. On September 3, 1954, Eisenhower issued an executive order embodying these recommendations and making agency justification of contractor discrimination more difficult.
Throughout the Committee's life, pressure on the agencies continued. It issued a set of rules for bureaus to use to determine a contractor's compliance. Nixon asked all agencies to examine records of potential contractors carefully and suggested termination of contracts if necessary. The Committee also asked agencies to instruct plant inspectors to urge compliance when they discovered violations of open hiring. Even when government officials pleaded emergency conditions, the Contract Committee was reluctant to grant any contractors an exemption from the clause. It received thirty-two such requests during its existence but allowed the omission of the provision from a contract in only two cases.

As with the Government Employment Committee, however, agencies felt free to ignore the Contract Committee wishes whenever they chose. Soon after its appointment, the Committee discovered that the Department of Agriculture intended to leave the equal hiring provision out of all its contracts with farm loan banks. Since the White House upheld the decision (reached after complaints from Eisenhower supporter James Byrnes, Governor of South Carolina), the Committee could do little. In at least
one case in which the Contract group recommended termination of a contract with a company, the agency simply ignored the suggestion. Other recommendations were accepted but poorly implemented. Although 25% of the government plants in six Southern and border states hired no blacks in 1963, only 4% reported any difficulty with government inspectors or other agency officials over their employment policies.

The Committee's complaint procedure gave the agencies additional opportunity for delay in implementing open hiring among contractors. A complicated process, it seemed designed more to delay progress than to encourage it. When the Committee received a charge of discrimination against an Air Force contractor, for example, it referred the complaint to four different sections within the Department of the Air Force. Each division appointed a representative to consult both the contractor and the complainant. If a solution was achieved at this level, the division referred the complaint back to the specific Air Force agency letting the contract. This agency's employment policy officer then prepared a report and sent it to the Committee's subcommittee on enforcement which
referred it to the full Committee—unless it found the report unacceptable. In that case it routed the complaint back through the same channels until the employment officer returned a satisfactory report. Other agencies handled complaints in a similar manner. The entire process often took a year, sometimes three or four years. Fred Lazarus complained to presidential aide, Maxwell Rabb about the unwieldy nature of the procedure, which was instituted by the Committee's staff, but the White House did not pressure the staff to change the system. The slowness in dealing with complaints particularly disturbed black leaders who referred cases to the Committee. Harry Alston of the National Urban League complained to the Committee about the hiring practices of a Du Pont Corporation Atomic Energy Plant in January, 1955. After almost a year, he found that little change had occurred in company policy. But with less than thirty employees at any time, the Contract Committee had to rely primarily on the agencies for action.

The only alternative to dependence on this tortuous process was intervention by the Committee itself to speed up compliance—a course tried in certain cases. A
subcommittee headed by John Roosevelt persuaded the Chesapeake and Potomac Telephone Company to hire black operators and convinced National Capital Transit to employ black bus drivers. By working with Washington construction unions and contractors, the Committee also arranged employment of black rodmen on federal projects in the District. Occasionally individual members intervened in cases. When the Chicago Commission on Human Relations complained that the Federal Reserve Bank in that city employed no blacks, two Chicago members of the Committee talked to bank officials and persuaded them to change their policy. Similarly when the Committee heard that St. Louis' Mallinkrodt Chemical Company refused to hire blacks, a committee member conferred with company management about the failure. After the visit, plant officials asked the St. Louis Urban League for aid in hiring minority workers. But such efforts were time-consuming and could not produce broad-based results.

Like the Committee on Government Employment, the Contract Committee emphasized conferences and meetings as part of its educational program to encourage open hiring. The Committee minimized assemblies of government
bureaucrats, however, and tried instead to bring together influential persons from the private sector for an examination of hiring practices. In at least one case, the President lent his own prestige to such a meeting by inviting the participants over his signature, allowing the Committee to hold the conference in the White House and sending a message to the assembly. In some cases these conferences brought results. In 1957 the Committee held a Youth Training-Incentives Conference to examine the special problems faced by minority youth on the job market. After this meeting six large cities began local programs designed to stimulate businesses to hire young minority group job applicants. In 1959 the Committee brought religious leaders to Washington to encourage their cooperation in the group's programs. This conference resulted in establishment of a Religious Advisory Council designed to publicize the Committee's activity among the nation's Christians and Jews. In all, the Committee sponsored nine national and four local conferences with persons outside the federal government who had influence over contracting firm hiring practices.
The group also developed educational programs directed toward the general public. It distributed two television spots explaining the nondiscrimination clause and a longer film dealing with the problems of minority youth. It also prepared booklets to explain the Committee's job and arranged with the Post Office Department to place equal opportunity posters on its trucks in December, 1956. In addition staff members attended dozens of meetings with private groups to explain the program on nondiscrimination.

As with the Government Employment Committee, however, these activities tended to serve as a substitute for concrete accomplishments. The limited surveys taken of government plants between 1957 and 1959 suggest that the Committee had little success in changing hiring practices. In one group of plants surveyed in this period, the percentage of blacks in the work force declined from 12.7% in 1957 to 8.2% in 1958. In another group, blacks comprised 8.6% of the workers in 1957, 7.1% in 1958, and 7.5% in 1959. Clearly blacks suffered more than whites from the Eisenhower recession, despite the Committee's efforts. In addition blacks with jobs in 1957 were
clustered in the unskilled and semi-skilled positions. In one group of companies, 18.2% of the unskilled and 12.7% of the semi-skilled labor force was black. In comparison blacks made up less than one per cent of the professional-technical, supervisory, or clerical positions. By 1959 these percentages had changed insignificantly. From its final survey, in fact, the Committee was able to cite only one notable success. Between 1957 and 1959 the percentage of government plants hiring no blacks fell from 16% to 7%. With this modest accomplishment, the Contract Committee went out of existence in January, 1961, its functions absorbed by Kennedy's Committee on Equal Economic Opportunity.

In 1957, Herbert Hill, Labor Secretary for the NAACP charged that the Contract Committee's activity had been "mainly ritual and rhetoric with little substance." Like the Government Employment Committee, the Contract Committee failed because Eisenhower refused to give it the authority necessary to bring meaningful change. Reluctant to extend the President's power into improper areas, he felt that his representatives should not interfere in agency hiring practices or contract procedures,
except in an advisory capacity. With no power to compel action and staffs too small to investigate complaints properly, the committees could do little to change hiring or contract practices in the vast federal bureaucracy.

The only significant administration accomplishment to aid open hiring occurred where Eisenhower exercised his presidential power to affect change. As Chief Executive he made a large number of federal appointments. Eisenhower committed himself to appointing blacks to some of those positions.\(^{57}\) He set no quota, made no specific promises to black groups. But soon after his inauguration he began choosing blacks for important positions traditionally held by whites. The number of appointments made was relatively few, but such a small number of blacks had ever held high appointive jobs that Eisenhower's modest effort was a significant step forward.

President Taft had appointed several blacks to positions unconnected with race but, for the most part, black office-holders in the federal government had held domestic positions involving Negro matters and foreign-policy posts in African countries or the United Nations. Truman had named the first black ambassador to Liberia and
chosen a black as alternate delegate to the UN.\textsuperscript{58} Roosevelt had named a black as racial affairs adviser to the Housing and Home Finance Administration\textsuperscript{59} and had chosen Negroes to fill attache and clerk positions in American embassies in predominantly black nations.\textsuperscript{60} Eisenhower continued appointments in this pattern. He named a Negro as Liberian ambassador,\textsuperscript{61} as alternate delegate to the UN,\textsuperscript{62} and as assistant to the Housing and Home Finance Administrator.\textsuperscript{63} But he also named Negroes to positions which had nothing to do with racial matters. In February, 1953, he approved the appointment of the first black ever to serve as a secretary to a member of a President's staff.\textsuperscript{64} In the same year he chose E. Frederic Morrow as adviser on business affairs for the Department of Commerce's National Production Authority.\textsuperscript{65} Two years later Morrow became the first black member of a presidential staff when Eisenhower named him White House Administrative Officer.\textsuperscript{66} The President's choice of Chicago lawyer J. Ernest Wilkins as Assistant Secretary of Labor for International Affairs showed that blacks could attain high positions in Cabinet-level departments,\textsuperscript{67} and his nomination of Benjamin Davis as the Air Force's first
black Brigadier-General encouraged blacks dismayed about minority advancement in an armed services branch which was 93% white.\textsuperscript{68} He also named blacks to such lesser positions as associate general counsel for the Post Office, Chairman of the President's Committee on Government Employment Policy, Chairman of the Parole Board,\textsuperscript{69} U. S. Attorney in the Solicitor's office of the Department of Labor,\textsuperscript{70} and Assistant U. S. Attorney for the District of Columbia.\textsuperscript{71}

The White House was aware of the political value of these appointments in the black community and sought to publicize them through the Negro press and through special campaign material designed for distribution in black areas in 1956. In appeals to the black vote, the Eisenhower appointment of blacks to high federal positions always held by whites received great emphasis.\textsuperscript{72} Administration officials also managed news events involving black officeholders to place the administration in the best possible light. Undersecretary of Labor Arthur Larson was once asked to delay a trip to Washington to fill in for Secretary Mitchell at a Cabinet meeting so that Assistant Secretary Wilkins could be the first Negro ever to attend a
E. Frederic Morrow's formal swearing-in as a White House staff member was delayed for several years. When it finally occurred, higher officials notified Morrow that Eisenhower would not attend the ceremony because they feared that his presence would call press attention to the delay and embarrass the President.

Morrow and Wilkins endured such manipulation because their first loyalty was to Eisenhower and the Republican party. But potential black Republican appointees were not easy to find, even with the help of party leaders. Blacks gave Stevenson 79% of their votes in 1952, 64% in 1956. In both years, few influential black leaders supported Eisenhower, Adam Clayton Powell the significant exception in 1956. The President's appointment of black Democrat Frank Horne to a policy-making position within the Housing and Home Finance Administration led to such conflicts within the agency that Eisenhower finally agreed to Horne's dismissal—to the administration's embarrassment. Any assessment of Eisenhower's appointment of blacks must take these political realities into account. Few blacks voted for or supported Eisenhower, and black appointees with the proper political credentials were rarer
than in the two preceding Democratic administrations. Yet he opened many high federal offices unrelated to racial matters to blacks for the first time. The precedent which he set made possible the flood of black appointments by succeeding Democratic presidents, who wished to reward blacks for their electoral support.

Eisenhower's refusal to exercise this sort of leadership to battle all government-related discrimination doomed his administration's open hiring programs. While the President was appointing blacks to high-level positions, his Government Employment and Contract Committees were unable to change the position of the thousands of blacks whose jobs did not come under the President's appointive power. Federal firms and agencies continued to hire blacks reluctantly, promote them slowly, and dismiss them first in times of cut-backs. Reluctant to give his committees the power necessary to oversee agency and contractor hiring policies in an effective manner, Eisenhower trusted in conciliation to end discrimination. Broader use of presidential power might have brought significant change. Instead federal agencies and contractors continued to establish the hiring policies they wished, with little interference from the White House.
Footnotes to Chapter III


6 Memorandum for the President from Philip Young, Chairman, Civil Service Commission, December 30, 1954, File #103-U: President's Committee on Government Employment Policy, Central Files, Official File, Dwight D. Eisenhower Library, Abilene, Kansas. U. S., President,


8 Fourth Government Employment Committee Report, p. 29.


15 First Government Employment Committee Report, p. 5.

16 Fourth Government Employment Committee Report, p. 43.


25. Seidenberg, President's Committee on Government Contracts.


31. Seidenberg, *President's Committee on Government Contracts*.

32. Seidenberg, *President's Committee on Government Contracts*.


38 Letter from Fred Lazarus to Maxwell Rabb, July 22, 1954, "1954-Committee-President's Committee on Government Contract Compliance (June-September)" file, Files of Secretary of Labor James Mitchell, Records of the Department of Labor, Record Group 174, National Archives Building, Washington, D. C.


40 Synopsis Sheet approved by Compliance Director of President's Committee on Government Contracts, April 9, 1956, C & P Telephone file, Records of President's Committee on Government Contracts, Accession Group 64A622, Federal Records Center, Suitland, Maryland. Letter from Baron I. Shacklette, GSA, to Jacob Seidenberg, May 18, 1956, Records of President's Committee on Government Contracts, Accession Group 64A622, Federal Records Center, Suitland, Maryland.

41 Letter from Julius Thomas to Jacob Seidenberg, January 18, 1955, Capital Transit Company file, Records of President's Committee on Government Contracts, Accession Group 64A622, Federal Records Center, Suitland, Maryland.


43 Seidenberg, President's Committee on Government Contracts.


70 *Pittsburgh Courier*, April 17, 1954.


CHAPTER IV

A REFUSAL TO INTERFERE: HOUSING DISCRIMINATION
AND THE FEDERAL AGENCIES

The inability of the hiring committees to bring change dismayed civil rights groups. Yet the groups' impotence was predictable. Resentful of White House interference, government departments traditionally seek the maximum autonomy, influence, and power in the areas under their auspices. In order to exercise control over the government bureaucracy, most modern presidents have found it necessary to maintain constant vigilance to see that federal officials carry out actions which the White House approves. Even for the most energetic presidents, however, such overseeing of agency policy has become increasingly difficult. As the government has expanded, functions have become so specialized and programs so complicated that agency officials often possess a better understanding of them than any White House agent assigned to monitor bureau actions. For this reason, even the
strongest presidents allow many federal agencies to operate with little White House interference.

Of all the government sub-divisions with such independence in the early 1950's, few enjoyed the autonomy of the housing agencies. Since their bureaus' beginnings, housing officials had made policy with minimum presidential involvement. For blacks, their independence had special significance; the agencies openly discriminated against them and ignored pleas for guarantees of equal participation in their programs. During the Eisenhower years, efforts of black organizations to change housing policy had even less effect. If Eisenhower disliked use of presidential power in areas where his predecessors had used it freely, he opposed even more its extension into an area in which the White House had traditionally remained uninvolved.

The reluctance of Roosevelt and Truman to encourage minority access to government-sponsored housing had severely limited the black advancement which World War II had brought. During the 1940's, while both presidents aided the black defense and government workers, their unconcern about housing restrictions made the improvement less
significant than it might have been. Blacks found large areas of the urban North closed to them; in black neighborhoods, housing was often inadequate, overcrowded, and more expensive than it should have been. Black children still attended poorer schools, since even in northern "desegregated" school districts, "neighborhood schools" made de facto segregation the rule. In short, while the percentage of Negroes in unskilled jobs decreased significantly during the forties,\(^1\) the over-all black housing situation deteriorated.\(^2\) Throughout America's history, members of society's poorest groups had worked their way out of poverty, often over generations, by moving from the ethnic ghetto into the neighborhoods of the middle class. Even in a time of expanding economic opportunity, this escape route was closed to the American Negro.

Of all the bars against black advancement, that of neighborhood segregation proved most difficult for black groups to fight. Court action proved ineffectual. Local efforts to persuade realtors or landlords to lift restrictions generally failed. Federal housing agencies refused to encourage open housing in projects they subsidized; repeatedly they insisted that neighborhood living patterns
did not concern the federal government. With the White House unwilling to force the housing agencies to institute more equitable policies, blacks found few avenues for bringing change in America's residential restrictions.

Government reluctance to interfere with local law or custom had deep roots in the government housing program. Until the early twentieth century the private sector had provided all housing with no support from Washington. As long as the United States was primarily a rural country in which residents of an area knew each other and aided one another in building or securing homes, government involvement was both unnecessary and a violation of the customs of society. When the urbanization of America brought an increased need for federal concern about housing, the tradition of self-help and dependence on local institutions remained. In the post Civil War years, the national government took no action to aid returning veterans in securing housing. Federal unconcern continued until 1892, when Congress authorized an investigation of slums in the large cities. After the study group issued its report, Congress took no action to alleviate the problems described.³
In the twentieth century, emergency situations finally induced Congress to create government housing programs. Still the tradition of non-involvement was so strong that it regarded the plans as temporary expedients to meet crises. The government first interfered in the U. S. housing market during World War I, when defense needs forced Congress to provide housing for war workers. Housing officials assigned to supervise the projects placed emphasis on supplying the needed buildings and were unconcerned with the racial patterns among the residents. After the armistice, the government sold the projects to private investors and remained uninvolved in housing problems until the beginning of the Depression. In 1930, Congress gave Hoover's Reconstruction Finance Corporation authority to make loans to contractors. As the crisis deepened, Roosevelt secured the establishment of the Federal Housing Administration to insure private housing loans and created a Housing Division within the Public Works Administration to supply government-subsidized shelter for America's poor. In each of these programs, the emergency situation again led bureaucrats to concentrate on supplying housing as quickly as possible, with little regard for living
patterns established. Many feared that any attempt to desegregate public housing projects might lead communities to refuse federal aid and leave the needed facilities unbuilt. When the government housing program became permanent with the establishment of the U. S. Housing Authority in 1937, laws requiring local communities to contribute a percentage of a public housing project's expenses each year made federal imposition of residence requirements even less likely. War needs again became a major concern in the late years of the 1930's. Roosevelt reorganized the housing program during World War II to ensure more efficient operation. But again the sense of crisis made any concern about housing discrimination seem insignificant.

After the war the return of soldiers created public demand for an expanded national housing program. With veterans doubling up in available living space, moving into garages, sheds, and chicken coops, Truman used the housing issue effectively during his 1948 election campaign when he charged congressional Republicans with defeating his housing bill. For Truman and his supporters in the Congress, housing legislation received priority over any
desegregation attempts. When Republicans attempted to add an anti-discrimination amendment to the 1949 housing bill, Senate liberals joined southern Democrats in opposition to the rider, which liberals saw as a device to ensure the bill's defeat. 8

The Democrats' attitude reflected the administration's housing policy. Throughout the Truman years, officials continued to give first priority to building as much housing as possible, with no concern about discriminatory practices. They consciously avoided any racial policies which might displease local housing officials or lead influential southern congressmen to oppose housing appropriations. The White House consented to this acceptance of segregation or exclusion of blacks, feeling that insistence on open occupancy might doom the housing program. Although Truman reorganized the housing agencies during his second term, creating the Housing and Home Finance Agency to coordinate housing programs, his changes had little effect on blacks who sought to buy or rent living space.

Despite congressional and presidential apathy about open occupancy, civil rights groups had been working since the beginning of the century for an end to discriminatory
neighborhood patterns. Soon after its founding, the NAACP attacked a housing segregation ordinance in Kansas City, Missouri, and in 1917 secured a Supreme Court ban of all such laws. Through the 1920's, the NAACP continued its opposition to segregation statutes. In two separate cases in 1927 and 1930, the Supreme Court agreed with civil rights lawyers who claimed that racial zoning laws were unconstitutional. But because few cities had passed acts requiring segregation by statute or by zoning, the decisions proved effectively inconsequential.

More important was the NAACP battle against the widespread custom of including racial restrictions in deeds. Through the 1940's, the NAACP fought this practice in the courts, finally securing a ban of the clauses in 1948. With this decision, the group finally had a device to force a change in the policy of the Federal Housing Administration, which had insured thousands of loans for property with such restrictions. After receiving a White House directive, the agency announced that it would approve no more loan guarantees for houses with these clauses in their deeds. The decision was an encouraging
victory over the housing bureaucracy. The NAACP soon discovered, however, that property owners had no intention of opening their neighborhoods to blacks. With legal exclusion outlawed, discrimination became informal. Realtors who wanted to remain successful did not show blacks homes in white neighborhoods. If a black decided to buy a home from a white, he found financing or government guarantee of the loan difficult to secure. The FHA continued insuring loans with informal restrictions as rigid as the earlier written clauses.

While the NAACP worked through the courts, the National Urban League devoted attention to changing housing patterns in individual cities. The League's work against neighborhood segregation began soon after its founding when the Detroit branch succeeded in opening large areas of the city to blacks during World War I. When the Roosevelt administration began planning public housing during the 1930's, local leagues worked to convince city officials to adopt open occupancy policies in the facilities. The attempt was generally unsuccessful, although in at least one city, League efforts brought open public housing for residents. During the Second World War, with
large numbers of blacks migrating from the rural South, the League increased its efforts to improve housing conditions, and in the post-war years, local branches increased their pressures on local housing authorities. In San Francisco, Chicago, and Newark, they persuaded city officials to ban segregation in public housing projects; local Leagues also convinced some city apartment owners to open their facilities to blacks. In 1951, the national office reorganized its personnel to deal more effectively with the housing bureaucracy by creating a special housing committee and a national coordinator for housing activities.

Despite all the efforts of civil rights groups, federal housing policy had changed little from the New Deal to the end of Truman's administration. Both Roosevelt and Truman had proved reluctant to admit that the housing agencies they created did not work for minority interests, and both men continued a policy of non-interference in housing agency programs. Eisenhower had no reason to treat the housing bureaucrats so kindly. Yet his fears of expanding executive power led Eisenhower to continue the hands-off policy instituted by his predecessors. The new
President was especially reluctant to involve himself in minority housing programs, perhaps fearing the political consequences of housing desegregation. With no high-level pressure for change, the housing agencies continued as before, subordinating black problems to the housing program as a whole. In only one case did an increased concern for minorities develop. A dynamic FHA commissioner encouraged open occupancy in his agency's programs and brought his concern to the supervisory HHFA when he became head of that agency at the end of Eisenhower's second term. But in the FHA, as in the other housing bureaus, fears of program cutbacks and philosophical antipathy to forced desegregation prevailed. No high-level housing officials took action during Eisenhower's presidency to ensure minority participation in his agency's programs.

Hopeful of securing change in federal housing policy, the NAACP continued work during the election year, 1952, to establish open occupancy. It specifically asked the HHFA to deny federal aid to any person, company, or local housing agency refusing to guarantee non-restricted housing. Soon after Eisenhower's inauguration, it noted that the federal government had helped to negate its hard-
won court decision by its acceptance of segregation.
Again the NAACP suggested that the HHFA require open occu-
pancy guarantees from all aid recipients.14

Such pleas were ignored. Eisenhower established his
administration's attitude toward minority housing when he
appointed a special advisory committee, in September, 1953,
to study federal housing programs and present recommenda-
tions to him. Composed primarily of housing officials and
representatives of the building, loan, and realty indus-
tries, it issued a report which gave no indication that
blacks faced different problems from other poor Americans
in securing housing. The group suggested, for example,
that housing for Negroes might be improved by liberalized
loan guarantee requirements, and it proposed a grant pro-
gram for slum rehabilitation. But it recommended no
machinery for ensuring that banks would grant loans to
blacks or that local urban renewal agencies would admit
them to their projects. Staff suggestions that the report
urge Eisenhower to see that housing agencies guarantee
black participation were ignored.15

In his 1954 housing message to Congress, Eisenhower
followed the housing committee's suggestions closely.
Although the President promised to strengthen housing agency policies to ensure equal opportunity for all, his draft legislation contained no provisions to keep that pledge. He proposed the erection of 140,000 units of public housing but suggested no means for requiring open occupancy in any of the new buildings. He suggested changing FHA rules to allow persons to buy used housing on the same terms as new but made no attempt to ensure that blacks would be able to secure loans for such housing. He supported urban renewal but did not approve regulations to ensure Negro participation in such projects. Like his advisory committee, the President refused to recognize that blacks faced unique problems in dealing with the housing market. In this plan, his only omnibus housing package, Eisenhower made no attempt to keep his pledge of equal participation for all in the federal housing programs.

Eisenhower's choice to head the Housing and Home Finance Agency showed a similar unconcern for minority housing problems. Former Kansas congressman Albert M. Cole had consistently opposed public housing and noted in one speech that the Soviet Constitution provided for government-owned housing. This stand alone was
sufficient to ensure the opposition of the NAACP to his nomination. But during his confirmation hearings, Cole dismayed civil rights advocates further by declaring that although he personally opposed segregation, he would never ask agencies under his supervision to violate local customs.

These hearings set HHFA policy until Cole's resignation in 1959. As long as he headed the agency, Cole repeatedly announced his personal opposition to segregation while ignoring NAACP and Urban League demands for an HHFA open housing policy. In 1954, Cole told the Economic Club of Detroit that he believed that "racial exclusion" was a major problem which the government should face in any effort to provide housing for low-income families. He also told the National Urban League that he believed that the nation needed more minority housing in good neighborhoods. But at the same time, Cole was reorganizing the Racial Relations Services of the HHFA and its constituent agencies to make them less effective in encouraging desegregation. In 1954 and 1955, the HHFA removed ten race relations positions from civil service classifications. Within the Urban Renewal Administration,
five persons had been appointed to deal with race-relations and relocation problems. Officials told them to concentrate on resettling displaced persons and to devote minimum attention to desegregation efforts.\textsuperscript{23}

Such policies brought opposition from within the HHFA itself. After the agency sponsored a Minority Housing Conference in December, 1954, Joseph Ray of the Racial Relations Service wrote Cole to suggest that the agency adopt a policy of nondiscrimination in all property developed through the aid of agencies under its supervision.\textsuperscript{24} Ray noted that minority group representatives at the conference had opposed any government attempts to provide separate low-cost housing for blacks.\textsuperscript{25} Cole ignored these suggestions. Agency open housing advocates had to be satisfied with promises from the Mortgage Bankers Association and National Association of Home Builders that they would work for improved housing for blacks.\textsuperscript{26}

Cole's faith in the private sector's ability to provide minority housing was reflected in the HHFA's establishment of the Voluntary Home Mortgage Credit Program in 1954. The VHMCP was a government-approved program designed to provide private mortgages with government
guarantees for persons unable to obtain loans through normal channels. Directed by representatives of banks, savings and loan associations, real estate boards, and construction companies, the VHMCP brought lenders together with potential sources of capital, tried to arrange a mortgage acceptable to both, and worked to persuade the FHA or Veterans Administration to guarantee the loan.\textsuperscript{27} It had no power, however, to affect FHA policies and no funds of its own from which to provide minority loans. Conceived as a way to increase minority housing without government interference in the local communities, the program is difficult to evaluate, since many of its loans were arranged for veterans, whose applications contained no indication of race. Among non-veterans, however, the VHMCP spent most of its effort aiding whites having difficulty securing loans, especially in rural areas where lending institutions were few.\textsuperscript{28}

For the HHFA, the existence of the VHMCP seemed to fulfill the need for attention to minority housing problems. In 1955, an NAACP call for a ban of the use of federal aid for restricted housing was again ignored. Instead action continued to weaken those forces within the
agency favoring desegregation efforts. Frank S. Horne, a black Democrat long associated with open occupancy, had been transferred in 1953 from a post in the Racial Relations Service to a less influential position as Special Assistant to the Administrator. When Horne persisted in efforts to change government housing policies, Cole abolished his job. Although the firing provoked a storm of outrage from Adam Clayton Powell and the Pittsburgh Courier, the largest black weekly, Cole refused to reverse his decision. Horne could return, he said, only in a position unconnected with domestic housing policy—an offer he refused.29

In the months after this controversy, HHFA attitudes toward racial matters worsened. Cole's defense of local control of housing patterns became even more vehement. In a May, 1956 letter to Senator Prescott Bush, the Administrator repeated his belief that "the problems of racial discrimination are...peculiarly local...I believe we should rely heavily on local responsibility and local wisdom to work out solutions."30 He stated explicitly his opposition to any federal action to end segregation in government housing programs. Placing such a requirement
on private housing, he said, would decrease the construction rate, set the agency back in its goals of providing adequate housing, and weaken the economy, while requiring desegregation in public housing would lead local communities to reject federal aid. 31 By 1958, Cole's last year as HHFA head, his insistence on local control had become stubbornly rigid. He told reporters that he did not understand why the federal government should take responsibility for solving problems which it had not created. Housing agencies would not seek open occupancy, he said, although they would obey local anti-discrimination statutes just as they obeyed laws requiring segregation. 32

The effects of Cole's opposition to open occupancy can be seen more concretely in the Urban Renewal Administration, a major housing agency under direct, rather than supervisory, control of the HHFA. Although a large number of persons displaced by federally-aided urban renewal programs were black, the URA made no attempt to ensure that blacks were admitted to the new housing on the slum sites, even though the federal government had supplied grants to clear the land for building. The agency allowed local authorities to set the residence requirements they wanted,
including the imposition of rents too high for most former slum dwellers to pay. As a result, only about 5% of the blacks displaced ended up in the replacement housing; the rest moved into private or public projects in already overcrowded, all-black neighborhoods. While improving the cities' appearance, urban renewal brought worse housing conditions and increased segregation for black city dwellers.

Cole had no such direct control over the daily operations of the Federal Housing Administration or the Public Housing Administration. The President chose the heads of both those agencies personally. Although both the FHA and PHA were expected to follow HHFA recommendations and guidelines on general policy, both agencies operated semi-autonomously, responsible to the White House, not the HHFA. For this reason, PHA and FHA policies can be considered apart from HHFA decisions. In their independence, the agencies differed with one another and with HHFA. Neither agency took action to require open occupancy, but the FHA proved more interested in encouraging open housing than either the PHA or the HHFA.
Of all government housing agencies, the PHA's policies affected black Americans most. Since the agency supplied a large part of the funds for almost all public housing built, an insistence on open occupancy would have dramatically changed the nation's public housing patterns. Instead, throughout the Eisenhower years, the PHA consistently defended the rights of local housing authorities to set almost any standards they wished for admission to their projects—although the agency required observance of other regulations in the construction and management of the buildings. The PHA repeatedly insisted that its only role was to lend money and guarantee private loans made to local housing authorities. It took no stand on integration, demanding only that Negroes be supplied equal facilities according to their need (with local officials determining the need). By early 1955, the PHA dropped even this vague requirement of facility equality from its manual. Soon after that the agency also eliminated a rule that public housing authorities give persons displaced by slum clearance first priority in filling their vacancies—a rule which might have compelled desegregation of some projects.
The Public Housing Administration's own statistics illustrate its resistance to desegregation. In 1953, after Eisenhower took office, it reported that 11% of its projects were "completely integrated." By 1961, the percentage had increased to 19%. These figures made the record appear better than it was; the agency considered any chiefly black or white project with more than one family of the other race as "completely integrated." Even in areas with open occupancy laws, widespread segregation continued. In 1956, for example, the agency reported that almost half of its projects in such areas were still not "completely integrated." 36

Throughout the 1950's, civil rights groups devoted attention to legal challenges of PHA regulations and decisions. But they were unable to secure binding federal rulings which might have compelled the PHA to require open occupancy in all its projects. In Housing Authority of the City and County of San Francisco v. Banks, a California State Appeals Court found, in 1955, that enforcement of segregation by San Francisco housing officials was unconstitutional. 37 In the next year, however, in Heyward v. PHA, a federal district court in Georgia denied the request
of eighteen Negroes seeking admission to an all-white Savannah public housing project. The federal court found that the defendants had no right to live in the project as long as black public housing was substantially equal to that provided for whites in amount and quality. In 1959, in Cohen v. PHA, the U. S. Fifth Circuit Court of Appeals agreed, finding that separate facilities were legal if substantially equal. Efforts of civil rights forces to bring one of these cases to the Supreme Court for final adjudication failed. With the highest federal courts declaring PHA and local housing agency policies constitutional, civil rights groups had no firm basis to challenge their decisions. Although the NAACP's Roy Wilkins deplored PHA policies which placed the agency on the side of segregation in court cases, public housing officials continued to defend the right of the local community to determine housing patterns.

The minorities record of the Federal Housing Administration during the Eisenhower years was somewhat better. In the 1950's, high FHA officials showed a concern for black housing problems for the first time and worked to urge increased loan guarantees for blacks. Since the
agency did not force desegregation by cutting off loans to persons excluding Negroes, the White House had no objection to these agency attempts to encourage open occupancy where possible.  

FHA action in 1951 to ensure that agency officials sold all repossessed housing without race restrictions was the beginning of a greater FHA sensitivity to minority concerns, a responsiveness which continued after Eisenhower's inauguration. In the administration's first years, an FHA race relations official worked in New York state to persuade a locality to allow construction of an open occupancy project whose mortgage the FHA wanted to guarantee. New York authorities refused, but the action signalled an end to the FHA's traditional discouragement of such non-segregated projects. The agency also strived to convince lending officials and builders that it would look favorably on guarantees for housing filled on an open occupancy basis. It conducted studies on the nature of the minority market and publicized findings which showed that blacks were eager to buy or rent homes. In private meetings with contractors and building officials, the FHA also tried to persuade the housing industry of the
potential of the Negro market. The program brought some success. Minority loan applications in the last nine months of 1953 were double those in the same period of 1952.

With the appointment of lumber executive Norman Mason as FHA Commissioner in 1954, the agency began to devote high-level attention to minority concerns. Chosen for his ability to clean up the scandals in the bureau rather than for any special knowledge of black problems, Mason nevertheless showed his intention to increase minority housing opportunities without violating HHFA or White House strictures against "forced" desegregation. Soon after his appointment, Mason attended a National Association of Home Builders meeting and announced that the FHA urged construction of desegregated housing projects. In 1956, his office sent a directive to FHA field officers, reminding them of their responsibility for ensuring participation for all in agency programs. Deputy Commissioner Charles Sigety joined in the call for minority housing in a 1957 speech before the Greater New York Taxpayers Association. By late 1958, the Commissioner's office had added new personnel to work for open occupancy in FHA programs.
Also significant were FHA actions in states where open occupancy laws were in effect. In the mid 1950's, the NAACP devoted special attention to the passage of such local laws, apparently convinced that the administration would never ban segregation in federally-aided housing. It secured such anti-discrimination statutes in five states, and the FHA aided in the laws' enforcement by notifying builders about their existence and insisting on their observance.\textsuperscript{49} It also promised state anti-discrimination authorities that it would cooperate with them in enforcing the laws.\textsuperscript{50} By 1957, the FHA had begun to inform builders in New York state that they would be risking future loan guarantees if they violated New York's open housing statute.\textsuperscript{51}

Belief that local government should determine an area's housing policy limited FHA action to guarantee open occupancy, however. In those states with such laws, the FHA refused to move toward loan cut-offs until a builder had been convicted.\textsuperscript{52} But the states found conviction difficult and met legal delays in pressing their cases. In New Jersey, for example, a case against the builders of the segregated Levittown met challenges to the law's
constitutionality until the New Jersey Supreme Court finally found the statute valid in early 1960. Because of such delays and the FHA's refusal to act without successful state prosecution, the agency never suspended a builder from its program for open occupancy violations during the Eisenhower years.  

As in the public housing area, civil rights groups tried to compel the federal agency to stop discrimination in any housing which it subsidized. Again their efforts were unsuccessful. In the only major case in the 1950's involving FHA regulations, the U. S. District Court for the Eastern District of Pennsylvania found that since Congress had given the FHA no specific authority to prevent discrimination in sale of government-insured housing, it had no duty to do so.  

When Mason replaced Cole as HHFA Administrator in 1959, he brought his concern about minority problems to the supervisory agency. Soon after his nomination, Mason met with J. Wood, the NAACP's Special Assistant for Housing and expressed his dissatisfaction about minority housing policy. In a report on the meeting, Wood noted with amaze-
racial policy of the Government Housing Program was simply that 'It Stinks.' Mason soon showed that he meant his indictment seriously. He restored the position of Special Assistant for Intergroup Relations--the post abolished by Cole--and began plans to appoint officials with race relations responsibilities in each HHFA regional office. Besides personnel changes, Mason instituted new regulations to ensure a greater responsiveness to minority housing needs. Under the law, the HHFA was responsible for a special program for resettling persons displaced by urban renewal. A minority housing quota had prevented blacks, those most frequently affected by demolition, from taking fullest advantage of the program. Mason eliminated the quota, assuring minorities that in the future, all eligible persons would be able to participate. Mason also banned the HHFA practice of selling repossessed housing only through realtors, who often discriminated against blacks. By his new rule, any persons could learn of the availability of such housing from the housing agency directly. As he had while FHA head, Mason also sought obedience of state open housing laws, notifying all purchasers of property under URA programs that obedience of all open occupancy laws was required.
But although Mason may have been sympathetic to NAACP demands, he retained a conviction that desegregation should not be forced and that the housing agencies could achieve significant change within these limits. Like his predecessors, Mason opposed any attempts to secure executive or congressional bans of discrimination, perhaps fearing that such action might lead Congress to cut back housing program funds. When the Civil Rights Commission questioned him about the advisability of a Presidential order opening federally-financed housing to all (a move long advocated by the NAACP), Mason opposed the idea and noted that the housing needs of the nation should receive first priority. Until such demands were satisfied, he told Commissioner Theodore Hesburgh, "we might do more harm than good by precipitant action." Mason also opposed a bill which would deny mortgage guarantees to builders who refused to promise nondiscrimination in selling or renting their property. Since he had brought his new approaches to the HHFA, Mason insisted, such a law was unnecessary.

Like all other high-level housing officials, in Democratic and Republican administrations, Mason refused to admit the need for action to ensure black participation in
the programs he administered. In the Eisenhower administration, as before, the housing bureaucrats refused to institute open occupancy policies themselves. Instead they waited for an executive order barring discrimination or for White House support for an anti-discrimination rider to a housing bill. Eisenhower's laissez-faire attitude toward civil rights matters and his fears of unwarranted extension of executive authority made such White House action unlikely.

After receiving pressure from black and liberal groups, Kennedy issued the long-sought executive order barring discrimination in all housing receiving federal aid after November 20, 1962. The order proved to have little effect. It applied only to newly-built federally-aided housing, not to the already existing supply. The housing agencies were given responsibility for enforcing the order, but they continued to place construction and amiable relations with powerful southern congressmen before nondiscrimination. Strict financial regulations for obtaining government guaranteed loans continued to apply, effectively eliminating most blacks from consideration. Finally, even if the order had been strictly
enforced with all the power of the housing agencies and the Justice Department, about three-quarters of the housing built between 1945 and 1965 was mortgaged with no government aid, and such building continued unaffected by the order. 61

Housing discrimination remained the most stubbornly difficult problem faced by black Americans. The 1950's had brought little change in the housing patterns which so limited the opportunity for black advancement. The courts had proved resistant to efforts to bring reform. The national administration preached local control of local institutions, ignoring NAACP demands for a change in national housing policy. Eisenhower left the matter to housing officials who did not dare advocate significant changes. The housing agencies waited for White House orders before instituting policy changes. Those with power to bring change feared its administrative or political consequences. Lower-level officials who advocated desegregation had little power and soon abandoned the attempt—or faced dismissal. This problem—perhaps the most sensitive and politically explosive in the entire civil rights area—defied solution without federal involvement.
of a sort unprecedented in American history. Eisenhower joined his predecessors and his successors in allowing federal housing policies to rest with the housing agencies, with little White House interference in their actions.
Footnotes to Chapter IV

1"Economically the Negro Gains, But He's Still the Low Man," Business Week, December 18, 1954, p. 88.


5Brown, Development of the Public Housing Program, p. 36.

6Brown, Development of the Public Housing Program, pp. 45-47.


8Davies, Housing Reform During the Truman Administration, pp. 107-108.


11Berg, "Racial Discrimination in Housing," p. 16.


14 Crisis, August-September, 1953, pp. 438-439.


18 U. S. Congress, House, Remarks of Alberg M. Cole of Kansas on proposed housing program, June 22, 1949, 81st Cong., 1st sess., Congressional Record, XCV, 8152.


20 Cole nomination Hearings, p. 7.


40. McEntire, Residence and Race, p. 305.


44 HHFA, 1953 Report, p. 175.


46 Grier and Grier, Privately Developed Interracial Housing, p. 124.

47 McEntire, Residence and Race, p. 306.


52 U. S., Civil Rights Commission, Hearings before Commission on Civil Rights, Housing, Conference with Federal Housing Officials, June 10, 1959, p. 15.


56 Memorandum from J. Wood, Special Assistant for Housing, NAACP, March 13, 1959, File #146 (1959-1), Central Files, General File, Dwight D. Eisenhower Library, Abilene, Kansas.


60 U. S., Congress, House, Judiciary Committee, Civil Rights, Hearings before subcommittee no. 5, 86th Cong. 1st sess., on H. R. 300, March 4-May 1, 1959, p. 427.

CHAPTER V

THE JUSTICE DEPARTMENT AND THE WHITE HOUSE--I:
DESEGREGATION OF SCHOOLS AND THE LITTLE ROCK CRISIS

Eisenhower's reluctance to exercise presidential leadership to aid black Americans ensured that the administration's civil rights policy was fragmented, incoherent, and controlled piece-meal by federal agencies and departments rather than by the White House. Eisenhower's indifference to most civil rights questions and his tendency to allow agencies to adopt civil rights policies of their choice pleased lower-level officials and generally led to a situation in which little change occurred. But the same freedom which enabled personnel officials to discriminate against blacks, which allowed housing agencies to continue segregation, and which permitted the armed forces to ignore long-practiced discrimination could make change possible if an agency head desired to work for it.

The Justice Department bore responsibility for civil rights policies in both the school desegregation and
voting rights area. During Eisenhower's presidency, the department significantly extended the power of the federal government to act against discrimination in both areas. White House unconcern about civil rights helped bring these changes about. In each case, although the President instinctively opposed more vigorous federal action, he acceded to Justice recommendations and allowed the department to adopt the policy it wished. In these instances, the President's unwillingness to involve himself consistently in civil rights policy-making worked for the benefit of civil rights groups.

School desegregation proved the area in which the Justice Department moved most cautiously. Through the President's first term, Justice officials insisted that the issue was a court matter and not a problem in which the executive branch should meddle. Eisenhower's philosophical aversion to government interference in local matters and his belief that conciliation could solve racial problems better than force only strengthened this position. In 1957, however, when the administration's policy of non-intervention enabled Arkansas Governor Orval Faubus to block desegregation at Little Rock and created disorders
which only federal troops could quell, Justice convictions were shaken. In an effort to avoid another Little Rock, the Department involved itself in school desegregation cases to a greater extent than ever before. Eisenhower went along with the new policy change, even consenting to recommend new civil rights laws to prevent the recurrence of such a crisis. As a result, by January, 1961, the Eisenhower administration had established a precedent for participation by the Justice Department in local school desegregation cases—an example followed and expanded by later presidents.

When Eisenhower became President, the NAACP had fought for twenty years in an effort to overturn the 1896 Plessy v. Ferguson decision, in which the Supreme Court declared that segregated schools were legal as long as facilities were substantially equal. Because it knew that states could not provide equal facilities for college-level specialties without spending prohibitive amounts, the NAACP began a campaign in 1933 to force admission of blacks to southern state universities. In 1935, it achieved its first success when the Maryland State Supreme Court ordered a black admitted to the University of Maryland Law School.
In 1938, in an extension of that decision, the U. S. Supreme Court ruled that the Plessy decision compelled a state to offer equal education to all citizens in all fields. But many southern states still maintained segregation by creating specialty schools at black universities or by admitting blacks to white schools but segregating them from the other students. In 1950, in two landmark decisions, the Court struck at both devices. In McLaurin v. Oklahoma, it ruled that if a school admitted a black to a state school, he could not be separated from the other students, since such a separation denied him equal education. In Sweatt v. Painter, the Court ruled that separate facilities offered Texas blacks at an all-black law school were unequal, since black students were denied interaction with the majority of their future colleagues. These new strict definitions of equality made the creation of inadequate, all-black specialty schools illegal and led to the admission of blacks to state colleges in Delaware, Virginia, Maryland, Louisiana, and North Carolina. In both cases, the Justice Department urged the Supreme Court to declare that segregation in itself was a discriminatory practice. But although the Court refused to
do so, its redefinitions of "equality" prepared the way for the Brown decision.¹

When Eisenhower became President, the Supreme Court had already heard arguments in Brown v. Board of Education of Topeka, a case in which the NAACP argued that segregation created inherently unequal education. The Truman Justice Department had presented a friend of the court brief supporting the civil rights group's contention. When the Court heard re-arguments in the case in early 1953, the Eisenhower Justice Department followed the precedent. Its written friend of the court brief presented legal arguments for the outlawing of segregation, and in an oral presentation, Assistant Attorney General J. Lee Rankin, urged the court to strike down segregation laws.²

Since the Court accepted the arguments of Rankin and the NAACP, the case might have marked the beginning of extensive executive branch intervention in school cases. Instead, the administration clearly felt that the high court's emphasis on legal action to achieve desegregation made executive branch noninvolvement possible. At an August, 1954 press conference, Eisenhower said that he had not considered asking Congress for any legislation designed
to help enforce the Brown decision. In fact, he admitted, the subject had not even been mentioned to him by any of his advisors. By November, 1954 he was talking sympathetically about the "deep-seated emotions" involved in the problem and his conviction that the Supreme Court would devise a way to achieve desegregation "under some form of decentralized control."

The Justice Department brief in the Brown implementation case, released the following day, clearly reflected this desire for court settlement of desegregation cases on the local level. The NAACP and other civil rights groups wanted the Supreme Court to set a specific date after which school segregation would be illegal throughout the United States. The Justice Department suggested a less sweeping approach, agreeing that segregation should be considered illegal but rejecting the idea of one data applicable to all American schools. Instead it suggested that federal district judges should ask school boards within their jurisdiction for desegregation plans. The judges would then decide if the submitted proposals involved the "deliberate speed" demanded by the original Brown decision, approving or rejecting them on that basis.
The moderate tone of the brief was strengthened further by a passage added by Eisenhower himself in which the department reminded the justices that "psychological and emotional factors are involved—and must be met with understanding and good will." In its final decision, the court adopted the administration's recommendations with no significant changes.

Soon after the 1955 Brown implementation ruling, southern officials began plans to avoid desegregation in their states. Through the fall and winter of 1955-1956, Virginia officials worked successfully to amend the state constitution to allow grants to pupils attending private, segregated schools. In Georgia, the General Assembly passed a similar law in January, 1956. Louisiana Governor Earl Long won re-election with a pledge to close any school whose desegregation was ordered by a federal court. Other state governors approached the matter more broadly. The executives of South Carolina, Georgia, Mississippi, and Virginia pressed their legislatures for passage of interposition laws, declarations that the Supreme Court had encroached on state sovereignty by issuing the Brown decision. The governor of Florida
appointed a special commission authorized to seek all legal means of avoiding desegregation. Eisenhower made no comment about any of these actions. In March, 1956, when approximately one hundred members of the Senate and House signed a manifesto in which they vowed to work to overturn the Brown decision, the President professed unconcern. He reminded reporters that "they say they are going to use every legal means. No one in any responsible position anywhere has talked nullification."  

Southern officials also defied the Brown decision in specific cases. When a federal district court ordered Clarendon County, South Carolina to desegregate its schools, the state Attorney General said that the school could remain segregated for the next school year, since the court had set no specific deadline.  In two Kentucky towns, local school officials sought to register blacks but were thwarted by county school boards which expelled all black students attending white schools. The administration took no action in any of these cases.  

Two instances of defiance of court orders were especially well-publicized in 1956: the attempted desegregation of the University of Alabama and the use of state
troops to block desegregation of high schools in both Mansfield and Texarkana, Texas. Atherine Lucy, the student attempting the breakthrough at Alabama, first became the focus of national attention on February 1, 1956, when she entered the university under court order. By February 6, disorders there had grown to such an extent that university officials withdrew her from classes and suspended her from school—for her own safety, they claimed. Almost immediately, with NAACP support, she sought to cite the school administration for contempt of court. The federal judge for the Northern District of Alabama denied her request, although he did direct the school to readmit her immediately. University officials complied but expelled her again on disciplinary grounds, charging that any student who sued college officials was unfit to attend the university. When Lucy's second request for an injunction was refused by the judge, she was effectively excluded from the school. Through all these legal maneuverings, the Justice Department never considered entering the case as a friend of the court and, according to Assistant Attorney General W. Wilson White, did no research of any kind in the case.
In Texas, Governor Allan Shivers, a leader of Texas Democrats for Eisenhower, defied the courts with impunity during the fall of 1956. In September, he sent Texas Rangers to Texarkana to turn back an attempt by black students to integrate the city high school according to court order. In the next week, he ordered the Rangers to arrest any person whose presence at Mansfield High School might provoke violence (Negro students, for example). After the Mansfield intervention, Shivers announced that he intended to maintain order whatever the consequences and directly challenged the federal government to find him in contempt of court. Yet through the entire incident, the Justice Department ignored a NAACP request for federal intervention in Mansfield to protect the rights of the black students there. Perhaps conscious of the importance of Texas in the coming presidential election, Eisenhower insisted that federal action was not needed, since the governor had acted to "stop the violence." But when a reporter noted that Shivers had only ended disorder by defying the federal court, the President admitted that the Justice Department had never discussed any possible move with him.
Insisting that desegregation was a court matter, the Justice Department involved itself in only two school desegregation cases between the Brown decision and the Little Rock intervention. In each instance, it acted only after local school boards requested federal aid to stop disorders. In June, 1955, the Hoxie, Arkansas school board had voted to desegregate that district's schools in July. Disorders and protests within the town forced officials to end classes before the term was over, and, in October, the board asked the federal district court for an injunction against any further obstruction of the desegregation plan. In early 1956, after the court granted the plea and segregationists announced their intention to appeal to the circuit court, the Justice Department announced that it intended to file a friend of the court brief supporting the board. 22

Through 1956, Brownell continued to require a specific aid request from local officials before he approved Justice Department intervention in a school desegregation case. In December of that year, he authorized a second federal intervention when he announced that the government intended to seek contempt citations against all persons
using force to block desegregation of the high school in Clinton, Tennessee.\footnote{23} Within a few days, U. S. marshals had served writs on sixteen persons accused of such interference with court orders.\footnote{24} One of the accused was John Kaspar, a racial agitator whose intention to interfere with desegregation in Clinton had been publicized for months.\footnote{25} Yet, once again, the Department of Justice had acted only after a beleaguered and powerless local school board had specifically requested aid, after months of interference with federal court orders.

Such administration indifference to school desegregation did not go unchallenged by black spokesmen. Within a few days of the announcement of the second Brown decision, New York Rep. Adam Clayton Powell began a drive to secure Presidential support for an amendment to the administration's school aid bill. Powell's proposal authorized the President to cut off funds to any school district not proceeding quickly enough with desegregation plans. To Eisenhower such a suggestion was anathema, and, in a June press conference, he attacked the amendment as "extraneous" to the bill.\footnote{26} Since the President had earlier stated his opposition to racial discrimination where federal funds
were involved, Powell was understandably angry and attacked Eisenhower's sincerity on civil rights from the floor of the House. During its 1955 convention, at about the same time, the NAACP joined Powell in urging passage of the amendment. But Eisenhower refused to modify his position. On July 6, he again urged defeat of the rider and repeated his opposition to it as unrelated to the school aid bill itself.

To this point, the President had avoided stating any position on the merits of the amendment itself, contenting himself with disagreeing over the proposal's form. But with the battle over the amendment raging, the White House chose Undersecretary of Health, Education and Welfare Harold Hunt to explain the administration's position to a disturbed NAACP. Hunt revealed that executive branch opposition to the amendment resulted from more than a simple conviction that it was tactically unwise. HEW policy, Hunt told the NAACP, was that the agency would withhold no funds from any school unless a federal court found explicitly that the school district had begun no efforts to comply with the Brown decision. The courts, not the executive branch, would always decide whether
school districts were desegregating quickly enough.

As the controversy over the amendment continued into 1956, most observers agreed that although the school aid bill could not be passed with the Powell amendment attached, Congress was likely to approve the rider anyway. In an effort to save the bill, Democrats who favored it sought a presidential promise to cut off aid to recalcitrant school districts—a pledge which would make the amendment unnecessary. In February, 1956, eight Democratic House members wrote Eisenhower specifically asking that he make such a promise and save school aid from defeat. The President refused. Instead he repeated Hunt's insistence that compliance with the Brown decision should be determined by the courts, not by the executive branch of the government. Since the Powell amendment was passed by northern congressmen anyway, Eisenhower's refusal to compromise ensured the school bill's defeat at the hands of a conservative Republican - southern Democrat coalition. 30

Because most of the southerners would have accepted the bill without the addition of the anti-segregation amendment, the school aid proposal's fate was a demonstration of the strength of Eisenhower's conviction that implementation of Brown was not a presidential concern.
Although the NAACP supported the Powell amendment, its other actions at the time may have strengthened Eisenhower in his determination to avoid involvement in school desegregation. In the year after the Brown implementation decision, the NAACP worked vigorously against school segregation, filing almost fifty suits in southern or border states. Clearly the civil rights group felt that desegregation was a matter which the courts could handle, despite their demands for executive action. In addition, in the same period, the NAACP lawyers disagreed with the regular organization officials about the proper formula for desegregation. Roy Wilkins, for example, felt that one grade a year desegregation was acceptable in certain cases, while Thurgood Marshall insisted that such a plan was inconsistent with the Supreme Court's insistence on "deliberate speed" in carrying out the Brown decision. Such disagreements could hardly have encouraged Eisenhower to involve the executive branch in desegregation cases. 31

By 1957, administration policy was clear: Desegregation was a court matter—a problem in which the White House and the Justice Department should remain uninvolved. Given this determination, it is not surprising that the
executive branch avoided participation for so long in the attempt of Little Rock, Arkansas to desegregate its schools. Neither is it remarkable, given past Justice Department policy, that Brownell agreed to involve the department in the case only at the explicit request of a federal judge or that the mayor of Little Rock had to beg the White House to send troops before Justice would consider such a recommendation. During the Little Rock crisis, the White House and Justice Department intervened only when prodded and tried to avoid making decisions when asked. As a result of the continuation of this hands-off policy, the forces of obstruction in Arkansas became convinced that the administration would take no action, until a strong response from Washington became virtually unavoidable.

The tangled story of the Little Rock crisis began on May 17, 1954, the date of the Supreme Court ruling in the Brown case. In Arkansas, officials reacted calmly to the outlawing of school segregation, apparently heartened by the Court's hints that it saw the problem as a local one. Three days after the Brown decision, the Little Rock school board announced that it intended to comply with
the decision, and, in 1955, it presented a plan for gradual integration of all the city's schools—beginning with the high schools in 1957. 33

In early 1957 school superintendent Virgil Blossom toured Little Rock's service clubs and business groups to encourage acceptance of the desegregation plans by the city's influential whites. He received general support in these talks, in part because the children of the city's wealthier citizens were least affected by the first stages of the plan, which involved desegregation of the high school attended mostly by children of the less affluent. 34 In the March school board elections, Blossom's efforts brought promising results: All the incumbent board members won their seats against the opposition of avowed segregationist candidates. 35

But significant disagreement with the board still existed within the city. As the start of school neared, the segregationist Mother's League of Central High School brought suit in county chancery court to stop the planned desegregation of that school. When the hearing of the case began, the League found that it had an influential ally in its effort to block the board—Arkansas Governor
Orval Faubus. On the witness stand, Faubus told the judge a chilling tale, claiming that Central High students were buying weapons and that revolvers had already been found on some. The governor's reputation as a moderate on civil rights made his testimony seem serious, and the court responded as the Mother League had hoped. It enjoined the school board from proceeding with its desegregation plan. The next day, the decision was overturned by the federal district court, which issued its own order against any county interference with the board's efforts.

Faubus became active in the Little Rock case after he had conferred with Arthur B. Caldwell, a lawyer from the Justice Department's Criminal Division. At Faubus' request, Caldwell had been sent to Little Rock the week before the county court hearing to discuss desegregation problems with state officials. Faubus apparently hoped that Caldwell would promise aid from Washington if rioting broke out, but the Justice official attempted to keep the department uninvolved in the controversy and refused to promise action against rioters. The vagueness of the administration's intentions left Faubus with total responsibility in the situation and undoubtedly encouraged
him in his decision to delay the desegregation of Central High.

Opposed to desegregation in principle and convinced that disorder would occur if the school board plan were carried out, Faubus announced on September 2, 1957 that he was sending two hundred National Guardsmen to Central High to block the admittance of Negro students. In calling out the troops, the governor acted without consulting Little Rock city or school board officials, who remained unconvinced that any serious threat of riots existed. Mayor Woodrow Wilson Mann, who first learned of Faubus's decision from a television news bulletin, publicly characterized his claims of impending disorder as a "hoax" on the people of Little Rock. But whatever Mann might say, the Guard remained in position.

The mayor's denunciation of Faubus contrasted with total silence from the White House and the Justice Department, still determined to keep the executive branch out of the controversy. Mayor Mann continued to keep Arthur Caldwell informed of the situation in Little Rock, but the department did nothing until District Court Judge Ronald N. Davies asked Brownell to order an FBI
investigation of Faubus' actions as a possible obstruction of justice. Unprepared for such a request, Brownell quickly asked the department's Office of Legal Counsel for a memorandum listing possible federal action in such a case. Meanwhile, the FBI investigation began, as Davies had requested.

At the same time, Eisenhower also found himself directly involved in the controversy. Faubus sent him a telegram asking White House aid in modifying the "extreme stand" of the federal court. Eisenhower denied the request, warning the governor that "the federal constitution will be upheld by me by every legal means at my command." Released to the press, this letter was one of the strongest stands ever taken by the President in defense of school desegregation. Yet doubts lingered. Only six weeks earlier during a press conference, Eisenhower had ruled out one "legal means" of enforcing desegregation when he told reporters that he could "not imagine any set of circumstances that would ever induce me to send Federal troops into any area to enforce the orders of a Federal court." The two statements seemed contradictory, and the conflict made the answer to Faubus less forceful than it might have appeared.
Presidential involvement deepened on September 9, when Arkansas Congressman Brooks Hays called Sherman Adams, an old friend from Adams' years in the House, to suggest that the President and Faubus meet to settle any differences on the desegregation question. Hays, a self-styled Southern moderate, believed that if the President could meet with Faubus, the governor would be encouraged to modify his position. He persuaded Adams and later that day, when he discovered that Faubus was eager to arrange such a meeting, called the presidential assistant again to discuss the proposal in more detail. In the second call, Adams seemed more reluctant to arrange such a conference. He told Hays that before the meeting occurred he wanted specific assurances that Faubus would not use it to embarrass the President. Before Eisenhower would agree to see him, Adams said, the governor would have to accept federal jurisdiction over school desegregation and pledge to remove the Guard. With effort, Hays persuaded Faubus to accept these conditions. Finally, Adams approved the text of a telegram in which the governor requested a meeting with Eisenhower and stated his "intention" to obey court orders. If Faubus sent this wire, Adams promised, Eisenhower would agree to see him.46
Adams sought such assurances in order to quiet Justice Department fears about a presidential meeting with Faubus. From the beginning, Brownell objected to the negotiations with Hays, for the Attorney General distrusted Faubus and believed that any White House meeting with him would only legitimize his complaints and bring political trouble. Brownell's belief about Faubus' trustworthiness soon proved correct. When Faubus wired Eisenhower asking for the meeting, he changed the Adams-approved telegram to express only his "desire to obey court orders rather than his "intention" to do so. The modification might have jeopardized the conference, but the White House apparently regarded the change as insignificant. Against Brownell's advice, Eisenhower invited Faubus to meet him in Newport, Rhode Island, where he was vacationing.47

On September 14, a marine helicopter brought Faubus to the Newport Naval Base. In a broad-brimmed fedora and dark suit, the governor was a model of serious determination as Sherman Adams led him across the runway to the President's office on the installation.48 After exchanging pleasantries, Eisenhower and Faubus retreated, without
advisors, for a private discussion of the Little Rock situation.

In his memoirs Eisenhower claims that Faubus seemed honestly confused during this meeting about what course to take, for he feared that desegregation would bring disorder to his state. Sympathetically, the President tried to convince him that no trouble would occur if he would support the courts. He understood the problems of the South, Eisenhower insisted, but changes in tradition would gradually have to be made. Faubus should recognize the inevitability of desegregation, he implied, and aid his state in making the change peacefully. But despite Eisenhower's urgings, Faubus refused to commit himself clearly to any such course.49

After the private meeting Hays, Brownell, Adams, and presidential advisor Gerald Morgan, joined Eisenhower and Faubus for continued discussion. Faubus, speaking slowly and deliberately, again asked the President to delay integration, at least until the Supreme Court had ruled on the constitutionality of Arkansas' interposition law. Again Eisenhower insisted that any delay was up to the court. He could not authorize it. Then the discussion
turned to the presence of the Guard at Central High. The President told Faubus that he understood a governor's desire to maintain order in his state. He did not quarrel with Faubus's decision to call out the Guard, only with his order to block desegregation. But Faubus again ignored the President's hint that he could avoid both disorder and defiance of the federal courts by using the troops to protect Negro students, rather than to exclude them from attending the school. 50

The meeting accomplished little. The two men had taken each other's measure, but Eisenhower had no more notion after the meeting than before whether Faubus intended to withdraw the Guard or whether he planned to urge obedience of the desegregation order. Similarly, Faubus did not know what Eisenhower planned if he continued his defiance.

The formal statements issued after the meetings hinted at their lack of substance and further justified Brownell's fears about Faubus' untrustworthiness. Eisenhower attempted to interpret the governor's vague promises as favorably as possible and announced that Faubus had "stated his intention to respect the decision of the
United States District Court." By all evidence, even that in Eisenhower's memoirs, Faubus had said no such thing at the meeting, although he had promised, through Hays, that he would obey court orders. Faubus quickly protested. He had assured the President of his desire to "cooperate with him in carrying out the duties" which they shared, he admitted. But he intended to "harmonize" any actions taken with his responsibilities under Arkansas law. With this statement, Faubus assured his constituents that, whatever Eisenhower might claim, he had not compromised his stand under presidential pressure.

Brownell's opposition to the Eisenhower-Faubus meeting probably had stemmed from more than the fears of an experienced politician about a meeting which might embarrass the President. On the same day that Hays first called Adams to suggest the meeting, the Justice Department found itself directly involved in the Little Rock case for the first time. On evidence gathered by the FBI, Judge Davies asked the department to seek an injunction against Faubus's interference with court orders. With this case pending, Brownell undoubtedly felt that Faubus might use any White House meeting as a chance to hamper the court
proceedings. Faubus' attempts at Newport to secure a delay in desegregation showed that these fears were not unfounded. 53

As soon as the federal suit was filed, Faubus brought legal counter-motions against the government in an attempt to block its action. 54 When these maneuvers failed and Eisenhower proved unwilling to encourage delay, the governor began informal negotiations with Brownell, in an attempt to persuade him to drop the suit. First, at Faubus' direction, Congressman Hays suggested that the governor would remove the Guard in exchange for a Justice Department recommendation of a delay in desegregation until the Supreme Court ruled on the state interposition law. Since Eisenhower had already rejected such a delay, Brownell quickly refused. Neither would he promise Hays that the department would abandon its suit even if Faubus actually withdrew the Guard. 55 Perhaps the Attorney General feared that Faubus might dismiss the troops in return for abandonment of the suit only to recall them and embarrass the administration when the case was concluded. Suspicious of the governor's intention, Brownell would make no deals with him. Like Eisenhower, he preferred to let the courts deal with the situation.
After unsuccessful negotiation with the Attorney General, Faubus sought to stop the hearing on the injunction suit by charging Judge Davies with bias in favor of the government. Brownell filed a counter-motion asserting that the judge had acted properly in requesting the department's intervention. Davies denied Faubus' petition, and the hearing occurred on schedule on September 20, 1957.

The result was success for the Justice Department. As expected, Davies forbade Faubus from interfering with court-ordered desegregation in Little Rock. On the following day Faubus removed the Guard. But his capitulation was a Pyrrhic victory at best. With the Guard's dismissal, the Eisenhower administration found itself faced with direct responsibility for any violence resulting from Central High's desegregation.56

The Justice Department was unprepared to deal with this new set of circumstances. Although department lawyers had earlier studied possible actions to desegregate the school, their research had centered on court maneuvers. Action to protect the Negro students was not even considered until after Davies used this injunction against Faubus.57
Because of this lack of preparation, Brownell refused to authorize any immediate federal action to aid Little Rock officials. On the day that Faubus removed the Guard, Mayor Mann requested that Brownell ask Judge Davies to assign deputy U. S. marshals to protect the black students scheduled to enter school the following day. Brownell refused, insisting that the judge would have to decide himself whether such an action was warranted. Because Davies refused to take responsibility for acting without Brownell's direct recommendation, no extra deputies were dispatched, and the administration found itself with limited alternatives for dealing with violence.

On September 23, 1957, when nine black students entered the school, the fears of the mayor were realized. Crowds surged against police barricades, threatened to storm the school, and attacked newsmen covering the story. Fearful that Little Rock police could not hold the rioters back indefinitely, city officials withdrew the black students from school. Mayor Mann reported the situation to the White House by telegram. Later in the day, when presidential aide Maxwell Rabb called Mann to inquire about the seriousness of the situation, the mayor again
proposed immediate dispatch of extra deputy marshals to Little Rock. When Rabb insisted that Brownell would not issue such an order, Mann, anxious to restore calm, suggested an alternative--use of federal troops to break up the riots. 60

But whatever Mann might want, the Attorney General was still not prepared to authorize federal force. Instead the Justice Department had decided on a more moderate course to restore order. Department lawyers, working late into the night on the day before Mann's request for troops, had prepared a presidential proclamation, ordering all those engaging in obstruction of court orders to "cease and desist" immediately. 61 The prestige of the presidency, the department felt, might quell the disorders more effectively than force. On September 23, after Rabb's talk with the mayor, Eisenhower issued the proclamation. He made clear his intention to "use the full power of the United States to carry out the orders of the Federal Court." The message also combined conciliation with threats by stressing the President's confidence in the respect which Little Rock citizens still held for the law. 62
But by the time Eisenhower issued this statement, the department had reluctantly concluded that it might have to recommend the use of troops after all. To prepare the public for such action, "high Justice Department officials" denounced Faubus as a demagogue who had manufactured the entire crisis for his own political benefit. Department lawyers also informed reporters that a presidential dispatch of troops would have firm precedent in American law. Woodrow Wilson had sent the army to stop disorders resulting from a coal strike in Arkansas in 1914.63

Such a step would be a drastic departure from previous administration policy on school desegregation. By the next morning, Brownell had still not decided whether to recommend use of troops to the President. When Mayor Mann called Rabb again on the 24th, he asked specifically whether Brownell had made a decision on his troop request. He had not, Rabb said; the Attorney General was still studying the mayor's report of the previous day's disorders.

At eight Mann called the White House again. Time was growing short; crowds were beginning to gather outside the school again, he reported. Clearly they intended to ignore
the President's order to cease interference. Upon hearing this, Rabb asked the mayor to prepare a telegram formally asking for troops. If Eisenhower decided to take such action, Rabb would not risk charges that the President had acted without a request from local authorities. 64 Although no violence had yet occurred that day, Mann prepared a wire, approved in advance by Rabb, in which he described massive disorders at Central High—apparently based on the events of the day before. 65

Meanwhile, Brownell was consulting with the President on possible action. A president had the power to use federal force to end any violation of federal court orders, the Attorney General reported. Since the U. S. marshal assigned to Little Rock could not handle the crowds and since it was too late to bring in deputies from other areas, he strongly advised dispatch of troops to the city. The scarcity of marshals in Little Rock resulted directly from Brownell's own refusal to approve reinforcements. But, for whatever reason, the Attorney General's assessment of the situation was accurate: If massive violence occurred, the existing federal officials would be unable to deal with it, and local authorities had already
indicated that their forces were insufficient. His options limited by Brownell's earlier decisions, the President issued an executive order at 10:22 A.M. on September 24, 1957 and authorized the Secretary of Defense to send all necessary Reserve and regular army troops to Little Rock. 66

Previously during the crisis, the President had remained in Newport where he played golf daily, even in fog so thick that accompanying reporters could not see the greens on the shorter holes. 67 After this critical decision, he flew to Washington to deliver a national prime-time television address explaining his reasons for the action. The speech followed a simple logic: Eisenhower attacked "demagogic extremists" who had provoked the mobs to action, and he noted that when "normal agencies prove inadequate," the President's responsibility to enforce court orders is inescapable. He had called out the troops simply in accordance with his duty under the Constitution. 68 In the speech, the President again avoided making any statement about the wisdom of the Brown decision itself, although Brownell had strongly urged him to support desegregation publicly at this critical time. 69 Perhaps, as one
of his advisers has indicated, the President refused to
defend the decision because he felt that it had been
unwise.\textsuperscript{70} In any case, Eisenhower never justified the
troop order in terms other than legal: that it was a
President's duty under the Constitution to see that federal
courts were obeyed. In the weeks after the decision, he
answered all southern criticism of his action by pointing
to this responsibility under the law—a duty which he
claimed he could not evade.\textsuperscript{71}

The use of troops clearly disturbed the President.
As early as October 1, he began steps to make removal of
the forces possible. Meeting with a committee from the
Southern Governors' Conference on that day, he told them
that he would withdraw all troops and defederalize the
Guard if Faubus would promise to carry out court orders in
the future. With several governors serving as inter-
mediaries, Faubus agreed. But when his telegram accepting
the offer arrived at the White House, its wording was so
ambiguous that Eisenhower withdrew the proposal. In the
wire, Faubus pledged not to obstruct court orders himself
but refused to say whether he would encourage others to
follow his example.\textsuperscript{72} The President explained to the
press that he could not withdraw any troops until he had specific guarantees from Faubus that court orders would be obeyed. 73

Soon after the failure of these negotiations with Faubus, Brownell announced his resignation. Reportedly troubled by Eisenhower's refusal to follow his advice at crucial points during the Little Rock crisis, the Attorney General believed that Sherman Adams had undercut his influence with the White House. 74 Southern leaders greeted his decision with joy, for they felt that his successor, Deputy Attorney General William Rogers, would be more tolerant toward southern attitudes on desegregation. 75 At Rogers's confirmation hearing, chaired by Sen. Eastland of Mississippi, no one asked any questions about desegregation—a sign of his acceptability to southern Democrats. 76 But although Rogers was less abrasive than Brownell in dealing with thin-skinned southern senators, Little Rock had convinced him that the administration could no longer avoid involvement in school desegregation cases. He was prepared to broaden Justice Department action to ensure that no more Little Rocks would occur. This policy brought him into immediate conflict with the
White House, which was still not convinced when Rogers took office that a more aggressive stand was wise. But, during 1958, the new Attorney General gradually changed administration policy on school desegregation as he involved the Justice Department more deeply in the continuing Little Rock crisis. By the middle of the year, the White House was cooperating in the effort to avoid another dispatch of troops and approving Justice Department intervention of the sort never allowed before Little Rock.

One of Rogers's first decisions was designed to strengthen the hand of the Justice Department in future school desegregation cases. On November 21, 1957, he announced that Justice was dropping plans to prosecute Little Rock rioters under a Reconstruction criminal law forbidding conspiracy to deprive a person of his civil rights. The NAACP objected to the decision, but Rogers was convinced that the government would never be able to convince sympathetic jurors to convict their fellow citizens in such a case, especially since most of the evidence gathered by the FBI was circumstantial. By dropping the prosecution and averting the chance of defeat in a
situation so widely publicized, Rogers hoped to leave the executive branch in a stronger position to pursue future school desegregation matters.

The Little Rock situation faded from the nation's front pages in the last months of 1957 as Russia's launching of the first earth satellite and news of Eisenhower's November stroke preempted public attention. For the White House, though, the Arkansas capital remained a potential crisis point. By late November, all the regular army troops had been withdrawn, but nine hundred Guardsmen remained at nearby Camp Robinson, with twenty-one still on duty at the school itself.\textsuperscript{78} In March, 1958, Sherman Adams met with Brooks Hays to discuss the possibility of removing all Guardsmen from Central High. But Hays objected and cited fears among Little Rock business leaders of possible violence.\textsuperscript{79} Reluctantly, the White House kept the Guardsmen on duty until the end of the school year.

The nation faced a possible repetition of disorder in September, 1958 when school reopened. The actions taken by the Justice Department during the summer of that year, however, clearly showed a changed attitude about school
desegregation and a realization that the department could not avoid involvement as completely as before. Under Brownell, Justice had ignored Little Rock until the situation became explosive. Rogers assigned Deputy Attorney General Lawrence E. Walsh and five department lawyers to watch the trouble spot closely. Through the summer of 1958, the group met daily to discuss progress in desegregation there, receiving the latest information through a special phone line installed between the office of the U. S. Attorney in Little Rock and the Justice Department switchboard. Brownell had refused to send deputy marshals to the city, even after disorder began. Rogers hired a total of one hundred ten additional deputies for service there during the fall of 1958. The entire deputy marshal program cost the department an extra $390,000--firm testimony to the importance which Rogers gave to avoiding repetition of the 1957 disorders. Finally, in September, 1958, as the opening of school neared, Rogers kept in close contact with key Little Rock officials. On September 7, he wrote City Manager Dean Dauley to inform him that the Justice Department had expanded the office of the U. S. Marshal and was prepared to aid the city in
stopping any violence.\textsuperscript{82} On the same day, he offered Justice aid to the Little Rock school board if it wished to seek injunctions against persons interfering with the opening of school. On September 11, he wrote the President of the board to offer him the assistance of Assistant Attorney General Malcolm Wilkey, who had arrived in Little Rock to consult with local officials.\textsuperscript{83} Furthermore, he took all this action before the Supreme Court had formally denied the request of the newly-elected segregationist school board for a delay in desegregation.

Justice officials also tried to change the administration policy on legal involvement in school desegregation cases. In June, 1958, after U. S. District Court Judge Harry Lemley granted the Little Rock board the desegregation delay later appealed to the high court, the department announced that it was seriously considering joining the NAACP in a brief appealing the ruling.\textsuperscript{84} Given the administration's traditional opposition to such involvement on the side of civil rights groups, the statement signalled a battle between the White House and the Justice Department on school desegregation policy. The first skirmish was won by the White House which
announced that the department had decided not to intervene on the side of the NAACP after all. Rogers and his associates did not surrender, however. In late August Solicitor General J. Lee Rankin proposed that the Justice Department ask the Supreme Court to rule directly on the district court order allowing Little Rock a two and a half year desegregation delay. Eisenhower, perhaps convinced of the need for a quick, final decision before the beginning of school, approved the plan.

The Justice Department had brought about a significant change in administration policy toward school desegregation cases, and Rogers quickly seized the initiative. When the high court announced in September that any delay was unacceptable, the department immediately wired the text of the decision to Omaha, where, on the same day, a federal appeals court was hearing a case involving a plan to block desegregation by leasing Little Rock's high schools to a private corporation. Upon receiving the high court order, the appellate judges forbade any such action. Almost immediately, Rogers saw that every Little Rock official who might try to set up such segregated schools received formal notice of the decision. Such quick action put the
Justice Department unequivocally on the side of the federal courts, before the situation reached a danger point.

By late summer of 1958, furthermore, Eisenhower was less reluctant to take public stands to encourage desegregation. In mid August, after the Eighth Circuit Court of Appeals overturned the district court's delay of desegregation, the President issued a statement warning that "if an individual, community or state is successfully and continuously to defy the courts, then there is anarchy." Similarly, after the September 12 Supreme Court decision upholding this ruling, he released another strong statement, at the urging of staff members, in which he appealed to all Americans to obey the court order. 89

The shift in the administration's attitude should not be exaggerated, however. In an August 27, 1958 press conference comment about segregation, the President remarked that "we have got to have reason and sense and education .. .if this process is going to have any real acceptance in the United States." 90 When Governor Faubus closed the white Little Rock schools after the September Supreme Court decision, Rogers declined to act, feeling that parental pressure would force him to reopen the schools
(as it did). And when the President's black staff aide, E. Fredric Morrow, received a report that communists would be involved in a planned school desegregation march on Washington in the fall of 1958, he leaked the information to Jackie Robinson, one of the march's organizers, in an unsuccessful effort to have the demonstration cancelled. Even after Little Rock, the administration acted cautiously and chose its desegregation efforts with care.

In 1959, Eisenhower presented new laws to Congress to deal with school desegregation. Formulated by the Justice Department, the proposals were designed to make future desegregation disorders less likely, within the moderate limits already set by the department. The President proposed two laws which would give the federal government increased power to act after specific acts of violence occurred as a result of school desegregation: one bill would make it a federal offense to cross state lines to avoid prosecution for bombing a school while the other would make the use of force to obstruct court orders a federal criminal offense. The President also asked Congress to provide financial aid to local schools suffering financial hardship from desegregation and requested
federal aid for the education of service personnel in areas of the South where local schools had been closed. 93

The NAACP and other civil rights groups felt that the proposals were inadequate for dealing with the problem. They favored administration support for a bill authorizing the Attorney General to bring suit against persons excluding blacks from schools desegregated by court order. Rogers felt that such authority was unnecessary, because he felt that peaceful desegregation could proceed without it. In Virginia, he noted, local residents had instituted suits themselves to bring about desegregation. According to Rogers, this was a more satisfactory procedure than federal involvement in a case at that stage. 94

In the continuing Little Rock case, Rogers continued to show the department's intent to ensure peaceful desegregation. On January 31, 1959, the Justice Department answered another motion of the Little Rock school board to delay desegregation. In a memorandum presented to district court judge John E. Miller, the department noted that the motion itself was a violation of the board's duty to obey court orders. 95 It further recommended that
board members be cited for contempt if they did not take steps before February 8 to begin the desegregation interrupted in September, 1958. In April and May of 1959, the department continued its involvement in the case, presenting both an amicus brief and an oral argument in the hearing before the district court. Rogers later noted that the department's participation finally resulted in the reopening of the schools in conformance with the federal court order.

Rogers also sought to avoid desegregation disorder by working for the President's civil rights proposals in Congress. When the House eliminated the provision to authorize financial aid to desegregating schools, Rogers appeared before the Senate Judiciary Committee to urge restoration of the section in the Senate version of the bill. Similarly, when the Senate eliminated the proposal to make use of force to block court orders a federal crime, Rogers wrote the Republican manager for the bill in the House recommending once again that the provision be approved. Partly as a result of Rogers's attention to the proposals (and partly because of their moderation and the desire of Congress to pass them in an election year),
the act as finally signed by Eisenhower contained all the school desegregation provisions recommended by the President, except financial aid to desegregating schools.\textsuperscript{101}

The administration's new determination to ensure peaceful desegregation was clearly shown in New Orleans in November, 1960. When Louisiana Governor Jimmie Davis threatened to interfere with scheduled segregation in that city, another desegregation crisis seemed near. Eisenhower approved a Justice Department telegram warning the governor that such an action would result in a federal attempt to enforce the court's mandate.\textsuperscript{102} By the day chosen for the actual desegregation, Rogers saw that additional federal marshals were present in the city and that Justice Department personnel were present to direct them if necessary.\textsuperscript{103} The department also brought suits against the state of Louisiana in a successful effort to nullify laws designed to avoid desegregation.\textsuperscript{104} Through these maneuvers, peaceful desegregation occurred in New Orleans in the month before Eisenhower left office.

When Kennedy became President, the number of blacks attending desegregated schools in the South was still minuscule. In the fall of 1961, only 7.3% of all black
students in the South (including the District of Columbia, Delaware, West Virginia, and Missouri) went to schools attended by whites. In three Southern states not a single black student attended a desegregated school, and in seven others less than one per cent did so. Only in West Virginia and Delaware did more than half of the black students of any southern state attend school with whites. More than seven years after the first Brown decision declared "separate but equal" schools unconstitutional, educational desegregation was still only a dream for virtually all black students in the South.

The Eisenhower administration must bear a large share of the blame for this failure. Through the President's first term, Southern school districts and local officials were allowed to ignore and defy court orders. Until Little Rock, the Justice Department did virtually nothing to encourage desegregation, for it felt that untoward executive action would only increase tension. After Little Rock, although the department persuaded the White House that increased involvement was necessary to prevent further dispatches of troops into southern cities, their actions were still so limited in scope that they could not
affect the mass of southern black students. By the end of Eisenhower's years in office, however, the Justice Department had established new federal policy for executive branch involvement in school desegregation cases. Rogers's determination to avoid desegregation disorder had set a precedent for executive branch action in school cases. Later presidents, less fearful of executive power, followed and expanded upon the example set by the Eisenhower administration.
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CHAPTER VI

THE JUSTICE DEPARTMENT AND THE WHITE HOUSE--II:

VOTING RIGHTS AND THE 1957 CIVIL RIGHTS ACT

The Department of Justice changed its school desegregation policies slowly and reluctantly during Eisenhower's second term. Haunted by the Little Rock troop call-up, the department was determined never again to allow a powerful state official to defy court orders without opposition from the executive branch. But even after Little Rock, the department acted more from fear of violence than from a commitment to school desegregation. Rogers recognized that the issue was politically dangerous, affecting virtually every southern and border state, and he saw involvement in school cases as nothing more than a regrettable necessity.

The Justice Department moved with more enthusiasm in its efforts to guarantee the black vote. The Eisenhower Justice Department deserves credit for the initiation of the first voting rights bill passed by Congress since
Reconstruction. Convinced that the bill's enactment was essential for the future electoral success of the Republican party, Brownell and Rogers supervised the act's drafting, prodded the White House into supporting it, and battled efforts by the Senate and the President to weaken it. In the years after the act's passage, Rogers continued pressure for voting rights reform, prosecuting the first test cases under the law and securing a strengthening in the 1957 act in the spring of 1960. As a result of the Justice Department's efforts, the Eisenhower administration set a precedent for executive branch attention to voting rights matters. In addition, the 1957 act with its 1960 improvements became the framework upon which more effective voting rights law was later built.

For civil rights groups, efforts to secure the vote for blacks in the South had occupied a position of prime importance since the early years of the twentieth century. In the period 1910-1950, the NAACP devoted special attention to eliminating legal restrictions on the black franchise and met with some success. As early as 1915, in Guinn v. United States, the group secured a Supreme Court decision outlawing state "grandfather clauses," laws which
exempted persons qualified to vote in 1866 and their descendants from literacy tests. Later when the state of Oklahoma ruled that all persons previously excluded from voting under the law had to register within a twelve day period, the Supreme Court found that requirement illegal as well. The NAACP also devoted attention to eliminating the white primary, which excluded blacks from voting in that election in which the most important choices were made in most of the South. In 1927, in *Nixon v. Herndon*, the Supreme Court declared the Texas white primary law unconstitutional. Despite the ruling, Texas and other southern states continued the practice by allowing the state Democratic party to exclude blacks from their primaries, without a state law. In 1944, in the landmark *Smith v. Allwright* decision, the Supreme Court decided that such state party action violated the fifteenth amendment. In *Terry v. Adams*, in 1953, it broadened the Smith decision, declaring that attempts by Texas Democrats to exclude blacks by setting up a private club to recommend candidates to primary voters was a stratagem to exclude blacks from the decision-making process and a violation of the constitution.
On a state-by-state basis, the NAACP also worked against the poll tax. A device designed to reduce the Negro vote in proportion to the white, the tax could not be outlawed by the courts, since the constitution gave a state power to regulate voting. The elimination of the tax in Louisiana in 1934, Florida in 1937, Georgia in 1945, and South Carolina in 1951 helped increase the black vote in all those states. By 1953, only Alabama, Arkansas, Mississippi, Texas, and Virginia still retained the levy.\(^3\)

As a result, southern black registration grew in the years immediately following World War II. From 5% of the eligible black Southerners in 1940, the figures increased to 12% in 1947 and to 20% by 1952. But with many legal exclusionary tactics outlawed, whites turned to more subtle methods of holding down the black vote. They forced Negroes to take literacy tests which required explanations of complicated constitutional provisions, with a white registrar the judge of an applicant's answer. Voting officials also meticulously scrutinized black registration forms for any errors, however minor, which might invalidate them. Blacks appearing to register often faced hours of waiting, open to the harrassment of whites
in the courthouse on registration day. Such devices were especially common in the rural areas of the South where blacks composed a large proportion of the potential voters. They ensured that in the black belt region of Alabama, Georgia, Mississippi, and parts of Louisiana, the black voter was a rarity. 4

The NAACP found greater difficulty in changing this situation. It attempted to secure enforcement of existing laws against voting rights violations and pushed for new legislation for making disfranchisement more difficult. At first the Eisenhower administration was totally unresponsive to such demands. In late 1955, however, the Justice Department began urging White House support for a change in the laws. Intra-administration disagreements about the legislation's form delayed its passage until September, 1957. In Eisenhower's last three years in office, Justice continued efforts to strengthen the law, and in 1960, Attorney General Rogers secured White House support for modifications. After passage of the 1960 Civil Rights Act, the Justice Department entered a period of enthusiastic voting rights enforcement, but its actions came too late to have significant effect during Eisenhower's presidency.
In the 1953-1955 period, the Justice Department stubbornly resisted civil rights groups' pressure for federal voting legislation. Soon after Eisenhower took office, the Leadership Conference on Civil Rights, an organization composed of representatives of the major Negro groups, recommended to Brownell that the department ask Congress to create a new Justice division to investigate voting rights infringement. Until Congress acted, the Conference suggested that the Civil Rights Section of the Criminal Division investigate violations more vigorously. Brownell ignored both recommendations. Later, when the Senate Judiciary Committee held hearings on a proposal to guarantee the right to vote in primaries, the NAACP testified for the legislation. But the department announced that, although it approved the bill's purpose, it would not recommend its passage. 5

The Justice Department took this position even though the federal government possessed few statutory powers to enforce citizens' voting rights. A conspiracy to deprive a citizen of any guaranteed rights was a criminal offense under sections 242 and 243 of the U. S. Criminal Code. The federal government had used those sections on several
occasions to defend voting rights, but the laws were
difficult to enforce in the South, where juries were
often sympathetic to violators. Civil law provided for
no action by federal officials to protect voting rights.
Although section 171a of title 42 of the U. S. Code gave
all citizens the right to vote in any election, without
racial distinctions, the section could only be enforced
through a private civil law suit. The federal government
had no power to institute such proceedings on behalf of
an individual.

After refusing to support efforts to strengthen the
law in the first years of Eisenhower's presidency, the
Justice Department suddenly changed its position in
December, 1955 and began work on its own proposal to pro-
tect voting rights. Eisenhower's September, 1955 heart
attack was chiefly responsible for this shift. The
President's illness totally upset the political status quo.
In 1952, his personal popularity had brought him crucial
support both in the northern cities, where Republicans had
run poorly since the 1920's and in the South, a Democratic
stronghold since the Civil War. But he had received few
black votes in either area. Fearful that the President
would be unable to seek a second term, Brownell realized that the black vote could be critical in any presidential election without Eisenhower as the Republican candidate. If the administration advocated voting rights legislation, the Attorney General felt that the Republican candidate could capture a large enough share of the northern urban black vote to offset the return of traditional northern Democrats to their party. In addition, he believed that any Negroes added to the rolls as a result of the law would vote Republican and strengthen the party's chances in the South. Since reports of voting discrimination came mostly from the deep South states where Republicans ran poorly anyway, the plan seemed to promise maximum political benefit with minimum risks. In December, with the President's health still uncertain, even the generally conservative Cabinet agreed that Brownell should prepare a civil rights bill for Eisenhower's consideration.⁶

The White House, however, remained unresponsive to pressures for voting rights law revisions. Although Roy Wilkins of the NAACP wrote Eisenhower in early 1956, asking him to propose such legislation in his State of the Union message,⁷ Eisenhower declined to do so. Instead, he asked
Congress to establish a bipartisan commission to investigate charges of deprivations of the vote, but he made no further suggestions and gave no hint whether he intended to submit any other proposals. Many of the President's staff opposed even the establishment of the commission. Resentful of Negro leaders who demanded presidential action and refused to show gratitude by supporting Eisenhower politically, these men resisted any new civil rights law and seemed oblivious to the value of the black vote.

Despite White House coolness toward civil rights bills, Justice continued work on its proposals in January and February, 1956. Lawyers wrote a bill embodying the President's recommendation of an independent investigatory commission and drafted legislation establishing a Civil Rights Division within the Justice Department, as black groups had long advocated. Section 1983 of title 42 of the U. S. Code gave a citizen deprived of voting rights the power to seek redress or damages in the courts. Section 1985 gave a similar power to any person deprived of his right to hold office, to testify in court, to serve on a jury or denied equal protection under the laws through a conspiracy. The Justice Department proposed two bills
giving the Attorney General the power to bring such suits on behalf of the persons injured. To the Justice Department, the proposal seemed moderate enough, but the breadth of the section 1985 clause, which made the original statute apply to any attempt to deny a person his civil rights, proved a hidden trap which later caused Brownell serious difficulty.

While the department worked on these proposals, outside events seemed to argue the need for legislation of the sort proposed. In December, 1955, in Montgomery, Alabama, the city's black residents, tired of institutional channels for ending segregation, began a boycott of the city's busses in an effort to end seat discrimination. The action was a striking departure from the previous inclination of blacks to work through the courts. Brownell's attempts to strengthen the federal government's power to protect civil rights seemed a cautious response to the development, designed to show blacks that legal channels could be made more responsive. But in late February, 1956, the political climate changed. Eisenhower had recovered remarkably well from his heart attack. Rumors spread that he would seek a second term. On
February 29, in a press conference, the President ended the speculation; he announced that he intended to run for President in 1956. With the announcement, Brownell lost an important argument for strong voting rights legislation.

Despite the change, Brownell remained committed to his proposals and to the re-shaping of the Republican party. On March 9, he brought his civil rights bills to the weekly Cabinet meeting. Eisenhower used Cabinet sessions as sounding boards for controversial or significant department programs. Through the criticisms and suggestions given at such a meeting, he expected a Cabinet member to realize the weaknesses or political pitfalls of an idea, sense the prevailing opinion of it, and adjust his proposal accordingly. Brownell soon discovered that the Cabinet no longer looked favorably on any civil rights legislation. Some had political criticisms of the Plan: Harold Stassen insisted that Congress would never pass such a broad extension of the law, and Agriculture Secretary Ezra Taft Benson suggested that Brownell hold the proposals until the Republicans controlled Congress. Others, such as HEW Secretary Marion Folsom, felt simply that Brownell was pushing change too fast. The most
significant opposition to the proposals came from FBI director J. Edgar Hoover. At Eisenhower's request, Hoover read a report on civil rights in which he charged that the communist party was using the NAACP to embarrass the administration. By forcing civil rights issues, Hoover charged, the communists planned to discredit Eisenhower and influence the 1956 presidential election.15 Hoover's claim that strict enforcement of civil rights both played into communist hands and jeopardized southern white support for Eisenhower did not help Brownell win support for his legislation from already doubting Cabinet members.

On March 23, the Cabinet discussed the proposals again. From the earlier session, Brownell realized the hostility toward the plan and adjusted his comments accordingly. He told those attending that he had developed doubts about the wisdom of extending the Attorney General's powers. Despite his conciliatory attitude, opposition to the legislation was more vehement than before. The Cabinet's two most conservative members expressed themselves especially strongly against the proposals: Secretary of Defense Charles E. Wilson said that the
passage of such a bill might only add tension to the racial situation, while Secretary of State John Foster Dulles warned that any law which departed from a society's customs could never be effective. Of the Cabinet secretaries and assistants attending, only Secretary of Labor James Mitchell and Undersecretary of HEW Arthur Flemming supported all four of Justice's proposals. Eisenhower took the side of the conservatives. He had recently talked with Billy Graham about civil rights problems; he said, and was convinced that advances made had been partially lost because of recent racial tensions in the South. To Eisenhower, such events as the Montgomery bus boycott were reasons for moving cautiously on any civil rights legislation.

In early April, 1956, the President informed Brownell that the White House would not support expanded power for the Attorney General. He told Brownell to present the commission and civil rights division proposals to Congress as the total Eisenhower administration package. But Brownell refused to abandon his effort to broaden Justice Department authority. On April 9, when he sent drafts of the two approved bills to the Speaker of the
House and the President of the Senate, he included a letter in which he urged passage of the proposals giving the Attorney General power to institute suit in either voting rights cases or in other instances of deprivations of guaranteed constitutional rights. 17

The next day, Brownell appeared before the House Judiciary Committee to discuss the civil rights proposals. By prior arrangement, fellow New York liberal Rep. Kenneth Keating asked him whether Justice lawyers would put the two proposals rejected by Eisenhower in legislative form for the Committee's consideration. Brownell quickly agreed. Then, in response to questioning, he deliberately misled the committee about Eisenhower's support for his program:

Attorney General Brownell: We think there should be immediate action on the bills to create the Commission and to set up the new Assistant Attorney General. I don't see how anybody really, all things considered, would want to oppose those at the present time.
Now as to these other proposals that we make, I personally feel that they should be passed now. . . .
The Chairman: You said "personally."
Attorney General Brownell: Yes.
The Chairman: You speak for the administration, do you not?
Attorney General Brownell: Yes, I think that I am authorized to say, as the letter in fact points out, that these are submitted for the consideration of Congress. 18
Brownell's testimony bordered on insubordination and deliberate defiance of Eisenhower's wishes. But the Attorney General created the impression that he wished—that the President endorsed the entire civil rights package. Eisenhower could do little publicly to counteract this without appearing anti-civil rights. In the weeks after Brownell's testimony, the White House issued ambiguous statements which concealed the differences between the White House and the Justice Department. On April 17, 1956, Eisenhower told legislative leaders that he had gone over the Brownell proposals and felt that they were both moderate and non-provocative.19 A few weeks later, when a suspicious Rep. James Roosevelt wrote the White House to ask whether Eisenhower supported all the bills presented by Brownell, Administrative Assistant Bryce Harlow answered evasively that Eisenhower had approved "the various civil rights measures proposed by the Attorney General."20

But after Brownell appeared before the Senate Judiciary Committee and indicated less ambiguously that the President supported all the recommendations, the rift could no longer be concealed. Within a week of his
statement, the White House released a list of legislation which the President considered essential and included only the commission and Civil Rights Division provisions among its civil rights proposals.\textsuperscript{21} When black congressman Charles Diggs wrote Eisenhower in June to protest the White House abandonment of the bills extending the Attorney General's power, his letter prompted aides Harlow and Maxwell Rabb to suggest that the President consider supporting the entire Brownell program.\textsuperscript{22} Eisenhower declined. Although the entire program passed the House with ease, the Senate Judiciary Committee chaired by Mississippi's James Eastland refused to report the bills to the Senate floor in 1956. Eisenhower's failure to endorse the most significant part of the package ensured that Eastland received no White House pressure to act. With no presidential support, the Senate's civil rights bloc could not gain GOP votes for their attempt to vote the bill out of committee.\textsuperscript{23}

Senate Majority Leader Lyndon Johnson joined Eisenhower in failing to support the House-passed bill. Johnson knew that the issue of civil rights threatened to split the coalition of the Negroes and the South which had
been the key to Democratic presidential victories since 1932. By allowing the bill to die in committee, he hoped to avoid confronting the issue and keep the party's blacks and southern whites together. But Democratic unity proved impossible to achieve in 1956. Adlai Stevenson needed southern delegates in his race for the nomination against Tennessee Sen. Estes Kefauver and New York Gov. Averell Harriman. He succeeded in winning most of Florida's delegates when his supporters circulated an editorial calling Kefauver a "left-wing integrationist." His insistence that integration must proceed gradually pleased other southern delegates and assured them that he was safe on the race question. But he antagonized many black delegates, and after he won the nomination, many blacks were unenthusiastic about his candidacy.  

Stevenson's troubles with the black vote encouraged many Republicans to believe that disenchanted blacks might vote for Eisenhower in 1956. Campaign strategists emphasized Eisenhower's appointment of blacks to high office and his efforts to end segregation in the armed forces and Washington, D. C. But they put special emphasis on the civil rights record of southern Democrats. At a
National Citizens for Eisenhower meeting, press director Richard L. Tobin told party organizers to emphasize in black areas that "a vote for any Democrat is a vote for Eastland." The *Pittsburgh Courier*, generally pro-Eisenhower, emphasized this theme in an editorial which they entitled "Eisenhower v. Eastland." The effort to gain black votes received new impetus on October 11, 1956 when Adam Clayton Powell, a critic of Eisenhower during his entire first term, announced that he was supporting the President for re-election.25

In the light of the potential black support, the reasons for increasing the Attorney General's power to intervene in voting rights matters began to seem more compelling to Republican campaign strategists. In October, Assistant Attorney General Warren Olney III appeared before a Senate subcommittee to report that the *White Citizens Council* of Ouachita Parish, Louisiana had filed affidavits challenging the right of 3240 black citizens to vote. The voters were asked to prove their eligibility before a county registrar who refused to hear more than fifty cases per day. As a result, said Olney, most of the challenged citizens were taken from the rolls with no chance to
protest. Although the Justice Department could try to prosecute the Citizen's Council and county officials, it could do nothing under existing law to restore voters to the rolls or stop further purges. This case was not isolated. The department discovered similar deprivations of voting rights in five other Louisiana parishes and in at least three Tennessee counties. A few days after Olney's testimony and after Powell announced support for his re-election, Eisenhower changed his position on the civil rights bill. In a statement to the American Civil Liberties Union, released on October 15, he recommended enactment of the entire Brownell program.26

The 1956 election results re-enforced the President's decision. In 1952, Eisenhower had received only about 21% of the black vote. In 1956, the percentage increased to 36%.27 In 23 Southern cities the Eisenhower gain averaged almost 37 percentage points. In Louisiana, black support for Eisenhower enabled the Republican presidential candidate to win the state for the first time since 1876. The national figures helped counter the argument of administration conservatives that blacks were not grateful for Eisenhower's attention to their problems, while the
remarkable Southern figures eased worries that increasing the black vote in the South would only aid Democrats. Later studies showed that the anti-Negro activities of southern Democrats accounted for the shift more than any black gratitude for Republican aid. But the results encouraged the President to support increased protection for southern black voters.

In this new political context, Eisenhower formally repeated his support for Brownell's program in his 1957 State of the Union Message. Soon after the speech, the Attorney General resumed his effort to persuade Congress to pass the measure. Before southern senators, the Attorney General emphasized the moderation of his proposal, stating his opposition to any anti-lynching bill as probably unconstitutional. When North Carolina Senator Sam Ervin charged that the bill would give the Attorney General unprecedented powers Brownell denied that and cited twenty-eight statutes under which the federal government could seek injunctive relief to prevent crimes—as the bill provided for voting and civil rights cases. But Justice Department attempts to conciliate the South had limits. Brownell continued to point to southern voting
rights violations as a reason for the bill's passage. When the Louisiana Attorney General claimed that no voting irregularities had occurred in Oachita Parish, for example, Justice Department officials accused him of lying to a congressional committee. 31

As in 1956, the House passed the administration proposal with no changes. But once again, the Senate Judiciary Committee was unwilling to report the bill to the floor of the Senate. This time, however, administration forces and pro-civil rights Democrats joined to make approval of the Eastland committee unnecessary. Minority Leader Knowland secured a ruling from Vice President Nixon that the civil rights bill could come to the floor directly. When southern senators challenged the chair's ruling, the White House encouraged Republicans to join liberal Demo-
crats to uphold the Nixon decision. As a result, the Senate voted on July 16 to consider the House-passed bill as its next item of business. 32

But although Eisenhower supported prompt considera-
tion of the bill, his opposition to amendments to the proposal was less firm. In some cases, he was willing to defend the bill as written and insist on its moderation.
In other situations, he hinted that he did not consider certain sections crucial and said that he would accept changes. When the House had considered the administration bill, Eisenhower resisted attempts by southern congressmen to add an amendment requiring a jury trial for all persons accused of contempt of a federal court order. He understood that such a proposal would defeat one of the bill's main objectives—the establishment of a process for enforcing civil rights without depending on the white-controlled southern jury system. The President approvingly quoted William Howard Taft's warning that granting jury trial in contempt cases would invite anarchy.33 Eisenhower's public opposition to the amendment helped House civil rights advocates pass the administration bill unchanged.

During Senate consideration of the amendment, the President's opposition was just as vehement. In the middle of the Senate debate on the bill, he wrote South Carolina Governor James Byrnes again noting the established precedent that jury trials were not guaranteed in contempt cases.34 On the day before the Senate vote on the amendment, the President told his press conference that
there were already dozens of laws giving the Attorney
General power to seek an injunction enforceable without
jury involvement in the case. But his efforts were in
vain. The Senate passed the amendment anyway—an action
Eisenhower deplored in a public statement the day after
its approval.

Eisenhower wavered in supporting another section of
the proposal. Only the pressure of civil rights advocates
kept him from deserting it entirely, and his lack of firm-
ness aided those who wanted it removed from the bill.
Part III of the proposal gave the Attorney General power
to seek injunctions against any civil rights violations.
The House passed the provision with no protest. But
southern senators claimed that an Attorney General could
use the section to further school desegregation and began
a battle to remove it from the bill. Majority Leader
Johnson knew that Part III was the Justice Department's
creation. He realized that Eisenhower had not supported
the section in 1956 and sensed that the President did not
realize the full uses to which an Attorney General could
put the new law. In early July, when Eisenhower indi-
cated at a press conference that he "was reading part of
that bill this morning, and there were certain phrases I didn't completely understand," Johnson saw an opportunity to move Eisenhower back to his 1956 opposition to Part III. He persuaded Sen. Richard Russell that he should talk to the President about the section. In a private meeting, Russell explained the provision's breadth to Eisenhower, who assured him that he considered the right to vote "the overriding provision of the Bill." If the bill guaranteed voting rights, Eisenhower said, the Negro could secure his other rights in the voting booth by electing candidates favorable to his interests. On July 17, Eisenhower avoided all opportunities to support Part III during his press conference and first hinted publicly that he did not consider it crucial to the bill.

At the same time, civil rights forces were beginning a counter-attack against Russell's influence. Val Washington, Minorities Director of the Republican National Committee, wrote Adams and Maxwell Rabb to express his concern about reports that the White House was preparing to compromise on the bill. "If all Republicans act favorably on the important bills sponsored by the Administration, I am certain we will have a good chance to win both the
House and Senate in 1958," he told Adams. Washington also wrote Eisenhower to express opposition to any changes in the administration proposals. Staff Aide E. Frederic Morrow also warned Adams of the political consequences of compromise. By agreeing to modifications, Morrow claimed, the administration risked losing both the legislation and "thousands of potential votes." In addition, Brownell insisted that the Justice Department had no intention of using Part III to force public school desegregation in the South. Within days, Eisenhower shifted his position again. On July 24, he told Knowland that he wanted title III included in the Senate version of the bill. But his private assurances could not counteract the impact of his earlier public doubts. The Senate eliminated title III for its version of the bill--with eighteen Republican senators voting against its inclusion.

Elimination of Part III and the addition of the jury trial amendment to the Senate version of the bill was a victory for Lyndon Johnson. His maneuverings had weakened the administration's bill, but they had also made possible the passage of the first civil rights bill by the Senate since Reconstruction--a legislative triumph which Johnson
hoped would gain him national recognition as an enlightened, non-sectional Democrat. The administration still had a chance to influence the final form of the act which would emerge from House-Senate conference committee. But civil rights leaders disagreed among themselves about what form of the bill they would accept. Ralph Bunche wrote Maxwell Rabb that he preferred no bill to the Senate version. 47 Black spokesmen such as Jackie Robinson and Chicago Defender publisher John Sengstacke agreed. Roy Wilkins and Martin Luther King, on the other hand, insisted that the Senate bill was better than nothing, Wilkins throwing NAACP support behind a compromise. The disagreements were indicative of a growing dissatisfaction with NAACP leadership, a restlessness which King himself had encouraged in other situations. 48 With no coherent black pressure for any particular version, Eisenhower refused to announce publicly his preference about the bill's final form. 49

The Justice Department felt no such reluctance. Senate and presidential opposition to Part III had convinced Brownell that that section was unobtainable, but he was not prepared to allow the jury trial amendment to become law without a battle. Justice knew that the
amendment would seriously hamper any effort to increase the black vote in the South. While House and Senate members conferred, the department issued a series of letters and statements attacking the provisions and warning of serious consequences if it passed. Brownell secured a memo from the anti-trust division charging that the amendment would make the trial of anti-trust suits more costly. Justice's Office of Legal Counsel announced that the amendment would so extend the right of jury trial that the Supreme Court might be unable to enforce its orders efficiently. Finally Deputy Attorney General Rogers warned that the approval of the amendment by Congress would hamper the work of regulatory agencies whose principal enforcement mechanism was the injunctive process. Johnson's desire for passage of a civil rights bill made compromise possible, and on August 23, 1957, he, Eisenhower, Knowland, and House Minority Leader Joseph Martin, Jr. agreed on a form of the bill acceptable to the House, Senate, and the administration. As finally passed, the 1957 Civil Rights Act guaranteed a person the right to jury trial only in contempt cases arising out of the bill's voting rights section and only if a judge imposed a
penalty greater than $300 fine or forty-five days imprisonment. The final bill also gave the Attorney General power to institute suit to prevent voting rights violations and contained provisions establishing the Civil Rights Division and a Civil Rights Commission.\(^{53}\) Despite the Congress' weakening of the bill, its passage was a significant victory for the Justice Department, which had secured the presidential support necessary for success.

The Civil Rights Commission had been Eisenhower's original civil rights proposal in 1956, while the Justice Department was still working on its bills to strengthen voting rights enforcement. Despite his early support of the idea, Eisenhower moved cautiously in choosing the group's members. He waited until November, 1957 to make his first nominations. When his choice for chairman, former Supreme Court Justice Stanley Reed, decided not to accept the position, he rearranged the commission members in late December.\(^{54}\) As finally constituted, the six member group was a balance of literal northerners and moderate southerners. Eisenhower chose Assistant Secretary of Defense John Hannah as Chairman. Hannah, Assistant Secretary of Labor J. Ernest Wilkins and Notre Dame President
Theodore Hesburgh composed the northern faction. Robert G. Storey, dean of the Southern Methodist University Law School, John S. Battle, former governor of Virginia, and Doyle E. Carlton, former governor of Florida comprised the southern group.\textsuperscript{55} This attempt to balance the commission displeased both civil rights forces and southern opponents. The President of the Mississippi State NAACP claimed that the presence of three southerners would enable the commission to block any proposal advantageous to blacks.\textsuperscript{56} Eastland's Judiciary Committee delayed hearings on the commissioners' confirmation until February, 1958, ensuring that the group could not begin operation until six months after its creation.\textsuperscript{57}

The Commission was an autonomous body, with no direct ties to either Congress or the executive branch. By investigating civil rights problems throughout the South, especially voting rights violations, it was supposed to provide unbiased studies which the President and Congress could use in drawing up new civil rights legislation.\textsuperscript{58}

The Justice Department worked vigorously to protect the commission's investigatory powers. In December, 1958,
when the group attempted to examine voting records in several Alabama counties, it received no cooperation from state officials. State Circuit Judge George Wallace impounded all the records in two counties, and State Attorney General John Patterson withheld all the records of another county from the commission field staff. 59

When state officials ignored commission subpoenas, it turned to the Justice Department for aid. A lawyer from the Department's new Civil Rights Division immediately traveled to Alabama and obtained a court order requiring officials to produce the records. The division also brought a criminal contempt case against Wallace for his failure to give the commission subpoenaed records. 60

Because of Justice's determined help, staff members finally received the documents needed to conduct the planned voting rights hearings. 61

The department also aided the Civil Rights Commission when southern federal judges interfered with planned hearings. After the group scheduled a session to investigate voting discrimination in Louisiana, a federal district judge issued a restraining order stopping the proceedings, and, later, a three judge district court enjoined the
commission from holding hearings in the state. The Justice Department promptly appealed the case to the Supreme Court and secured a reversal of the injunction.62

Fears of interfering with commission studies led Rogers to move cautiously in bringing cases under the 1957 act itself: Since the Justice Department had insisted that the commission would act autonomously, he avoided prosecutions in any areas in which the commission was conducting investigations. Rogers also felt that the first cases would set precedent and chose them carefully.63 Such caution proved warranted. Southern opponents of civil rights used Justice's early legal actions to attack the law itself, and these legal maneuverings delayed enforcement attempts.

The department filed its first case in September, 1958 in Terrell County, Georgia where it had secured strong evidence that county officials were using illegal devices to keep black residents from registering to vote. Justice sought an injunction to prevent such acts from continuing, but on April 16, 1959, the U. S. Federal Court for the Middle District of Georgia dismissed the case, claiming that the 1957 act was unconstitutional.64 The
department appealed the case to the Supreme Court where Rogers appeared to argue successfully for the act's legality. The case was not concluded until September, 1960, two years after its filing, when district judges finally enjoined the defendants from continuing discriminatory practices and ordered restored to the rolls the four black voters in whose behalf the suit was brought.

When Justice sued the state of Alabama in February, 1959, it met similar delays. In this case, the U. S. Court for the Middle District of Alabama dismissed the suit on the grounds that the 1957 act did not specifically authorize the Justice Department to sue a state. By the time the case reached the Supreme Court, Rogers had secured a change in the law to provide for such action. On this basis, the high court sent the case back to the district court for decision on its merits. Because of these delays, it was not tried until February, 1961, when the Kennedy Justice Department secured injunctions against further civil rights violations by officials in Macon County, Alabama.

Two other cases brought—in Washington Parish, Louisiana and Fayette County, Tennessee—were concluded
more quickly. But the course of these proceedings illustrated to the Justice Department the inadequacies of the 1957 act. Prosecutions were developed slowly because the department lacked power to subpoena the voting records necessary to build a strong case; it could only request documents from voting officials who often refused to release them or claimed that they had been destroyed. With its power to sue a state under challenge, Justice was forced to act against local officials who often resigned when cases were brought against them. Finally, even after the court enjoined against further discrimination, no mechanism existed to register blacks, who were often reluctant and afraid to approach local registrars.

The Justice Department made an effort in late 1958 to correct some of these inadequacies. It secured presidential approval of a bill requiring local officials to preserve voting records and giving the Justice Department power to subpoena them if necessary. But opposition from the southern-controlled House Rules and Senate Judiciary Committees, combined with lack of White House concern for the bill's fate, prevented the legislation from reaching the floor of either house during the 1959 session of Congress.
The Civil Rights Commission's issuance of its report in the fall of 1959 stimulated the Justice Department to seek additional action to remedy defects in the voting law. The commission endorsed the plan to require preservation of voting records and suggested an explicit change in the law to allow the U. S. to sue a state and make further appeals of the challenged Alabama case unnecessary. The commission also recommended that Congress give the President power to appoint federal registrars when state officials refused to carry out their duties properly. Under the plan, the commission would investigate all claims of voting discrimination and notify the White House when conditions demanded a federal registrar. The registrar would serve until the President decided that state officials could resume their duty. 71

The federal registrar plan was the most controversial of the commission's proposals, especially to an administration which disliked direct presidential intervention in civil rights matters. On January 13, 1960, Eisenhower publicly expressed his doubts about the idea's constitutionality. 72 Soon after that, Rogers presented an alternative proposal to ensure the registration of blacks. The
Attorney General's plan gave the Justice Department power to ask the federal courts for a finding of a pattern of discrimination in an area where voting rights violations had been alleged. If the court agreed that such a pattern existed, Negroes unable to register would be placed on the rolls by court-appointed voting referees. These officials were also empowered to oversee the actual election, ensure that those registered were allowed to vote, and certify that their ballots were counted. According to Justice officials, this plan had several advantages over the commission's proposals: The court backing of the referees provided a built-in system of enforcement through contempt citations if state officials continued to violate the law. The system guaranteed the vote in all elections, while the commission proposal was limited to federal elections. And, perhaps, most important, the Justice plan did not involve the President in civil rights matters directly. The plan's dependence on the department for initiation of complaints must also have pleased Justice officials concerned with gaining Republican support among newly enfranchised blacks.
The conflict between the registrar and referee proposals proved difficult for Congress to resolve and nearly killed the entire bill. Liberal Democrats fought hard for the creation of voting registrars and pointed to the fact that the same southern federal judges who had delayed implementation of the 1957 act would have sole power to appoint referees under the Justice Department's plan. Despite their objections, the House finally approved the referee plan with minor changes, along with the administration-commission proposals requiring local officials to hold voting records, giving the Attorney General power to subpoena them, and granting the U. S. authority to sue a state under the 1957 act. After House passage, administration forces and pro-civil rights Democrats again joined to force the Senate Judiciary Committee to report the bill to the Senate floor. In the Senate, the passage of the proposals was delayed by a southern filibuster which even Lyndon Johnson proved unable to break. But the delay was temporary. By April 21, both houses had passed identical forms of the bill, and in early May, 1960, Eisenhower signed the act into law.
The Justice Department moved immediately to use the new powers granted by the act. Before June 1, it had submitted five different requests for voting records in southern counties where blacks had charged discrimination. Through the rest of the year, these requests continued, supplying information used by the Kennedy administration for prosecutions.78 In June, the department requested an additional $100,000 in supplementary appropriations to employ six additional attorneys and three more clerks for the Civil Rights Division of the department. It also moved quickly to seek a court finding of a pattern of discrimination in Bienville Parish, Louisiana.79 The presidential nomination of Vice-President Nixon, long a close political associate of Rogers, stimulated the department into even more enthusiastic activity. In September, Justice filed two suits in Haywood County, Tennessee against persons harassing Negro voters. The department also presented a friend of the court brief in Gomillion v. Lightfoot, an NAACP attempt to invalidate an Alabama law which had excluded blacks from voting in elections in Tuskegee by changing the city's boundaries.80
By pressing voting rights so vigorously in an election year, Rogers undoubtedly hoped to gain black votes for the Republicans. Almost alone in the administration, the Attorney General remained committed to Brownell's plan for remaking the Republican coalition. But Rogers also understood that attention to strictly legal procedures would not impress black voters as it might have earlier. He sensed the significant changes which had occurred in the civil rights movement in the late 1950's. Positive court decisions no longer satisfied many blacks, who had seen school administrators ignore a Supreme Court decision hailed as a landmark. Strong voting rights law did not placate them either, for they knew that southern judges could delay enforcement of the statutes. Since 1955, the new leaders who had appeared advocated direct action outside normal legal channels. The success of the Montgomery bus boycott had elevated Martin Luther King and Ralph Abernathy to positions of prominence in the black community. Their organization, the Southern Christian Leadership Conference, was rapidly becoming a strong, well-organized, politically effective protest group. James Farmer, head of the Congress of
Racial Equality, was gaining similar attention as an advisor of southern black students determined to end exclusion from lunch counters in the South. The NAACP still played a significant role in the civil rights movement. Many of the student sit-in leaders were members of the local NAACP's in their community. But they had planned the demonstrations without prior approval from the national board and operated with little regard for NAACP wishes. The NAACP now shared its influence with others, and even the new leaders had difficulty keeping pace with the desire for direct action among increasingly militant black southern youths.

Rogers tried to respond to this new spirit. In the spring of 1960, he talked with executives of leading dime store chains to urge lunch counter desegregation. He also approved a Justice Department suit designed to open the federally-aided beaches of Biloxi, Mississippi to blacks for the first time. In October, 1960, when officials jailed King during a sit-in at Atlanta, Georgia, Rogers approved the draft of a presidential statement urging his release. Such presidential concern about King, he hoped, would convince black voters that the administration was
concerned about their welfare. But the White House refused to issue the statement, and Nixon also failed to indicate publicly his concern for King's safety. The administration's silence contrasted vividly with John Kennedy's intervention in the case and helped destroy Rogers' attempt to increase the Republican share of the black vote. Despite the Attorney General's efforts, Nixon received a smaller percentage of Negro support in 1960 than Eisenhower had in 1956.

Rogers' failure was not surprising. Throughout the Eisenhower presidency, he and Brownell had stood virtually alone as advocates of efforts to increase the Republican share of the black vote. When Brownell proposed voting rights legislation in 1956, most high officials, including the President, had been hostile to the idea. After the 1956 election proved the potential value of the southern black vote to the Republicans, Brownell secured White House support for his proposals, but the President's lack of deep commitment to voting rights reform enabled southern forces to weaken the law significantly. In 1960, Rogers finally gained increased powers needed to prosecute the 1957 act more effectively, but the White House was
unprepared to move further still to court the southern
black vote by meeting new demands perceived by the Attorney
General.

As in the school segregation area, the Justice
Department was chiefly responsible for the administration's
voting rights policy. Guided by the promise of the politi-
cal value of the black vote, especially in the South,
Brownell and Rogers secured significant change in the
administration's attitudes toward voting rights law. By
1957, thanks to Justice Department leadership, the White
House and Congress had shown their concern for the ques-
tion of black voting rights for the first time since
Reconstruction. By 1960, Justice Department efforts had
set a precedent for federal involvement in southern
electoral affairs to a degree not seen since the 1870's.
As in school desegregation, however, the changes came too
late to have significant effect during Eisenhower's presi-
dency. The number of registered southern Negroes increased
insignificantly during the period 1952-1960—from 20% of
those eligible to 28%.\textsuperscript{84} To its successors, the adminis-
tration left the problem of securing the vote for southern
blacks who were beginning to believe that legal and
governmental channels could never ensure the degree of political participation they sought in American life.

Although the Justice Department was able to secure only limited action in both school desegregation and voting rights areas, it is unlikely that any change would have occurred without Justice pressures. Presidential attitudes toward desegregation of Washington and the armed forces and toward federal housing and hiring policies showed Eisenhower's disinclination to work for significant reform of government civil rights policies. But because Eisenhower's belief that departments should make their own policy with minimum White House interference proved stronger than his instinctive aversion toward dependence on federal action to solve civil rights problems, the Justice Department succeeded in obtaining the changes it wished.

As the only Chief Executive since Calvin Coolidge with a narrowly conceived view of the President's role in government, Eisenhower must bear the responsibility for permitting many discriminatory government practices to continue. His refusal to force government agencies to change unfair policies proved bitterly discouraging to
black leaders who had worked long for change and had grown accustomed to White House aid. But if Eisenhower receives blame for allowing agencies to practice discrimina-
tion, he deserves credit for letting the Justice Depart-
ment institute the greatest departure in the government's legal policy toward blacks since Reconstruction.

Eisenhower's attitudes about presidential leadership had stalled black progress in the housing and federal hiring areas and had ensured that desegregation of the armed forces and Washington would have limited effects. But the same belief in a weak Chief Executive made possible voting rights and school desegregation actions unprece-
dented in American history.
Footnotes to Chapter VI


7 *Crisis*, January, 1956, p. 34.


13 Public Papers of the President, 1956, pp. 273-279.

14 Adams, Firsthand Report, p. 337.


35 Public Papers of the President, 1957, p. 573.

36 Public Papers of the President, 1957, p. 587.


38 Public Papers of the President, 1957, p. 521.


40 Public Papers of the President, 1957, pp. 547, 555-556.


42 Letter from Val Washington to Dwight D. Eisenhower, July 18, 1957, Civil Rights Bill file, Staff files (Administrative Officer-Special Projects), Dwight D. Eisenhower Library, Abilene, Kansas.


46 Congressional Quarterly, Revolution in Civil Rights, pp. 145-146.

47 Letter from Ralph Bunche to Maxwell Rabb, August 5, 1957, File #2-B: Civil Rights-Civil Liberties (10) file, Central Files, General File, Dwight D. Eisenhower Library, Abilene, Kansas.


49 Public Papers of the President, 1957, p. 589.


52 Letter from William Rogers to Joseph W. Martin, Jr., August 9, 1957, Civil Rights Bill file, Staff files (Administrative Officer-Special Projects), Dwight D. Eisenhower Library, Abilene, Kansas.

53 Congressional Quarterly, Revolution in Civil Rights, p. 41.


60. U. S., Congress, House, Appropriations Committee, Departments of State and Justice, the judiciary, and related agencies appropriations for 1961, *Hearings*, Department of Justice, 86th Cong., 2nd sess., p. 188.


73 Congressional Quarterly, *Revolution in Civil Rights*, p. 44.


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