Changing Patterns

IN THE NEW SOUTH

A unique record of the growth of democracy in the South in the last decade, from the pages of the Southern Regional Council's publication NEW SOUTH.

50¢

Foreword

Since the first issue of *New South* was published by the Southern Regional Council in January 1946, the pattern of race relations in the South has changed with phenomenal rapidity. Nine years ago, Negroes were for the first time casting their ballots in the erstwhile white primaries; there were no elected Negro office-holders in the South; the Ku Klux Klan showed formidable signs of reviving; lynching appeared to be on the increase amid post-war tensions; the Armed Forces were still segregated; white and Negro passengers were rigidly separated on interstate railway coaches and dining cars; no Negro students attended any Southern state university, and inequalities in the dual school system were just beginning to be seriously challenged.

The profound changes in these and other areas of public life are detailed in this collection of articles from *New South*. No volume of this size could be all-inclusive. But the 42 selections included afford an overall view of the main trends of the last decade. The basic theme that emerges is inescapable: that the South is moving—not always smoothly, but with seeming inevitability—toward an increasingly integrated society. The Supreme Court decision of May 17, 1954, against segregation in the public schools was simply the most far-reaching in a long chain of developments.

This collection also shows clearly that many of the gains in principle and public policy have yet to be achieved in everyday practice. The attainment of a broader democracy is now particularly the task of local officials, the churches, civic and labor groups, service clubs—in short, all individuals and citizen groups active in community life.

Changing Patterns in the New South is designed to help in this ongoing effort. It was inspired by two considerations. First, there were the interest and recognition that have been accorded *New South* in its nine years of publication by those who have wanted responsible facts and interpretation of the Southern scene. Secondly, there was the evident need for a single publication of this kind as an aid to both study and action.

John Constable

The date at the beginning of each article is that of the issue of *New South* in which it first appeared. Many of the selections have been condensed for reasons of space.

In the case of the several editorials and feature articles originally reprinted from Southern newspapers, appropriate credit is given in the text. However, grateful acknowledgement is made here to their authors and to the Asheville *Citizen,* the Atlanta *Constitution,* and the Winston-Salem *Journal and Sentinel.*

Several of the selected articles were originally adapted from speeches. Appreciation for the following articles is extended to the authors and to the groups addressed: "Literacy and the Free Mind," by Marion A. Wright, before the Lanier Society of Tryon, N. C.; "Why an Anti-Segregation Suit?" by Benjamin E. Mays, before the Hungry Club of Atlanta; "The Impending Crisis of the South," by Guy B. Johnson, at Tuskegee Institute's 1953 Founder's Day observance; "A Legal View of Segregation Plans," by John T. Fey, before the School Law Conference at Duke University; "Not Walls, but Bridges," by J. M. Dabbs, before the New Orleans Committee on Race Relations.

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The historic Durham Statement by Negro Southerners, 1942

The Negro in the Mid-War South

Reprinted, December 1952

THE war has sharpened the issue of Negro-white relations in the United States, and particularly in the South. A result has been increased racial tensions, fears, and aggressions, and an opening up of the basic questions of racial segregation and discrimination, Negro minority rights, and democratic freedom, as they apply practically in Negro-white relations in the South. These issues are acute and threaten to become even more serious as they increasingly block, through the deeper fears aroused, common sense consideration for even elementary improvements in Negro status, and the welfare of the country as a whole. . . .

POLITICAL AND CIVIL RIGHTS

We regard the ballot as a safeguard of democracy. Any discrimination against citizens in the exercise of the voting privilege, on account of race or poverty, is detrimental to the freedom of these citizens and to the integrity of the state. We therefore record ourselves as urging now:

a. The abolition of the poll tax as a prerequisite to voting.

b. The abolition of the white primary.

c. The abolition of all forms of discriminatory practices, evasions of the law, and intimidations of citizens seeking to exercise their right of franchise.

Exclusion of Negroes from jury service because of race has been repeatedly declared unconstitutional. This practice, we believe, can and should be discontinued now.

Civil rights include personal security against abuses of police power by white officers of the law. These abuses, which include wanton killings, and almost routine beatings of Negroes, whether they be guilty or innocent of an offense, should be stopped now, not only out of regard for the safety of Negroes, but out of common respect for the dignity and fundamental purpose of the law. It is the opinion of this group that the employment of Negro police will enlist the full support of Negro citizens in control of lawless elements of their own group.

Although there has been, over the year, a decline in lynchings, the practice is still current in some areas of the South, and substantially, even if indirectly, defended by resistance to Federal legislation designed to discourage the practice. We ask that the states discourage this fascistic expression by effective enforcement of present or of new laws against this crime by apprehending and punishing parties participating in this lawlessness. If the states are unable, or unwilling to do this, we urge the support of all American citizens who believe in law and order in securing Federal legislation against lynching.

The interests and securities of Negroes are involved directly in many programs

of social planning and administration. . . . We urge the use of qualified Negroes on these boards, both as a means of intelligent representation and a realistic aid to the functioning of these bodies.

INDUSTRY AND LABOR

Continuing opposition to the employment of Negroes in certain industries appears to proceed from (1) the outdated notions of an economy of scarcity, inherited from an industrial age when participation in the productive enterprises was a highly competitive privilege; (2) the effects of enemy propaganda designed to immobilize a large number of potentially productive workers in the American war effort; (3) the age-old prejudices from an era when the economic system required a labor surplus which competed bitterly within its own ranks for the privilege of work.

Our collective judgment regarding industrial opportunities for Negroes may be summarized as follows:

The only tenable basis of economic survival and development for Negroes is inclusion in unskilled, semi-skilled, and skilled branches of work in the industries or occupations of the region to the extent that they are equally capable. . . .

There should be the same pay for the same work.

Negro workers should seek opportunities for collective bargaining and security through membership in labor organizations. . . . We deplore the practice of those labor unions which bar Negroes from membership, or otherwise discriminate against them, since such unions are working against the best interest of the labor movement. . . .

EDUCATION

Basic to improvement in Negro education is better schools, which involves expenditures by states of considerably more funds for the Negro schools. This group believes that a minimum requirement now is (a) equalization of salaries of white and Negro teachers on the basis of equal preparation and experience; (b) an expanded school building program for Negro schools designed to overcome the present racial disparity in physical facilities; this program to begin as soon as building materials are available; (c) revision of the school program in terms of the social setting, vocational needs, and marginal cultural characteristics of the Negro children; and (d) the same length of school term for all children in local communities. . . .

The education of Negroes in the South has reached the point at which there is increased demand for graduate and professional training. This group believes that this training should be made available equally for white and Negro eligible students in terms defined by the United States Supreme Court in the decision on the cases of *Gaines* versus *the University of Missouri.*

Where it is established that states cannot sustain the added cost of equalization, Federal funds should be made available to overcome the differentials between white and Negro facilities and between Southern and national standards.

It is the belief of this group that the special problems of Negro education make demands for intelligent and sympathetic representation of these problems on school boards by qualified persons of the Negro race.

AGRICULTURE

We suggest the following measures as means of increasing the production of the area, raising the status and spirits of Negro farmers, and of improving the region's contribution to the total war effort:

1. Establishment of sufficient safeguards in the system of tenancy to promote the development of land and home ownership and more security on the land, by: (a) written contracts; (b) longer lease terms; (c) higher farm wages for day laborers; (d) balanced farm programs, including food and feed crops for present tenants and day laborers.

2. Adequate Federal assistance to Negro farmers should be provided on an equitable basis.

3. The equitable distribution of funds for teaching agriculture in the Negro land grant colleges to provide agricultural research and experimentation for Negro farmers.

4. The appointment of qualified Negroes to governmental planning and policy making bodies concerned with the common farmer, and the membership of Negro farmers in general farmers' organizations and economic cooperatives.

MILITARY SERVICE

We recognize and welcome the obligation of every citizen to share in the military defense of the nation and we seek, along with the privilege of offering our lives, the opportunity of other citizens of full participation in all branches of the military service, and of advancement in responsibility and rank according to ability.

Negro soldiers, in line of military duty and in training in the South, encounter particularly acute racial problems in transportation and in recreation and leave areas. They are frequently mistreated by the police. We regard these problems as unnecessary and destructive to morale. . . .

SOCIAL WELFARE AND HEALTH

This group believes that minimum health measures for Negroes would include the following:

a. Mandatory provision that a proportion of the facilities in all public hospitals be available for Negro patients;

b. That Negro doctors be either included on the staff for services to Negro patients, according to their special qualifications, or permitted as practitioners the same privilege and courtesy as other practitioners in the public hospitals;

c. That Negro public health nurses and social workers be more extensively used in both public and private organizations.

We advocate the extension of slum clearance and erection of low-cost housing as a general as well as special group advantage. The Federal government has set an excellent precedent here with results that offer much promise for the future. . . .

The effect of the war has been to make the Negro, in a sense, the symbol and protagonist of every other minority in America and in the world at large. Local issues in the South, while admittedly holding many practical difficulties, must be met wisely and courageously if this Nation is to become a significant political entity in a new international world.

Southern Negro educators
hail the Supreme Court decision

"Justice and Equality for All"

November 1954

WE, a group of Negro educators, representing fourteen Southern States and the District of Columbia, have assembled here in Hot Springs, Arkansas, to express our collective point of view with respect to the Supreme Court's decision, May 17, 1954, declaring segregation in the public schools unconstitutional. We believe that by virtue of the position which we occupy in American life, we are obligated to express our views.

We welcome the decision and look upon it as another milestone in the nation's quest for a democratic way of life and in the Negro's long struggle to become a first class citizen.

The Supreme Court's decision is a part of an evolutionary process which has been going on in the South and in the Nation for a long time. The decision was not a sudden leap out of the American tradition. It was the right and moral thing to do. Moreover, it was a next logical and inevitable step in the context of our democratic development. The movement toward full democracy has resulted in the abolition of segregation in interstate travel, equalization of teachers' salaries in most areas in the South, the matriculation of Negroes in Southern universities, and the integration of Negroes and whites in all of the armed forces.

We hail the decision again because it dramatically distinguishes our way of life in a democracy from that in such totalitarian countries as Nazi Germany and Communist Russia. Here in the United States great social wrongs can be and are righted without bloodshed and without revolutionary means . . . because we have a Constitution which guarantees equality and justice to all and a body of citizens who are committed to the ideal of human brotherhood.

The Constitution is our sovereign authority. To evade or discredit it is to destroy our government. Negro Americans have never given way to despair nor have they sought relief from injustices by following after the false promises of Communism. Their past accomplishments and their planned hopes for the future lie in the American ideal—"justice and equality for all." We take pride in the fact that every individual and organizational effort we have made to achieve complete citizenship rights in American life has been within the legal framework of the Federal Constitution. The preamble of the Constitution and the ideals and principles of Negro citizenship have been identical. We have never had to apologize for unwillingness or inability to adopt or support its principles.

The Supreme Court was not dealing solely with a local issue or with the issue of whether Negro and white children should attend the same public school. World leadership has been thrust upon the United States. It became America's responsibility before and after World War II not only to fight against racism and aggres-

sion, but to defend democracy in the free world. America's leadership in the world and not alone the citizenship of fifteen million Negroes was at stake. The Nation cannot consistently stand as leader of the democratic forces of the world and harbor the undemocratic practice of racial segregation at home.

Southern people have accepted previous decisions of the Supreme Court and the social changes resulting therefrom, such decisions as the abolition of the white primary, and the admission of Negroes to white universities. We believe that the South will likewise accept the decision of May 17. We gladly note that integration in public schools involving both students and teachers is already working well in some schools in the South. We are heartened by the expressions of the Southern Press speaking favorably of the decision, and by the fact that several church bodies and a number of church men and women in the South are on record as approving it.

Even before the Supreme Court handed down this decision, some Southern educational institutions, Protestant and Catholic, public and private, had opened their doors to Negroes. It is our hope that all of the colleges and universities of the South, Negro and white, will immediately implement the spirit of the Court's decision by accepting, irrespective of race, all qualified students who seek admission.

It is most unfortunate that preoccupation with the co-educational implication of the decision has obscured the question of the quality of education for all children. In two-thirds of the United States, co-education of the races has been going on for many decades with no untoward effect. There need be no ill effect in the South.

The effort on the part of some leaders and some school officials to intimidate Negro teachers and other citizens under threat of loss of jobs if they express approval of the Court's decision and if segregation is not maintained is short-sighted, vindictive, and contrary to the fundamental sense of fair play of the American people.

Negro educators should not and cannot afford to be a party to any plan designed to nullify the Court's decision. To do this would be tantamount to sharing in a plan to destroy the very fabric of our Constitutional Government. We regret that some public officials have sought to persuade Negro educators and other leaders to evade the decision by agreeing to voluntary segregation. This cannot be decently done; and such persons who agree to this will not be respected even by the officials seeking such commitment or compromise of principle.

Good statesmanship in a democracy requires that all segments of the population participate in the implementation of the Court's decision, which is of common concern. The idea is still too prevalent that the issues involved can be resolved without Negro participation. Some public officials speak as if only white Americans are involved. We are all, Negro and white, deeply and equally involved. Many Negroes can contribute sound, intelligent, and statesmanlike techniques for the handling of the inevitable issues. Negroes are able and willing to serve on boards of education, on other policy-making bodies, and in administrative capacities throughout the South. They are anxious to share the responsibilities which in too many instances have been monopolized by one segment of the population.

We urge that immediate steps be taken to implement the decision. We are aware of the fact that it will be more difficult in some places than in others and that the time span of implementation may vary. However, there should be the cooperative effort in every community to plan on the local level the implementation of the decision. But the planning should be done in good faith and with an honest desire to implement the decision rather than scheming to circumvent it.

The action of adults who incite students to riot or encourage them to demonstrate in opposition to unsegregated schools is to be strongly condemned. Negro and white children have played together in the South for decades upon decades. They have no innate antipathy toward each other.

The Court's decision makes possible a single school system with the opportunity for the people in the region to marshal their educational resources and to develop a philosophy that brings to education generally a new perspective, and to the nation a new spirit. This cannot be done in a dual system of education. Let it be clearly understood that we are not pleading for Negroes alone. We are concerned about the best education that can be made available to every child in the South. In our concern for equal and improved educational opportunities for every Southern child, we do not overlook the strenuous economic effort required. We are aware of the South's responsibility for providing funds needed to raise the level of educational opportunity for every Southern child. We, therefore, strongly endorse and support federal aid to education in order that the per capita expenditure in the South may be brought up to a high national average.

We want the white child to have the best and we want the Negro child to have the best. It is the opinion of the Supreme Court that there cannot be equality of educational opportunity for the Negro child in a segregated system. Moreover, it is the opinion of the social scientists that it is not possible for the white child to receive the best education in a segregated system.

Ours is a common democracy in which the weakest and the strongest, the most privileged and the most disadvantaged, the descendants of every race and every nation can share and happily boast that we are proud to be Americans. Children educated from the beginning in such a system will insure for us all a future of which we can be as proud as of the abolition of slavery and child labor, woman suffrage, equal educational opportunities for women, and the institution of the public schools themselves.

Time will prove that our fears have no foundation in fact just as has been proved by the implementation of previous Court decisions. Segregation breeds fear; and when the barriers of segregation are at last removed from American life, we will wonder why we feared at all. We, therefore, call upon the people of the South and the Nation to strive with good will and honest intent to implement the Court's decision. It is our firm and unanimous belief that the implementation of the decision will strengthen the South and the Nation morally, economically, and spiritually. We as Negro citizens stand ready to cooperate wholeheartedly in the progressive fulfillment of these democratic objectives.

Can the white South come to feel with the disfranchised?

The White Primary vs. Democracy

By Ira DeA. Reid

January 1946

THE United Council of Church Women recently in session at Washington, D. C., voiced the opinion that "a free vote" must be guaranteed all citizens of the United States. The United Council is composed of 1200 organizations of church women scattered throughout the United States. Their action strengthens the hands of Southern people and organizations that have pressed so hard in Texas, Arkansas, Georgia and other states in behalf of a franchise freed from a poll tax and rid of a primary based on race and exploitation of the many by the few.

However, it is disconcerting, to say the least, to have Georgia's State Department of Justice offer the full weight of its resources and prestige to the president of the Georgia Bar Association in his capacity as counsel for the defendant in an appeal from Judge T. Hoyt Davis' decision in the recent *King.* vs. *Muscogee County Democratic Party*. In this decision Judge Davis upheld the right of Negroes to vote in the Georgia primary and awarded damages to Mr. King. We consider the state's offer of aid disconcerting, because it indicates how desperately the old system is seeking to maintain itself.

The situation we face poses an even greater problem for the region—the desperate need for Democracy in the South to improve and refine itself. What we have long sought in this nation is a doctrine of guarantees. We have looked to constitutional procedures; we have placed faith in enacted lists of principles, like the Bill of Rights. But there must be more. The crucial problem of politics in the South is not facts and knowledge; it is feeling. Can we feel the feelings of those who are denied Democracy, and can we feel *for* them? The political scientists say yes—on three conditions: if they are close to us geographically; if they are present to us constantly; and above all, *if they matter*. The last, we fear, is the rub.

Yet this problem must be solved in so far as it concerns those things without which a breakdown of domestic Democracy must occur. What persuasion can make the ruling South care about the others, and so learn about the others sufficiently to care about them? Is there a principle upon which such persuasion can be founded? Is there an idea to induce at once a temper of continuous readiness to listen and be influenced? Must the South continue to be politically afraid, inept and unjust?

A dark outlook for those who would bar Negroes from the polls

Courts Define the Right to Vote

February 1949

IT is a common myth that the Constitution of the United States exists as an absolute yardstick by which the legality of state laws and practices can be measured. Nothing could be farther from the truth. The Constitution, like all great human documents, exists in its interpretation. At times, that interpretation has been narrow and literal; at other times, broad and discerning. Much depends on the make-up of the Supreme Court, whose decision at any given time is final. Perhaps more depends on our attitude as a people toward human freedom and its guarantees. Only so long as the Constitution continues to be re-interpreted and adapted to changing needs will it remain a living document.

Nothing illustrates this flexibility of our Constitution better than decisions of the Federal courts in recent years in cases involving Negro suffrage. The shift has been away from "legalism" and its concern with words, and toward humanism and its concern with people. The past eight years, in particular, have seen increasingly subtle attempts to evade the Fourteenth and Fifteenth Amendments and increasingly stout refusals by the Supreme Court to tolerate evasions.

"The primary in Louisiana is an integral part of the procedure for the popular choice of Congressmen. The right of qualified voters to vote at the Congressional primary in Louisiana and to have their ballots counted is thus the right to participate in that choice."

These words of the U. S. Supreme Court, written in May 1941, marked the beginning of the end for the "white primary" and, we may reasonably hope, for all other efforts to keep the Negro from voting by legislative means. This particular case—*United States* v. *Classic*—hardly seemed to promise so much; it dealt merely with a charge of fraud in a Louisiana primary election. But the principle it laid down has been the cornerstone for all succeeding court decisions prohibiting disfranchisement because of race. What it said, in plain language, was that in a one-party state no qualified citizen can be denied a right to cast his ballot in the primary election, since that is, in fact, the only meaningful election.

This principle as it applies to the white primary was spelled out clearly in the Texas case, *Smith* v. *Allwright,* in 1944. Smith, a Negro dentist, based his suit on the grounds that the Fifteenth Amendment forbade the state to abridge his right to vote in the primary on account of race. The defendants maintained that this argument was invalid, since it was not the state but the Democratic Party, a private organization, which excluded Negroes from voting.

In an eight-to-one decision, the Supreme Court declared: "The United States is a constitutional democracy. Its organic law grants to all citizens a right to participate in the choice of elected officials without restriction by any state

because of race. This grant to the people of opportunity for choice is not to be nullified by a state through casting its electoral process in a form which permits a private organization to practice racial discrimination in the election." The court further pointed out that, since the primary was governed by state laws, it was hypocrisy to claim that the primary was not a function of the state.

The Democratic Party of South Carolina, casting about for legal means to continue to deny Negroes the ballot, seized upon this last point as a way out. Suppose there were no state laws governing the conduct of the primary; then the state Democratic Party would be no more an agency of the state than any private club, and could exclude whomever it wished from membership.

Following this line of reasoning, South Carolina wiped from her statute books all laws affecting in any way the management of primary elections. This appeared to be a foolproof, if somewhat dangerous, solution. True, there could be no state laws to prevent fraud and other forms of dishonesty in the management of the elections. True, there could be no legal safeguards for any citizen's ballot. But evidently these were minor sacrifices, more than made up for by the advantages of an all-white electorate.

But this ingenious plan was not quite ingenious enough to survive the scrutiny of Federal District Judge J. Waties Waring, of Charleston, S. C. In his forceful decision in the case of *Elmore* v. *Rice,* handed down in April, 1947, Judge Waring enjoined officials of the state Democratic Party from "excluding qualified voters from enrollment and casting ballots by reason of their not being persons of the white race."

Judge Waring brushed aside the careful rationalizations offered in defense of the South Carolina white primary. He declared: "It was . . . suggested that the parties in South Carolina are substantially the same as private clubs; and that a private club has a right to choose its membership and the members to determine with whom they wish to associate. Of course that is true of any private club or private business or association, but private clubs and business organizations do not vote and elect a President of the United States, and the Senators and members of the House of Representatives of our national congress; and under the law of our land, all citizens are entitled to a voice in such elections."

Judge Waring added, in passing, "It is time for South Carolina to rejoin the Union. It is time to fall in step with the other states and to adopt the American way of conducting elections."

South Carolina did not "fall in step" immediately, however. The Democratic State Convention in May, 1948, adopted a new set of rules designed to continue discrimination against Negro voters in what was hoped would be a constitutional manner. The new rules prescribed a separate procedure for registering white and Negro citizens. They also required would-be voters to take an oath declaring themselves in favor of "separation of the races" and "States' Rights," and opposed to "the proposed Federal so-called F. E. P. C. law."

An injunction was promptly sought and as promptly granted in *Brown* v. *Baskin.* Waring was again the judge who heard the case, and this time he took the state Democratic officials severely to task.

"It is wondered," he declared, "why the State Convention did not require an oath that all parties enrolling or voting should elect them in perpetuity and with

satisfactory emoluments. The one-party system has reached its apex in this state where the right is claimed not only to segregate according to race, to prescribe different methods of gaining the right to vote, to forbid participation in the organization for government of the party, but to prescribe mental tests and set up a code of thought which, far from being a bill of rights, might rather be called a bill of persecutions."

Thus the efforts of one state to circumvent *Smith* v. *Allwright* received a complete and shattering defeat. But, while South Carolina had been pursuing her particular course, Alabama had chosen another more devious path around the Texas decision.

In a general election on November 7, 1946, an amendment to the Alabama constitution was adopted calling for an additional qualification for registration. The Boswell Amendment, as it was popularly known, required that to be qualified as an elector a person must be able not only to "read and write" but also to "understand and explain" any article of the U. S. Constitution. Under Alabama law, this qualification had to be demonstrated to "the reasonable satisfaction of the board of registrars."

The Boswell Amendment was duly challenged in the Federal District Court by ten Negro citizens of Mobile County. The decision rendered by a three-judge tribunal—all Southerners—less than two months ago adds another important chapter to the history of litigation in this field.

The judges ruled that the Boswell Amendment was unconstitutional since it violated the Fifteenth Amendment. In reaching this decision, the court considered three aspects of the Boswell Amendment—its technical legality, the apparent intent behind it, and its practical effects. It is rewarding to see how the Amendment was discredited on all three counts.

First of all, the court held, the term "understand and explain" is ambiguous and provides no reasonable standard for judging a citizen's qualification to vote.

"To state it plainly," declares the decision, "the sole test is: Has the applicant by oral examination or otherwise understood and explained the Constitution to the satisfaction of the particular board? To state it more plainly, the board has a right to reject one applicant and accept another, depending solely upon whether it likes or dislikes the understanding and explanation offered. To state it even more plainly, the board, by the use of the words 'understand and explain,' is given the arbitrary power to accept or reject any prospective elector."

Pointing out that "the distinguished Justices of the Supreme Court of the United States have frequently disagreed in their interpretations of various articles of the Constitution," the decision continues: "The members of these boards [of registrars] are not required to be lawyers or learned in the law, and it is fair to assume that many members of these boards do not have a good or correct understanding of the various articles of the Constitution, and that they might not be able to give any explanation of many of them."

The decision expresses no doubt that the intent of this Amendment to the Alabama Constitution was to deprive Negroes of the franchise; that "the ambiguity inherent in the phrase 'understand and explain' cannot be resolved, but, on the contrary, was purposeful and used with a view of meeting the decision of the Supreme Court of the United States in *Smith* v. *Allwright*."

The court took judicial notice of the fact that the State Democratic Executive Committee spent its funds and led the fight to secure adoption of the Boswell Amendment, for the avowed purpose of making "the Democratic Party in Alabama the 'WHITE MAN'S PARTY.' " Also introduced in evidence was an article written by a prominent Alabama lawyer and published in the official organ of the State Bar. The lawyer, who supported the Boswell Amendment, wrote this memorable statement: "I earnestly favor a law that will make it impossible for a Negro to qualify, if that is possible. If it is impossible, then I favor a law, more especially a constitutional provision, that will come as near as possible, making possible, the impossible."

The final damning feature of the Amendment was the manner in which it was administered. The evidence showed that, while the Amendment had been used to disqualify many Negro applicants for registration, there was no record of its ever having been used to disqualify a single white applicant. And although Negroes made up 36 per cent of the population of Mobile County, the registration lists showed only 104 Negroes out of a total of 3,000 registered voters.

In answer to this overwhelming evidence, the defendants maintained that the Boswell Amendment was not "racist in its origin, purpose, or effect." How could the Amendment be discriminatory when it did not even mention race?

The court replied: "While it is true that there is no mention of race or color in the Boswell Amendment, this does not save it . . . We cannot ignore the impact of the Boswell Amendment upon Negro citizens because it avoids mention of race or color; 'to do this would be to shut our eyes to what all others than we can see and understand.' "

The proponents of continuing efforts to keep Negroes from voting are living proof of the adage that hope springs eternal in the human breast. They continue to hope that they will find the magic combination of ambiguous wording, legalisms, and technicalities which will allow them to "make possible the impossible." They seize eagerly upon the phrases of each succeeding court decision, hoping to find in them the key to a new era of disfranchisement. But they have been singularly blind to the real implications of recent court decisions in this field. Witness the following:

"The Fifteenth Amendment nullifies *sophisticated as well as simple-minded* modes of discrimination." (*Lane* v. *Wilson*)

"Constitutional rights would be of little value *if they could thus be indirectly denied.*" (*Smith* v. *Allwright*)

"Racial distinctions *cannot exist* in the machinery that selects the officers and lawmakers of the United States . . ." (*Elmore* v. *Rice*)

"It is important that once and for all, the members of this party be made to understand . . . that they will be required to obey and carry out the orders of this court, *not only in the technical respects but in the true spirit and meaning of the same.*" (*Brown* v. *Baskin*)

The significance is clear for those who wish to see it. Our courts are no longer satisfied to judge contested laws by their literal meaning; they are equally interested in what a law is really supposed to do and what it actually does. The outlook is dark for those who would deprive citizens of their right to vote by shrewd juggling of language.

Voter apathy and official evasion are continuing problems

Race and Suffrage Today

January 1953

"IN any future history of suffrage in the South, the decade of the 1940's will probably be known as the time of an awakening among Negroes and of a change of attitude by many whites toward Negro participation in this phase of government." So began *Race and Suffrage Since 1940,* a study prepared for the Southern Regional Council in 1948 by the late Dr. Luther P. Jackson

The claim seems an understatement from the vantage point of today. Faced with the tedious and long-range task of achieving full enfranchisement in every part of the region, we can see even more clearly how far and how fast Negro suffrage advanced in the Forties. In 1940, Southern Negroes who had got past the barriers of poll taxes, qualification tests, and unfriendly election officials numbered about 250,000—and most of these had been able to vote only in meaningless general elections. Then, as now, the all-important decisions in the one-party South were made in the Democratic primaries. For practical purposes, the Negro was completely disfranchised.

There was nothing new about this dismal state of affairs; it had existed for a generation. But the complacency with which Negroes had once accepted it was rapidly giving way in 1940 to a new determination. The onset of World War II with its emphasis on democratic values lent added force to the demand for full citizenship, and also did much to prepare the white South for the impending change.

The great achievement which followed was a triumph, in law, for a free ballot unhampered by racial restrictions. As a result, Negro registration in the Southern states climbed to more than a million, bringing in its wake substantial gains in public facilities and an improved political climate in many urban areas.

But those who rejoiced in the early victories have been sobered by the vexing problems which have persisted. There are still broad stretches of the South where Negroes can vote only with great difficulty, or not at all. And, even where the right to vote is secure, ignorance and apathy—those age-old enemies of popular government—seriously impede the Negro's civic progress.

The following discriminatory tactics, cited by Dr. Jackson, are still to be found in parts of the South:

(1) Requiring Negro applicants to produce one or more white character witnesses.

(2) Applying severe property qualifications and requiring only Negro applicants to show property-tax receipts.

(3) Strictly enforcing literacy tests against Negro applicants.

(4) Putting unreasonable questions on the Constitution to Negro applicants.

(5) Basing rejection of Negro applicants on alleged technical mistakes in filling out registration blanks.

(6) Requiring Negro applicants to fill out their own blanks, while those of whites are filled out for them by the officials.

(7) Requiring Negro applicants to suffer long waiting periods before the officials attend them.

(8) Evasion—informing Negro applicants that registration cards have run out, that all members of the registration board are not present, that it is closing time, or that the applicant "will be notified in due course."

(9) Deliberate insults or threats by officials or hangers-on.

For many years, the poll tax was popularly regarded as the supreme method of restricting Negro suffrage. This notoriety was not wholly deserved for, though the poll tax does have racial significance, its discriminatory value has never approached that of the "white primary" and biased registration practices. It should be remembered that the poll tax was maintained in the Southern states throughout the years when there was little prospect of mass Negro voting. Its effect then was to restrict the existing electorate by imposing a heavy burden on low-income whites who might wish to vote.

By the time the Negro won the right to vote in the primary, rising incomes and the declining value of the dollar had made the poll tax less of an economic hardship. True, in Alabama where the tax is cumulative, a middle-aged new voter of either race might be faced with a bill for $36.00—a formidable barrier indeed for many. But more important in terms of discrimination are the red-tape the poll tax imposes and the opportunities it gives biased officials to discourage or disqualify Negroes.

Today, only six Southern states cling to the poll tax in one form or another, and of these, Tennessee has limited the requirement almost to the vanishing point.* In the other poll-tax states—Alabama, Arkansas, Mississippi, Texas, and Virginia—there is strong public sentiment favoring repeal, but so far it has not found effective expression.

If the 1940's are to be remembered as the decade of legal enfranchisement, it is to be hoped that the 1950's may be a decade of citizenship fully realized. There are still a few lingering examples of voting discrimination practiced under cover of law, but the main problems today must be solved in the community rather than the courts. It is well-nigh impossible to find legal remedies for petty evasions, delays, and "errors" of courthouse officials; for disapproving frowns and veiled threats; for routine, but highly selective, purges of registration lists.

This "cold war" of the ballot is now found chiefly in the old plantation areas or "black belt" of the South where Negroes make up a large part of the population. There, a quasi-feudal economy still hangs on. Most Negroes are tenant farmers or hired laborers whose landlords and employers do not look kindly on their voting. Moreover, the Negro who undertakes to qualify and cast his ballot usually must brave the organized resistance of the whole community. He can

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**Editor's note: Later in 1953 Tennessee abolished the poll tax by constitutional amendment and Alabama limited back payment to $3.00.*

seldom rely on law enforcement officers and other public officials to support him in his effort to assert his rights.

Shifts in population and agriculture and farm ownership are moving the South steadily away from these outmoded conditions toward a more modern society. As more and more Negroes emerge from dependency to self-sufficiency, from farm tenancy to economic independence, from poverty to basic well-being, obstacles to the ballot prove less formidable. Meanwhile, however, discrimination in rural areas continues to be the most serious voting problem in the region.

By contrast, widespread opposition to Negro registration and voting has all but disappeared in the larger Southern cities. Even six years ago, Dr. Jackson found that, in such metropolitan centers as Atlanta, Memphis, Jacksonville, and New Orleans, Negroes "may qualify with as much ease as they may in any Northern city." Further evidence is afforded by the election of Negro candidates to local offices in Southern cities within recent years.

But this admirable state of affairs has not meant in every case the normal integration of Negroes into public life that might have been expected. Again, Dr. Jackson sized up the problem, then just emerging:

In parts of the South, he wrote, "the act of a candidate seeking the support of qualified Negro voters is a common occurrence. Like white citizens, Negroes receive letters from candidates, are visited at their homes, and are addressed in public assemblies. Under these circumstances, a bargaining situation is created whereby Negroes might gain benefits for themselves if they only realized it. Schools, parks, playgrounds, and other facilities might well be the result of this new awareness of the Negro ballot. But office seekers are frequently disappointed to find so few colored persons qualified to participate in a forthcoming election. . . . It is not always the barriers to voting which disqualify the colored people, but sometimes the absence of a voting consciousness among them."

This problem has, if anything, grown more pronounced in the past few years. Far from becoming a mass threat to white political control, as the demagogues warned, Southern Negroes have not voted in sufficient numbers to assure themselves of impartial treatment. Hence, it is still possible for unscrupulous politicians to use race prejudice as a campaign weapon, even in some areas where Negroes can vote without hindrance. In such cases, the candidate who has decent attitudes on race, and would welcome the support of Negro voters, faces a difficult situation. He is caught between the race-baiting of his opponent and the lack of substantial Negro support at the polls. All this has the unwelcome effect of causing office seekers to conceal or repudiate their enlightened racial views.

Oddly enough, the proportionately small size of the Negro electorate has lent plausibility to the "bloc vote" charge so dear to the hearts of the race-baiters. As every informed person knows, members of any group will vote as a bloc whenever they are singled out for special attack. Negroes are no exception. When they vote solidly against a candidate it is because he has abused their race and opposed their legitimate aspirations. When race is not an issue in a campaign, their votes are distributed about the same as those of white voters.

But the politician who hopes to benefit from race prejudice finds it useful to cry out against "bloc voting." He knows that by doing so he will incur the

opposition of almost every Negro voter, but he counts on gaining more votes than he will lose. Too often, that is the outcome. Negroes do vote solidly against the prejudiced candidate, but in too small numbers to insure his defeat. Ironically, he then points to the election returns as proof of his "bloc vote" allegations.

Where does the Negro vote stand today? It is all but impossible to get exact figures for each state, since registration and election results are seldom recorded by race. The accompanying table, however, gives the Southern Regional Council's best estimates of Negro registration in 1952, as compared with Dr. Jackson's figures for 1947.

ESTIMATED NEGRO REGISTRATION IN 12 SOUTHERN STATES, 1947-1952

	Negroes Registered in 1947	Negroes Registered in 1952
Alabama	6,000	50,000
Arkansas	47,000	65,000
Florida	49,000	125,000
Georgia	125,000	145,000
Louisiana	10,000	100,000
Mississippi	5,000	20,000
North Carolina	75,000	100,000
Oklahoma	50,000	60,000
South Carolina	50,000	115,000
Tennessee	80,000	85,000
Texas	100,000	175,000
Virginia	48,000	70,000
TOTALS	645,000	1,110,000

Although the five-year increase is substantial for some states, the over-all gain is disappointing. It is particularly so when we consider that the 1947 registration was, in most cases, the fruits of a few months' intensive effort following the enfranchising court decisions. The slight advance made since that time under much more favorable conditions, appears puny by contrast.

To generalize for the whole region, registration among Negro citizens of voting age is only about half as widespread as among white citizens. Of the white citizens of voting age in that state in 1949, 39 per cent were registered; of Negro citizens of voting age, 16 per cent. It must be remembered, too, that registration is not an accurate measure of ballots actually cast. In many recent elections, the proportion of registered Negro voters who have turned out at the polls has been substantially below that of white voters, thus further widening the gap.

Negro organizations and community leaders are not unaware of these problems; in some states they are waging or planning registration and get-out-the-vote campaigns. But there is a pressing need for more such effort, carried on unremittingly in every part of the South.

Twenty years ago, the great roadblocks to Southern democracy were poverty and official denial of constitutional rights. Economic growth and sweeping court decisions have put us well on the way to surmounting both. The challenge now is to build a common citizenship which will make our state and local governments truly responsive to the wishes and needs of all the people. That can be achieved only by informed community action and the fullest and wisest use of the ballot.

Citizen action is the cure for lawlessness and official laxity

Pattern of Violence

March 1949

WHEN asked why he had disbanded the Ku Klux Klan, General Nathan Bedford Forrest said, "I was trying to suppress the outrages."

General Forrest and his fellow ex-Confederates had learned in 1868 a simple truth that in 1949 is still ignored in parts of the South. They had found that whenever individuals are permitted to take the law into their own hands—whatever their aims might be—unbridled lawlessness is the result.

The leaders of the early Klan conceived of it as a protection against what they considered the dangers of the "radicals," the scalawags," and the newly freed slaves. They soon found that they had created a monster they could not control. A secret membership, operating outside the law and in elaborate disguises, could not properly be called an organization. Instead, it was a deadly weapon which could be used by anyone and against anyone. It could be used for personal revenge and personal profit, for theft, for murder, and for the sheer love of violence. It was not even possible to limit its brutality to Negroes and "anti-Southern" whites. No one was safe.

General Forrest lived in a tragic time. It is perhaps understandable that he lost sight of the deep meaning of the Constitutional guarantee that no citizen shall "be deprived of life, liberty, or property, without undue process of law."

It is less understandable that today we are still having difficulty living up to this basic principle of our democracy. Recent instances of extra-legal violence and intimidation fall into an alarming pattern. They show a growing tendency on the part of irresponsible individuals and groups to set themselves up as judge, jury, and executioner. Frequently decent citizens are either too afraid or too indifferent to protest in the interest of justice. It is not uncommon for law enforcement officers to stand by helplessly—or sympathetically—while the law is mocked. In some cases, officers themselves are the chief offenders.

Most disturbing of all is the failure of some elected officials to take measures against lawlessness. A marked example was the tabling of a bill to unmask the Klan by the lower house of the Georgia legislature. In the debate, several legislators vigorously defended the hooded organization, one of them describing it as the upholder of "our way of life."

The Ku Klux Klan (or the "Association of Georgian Klans" as it now calls itself) is by no means directly responsible for all the acts of mob violence which occur. Its importance lies in the support it lends to a pattern of lawlessness. By its very nature the Klan is a denial of "due process" and an affront to our legal system. It stands as a reassuring symbol for all those who would escape responsibility for vicious activities.

The decline in the number of lynchings in recent years has been rightfully hailed as an important advance in the right of everyone to be secure in his person. But it should be remembered that a lynching is only an extreme example of a general lack of regard for the individual. The climate which produces lynchings is one of daily insult, intimidation, and the lesser forms of violence, directed against a whole segment of the population. The prevalence of such incidents shows that such a climate still exists—and that the gap between our ideals and our practices is still dangerously wide.

Some persons place the blame for the spread of mob psychology on the civil rights controversy in Congress and the nation during the past year. Violence, they say, is the logical result of efforts to "interfere" with Southern practices and institutions. As an explanation, this is doubtful. As an excuse, it is contemptible. Those who accept such reasoning have a low regard indeed for the character and citizenship of the Southern people. For what they suggest is that the people of the South are not capable of settling civic disputes in an orderly, democratic way—that Southerners will not support the law-making and law-enforcing machinery of our society.

Fortunately, there are better explanations.

Although differences of opinion continue, people respect the law when it is properly enforced. In much of the South, lawlessness is not winked at, but is punished swiftly and effectively. Atrocities are not condoned because they are committed in the name of "Southern tradition" or any other doctrine, however popular. Where this is not true, the failure is one of government: Legislators, and even governors, refuse to act; city and county officials enter into silent conspiracy with terroristic elements; sheriffs shrug off their responsibilities; policemen degrade the law they are sworn to enforce.

The remedies for this evil lies well within reach of public opinion. The majority must speak with a voice at least as loud as that of the anti-democratic minority. Useful examples have already been set in many places throughout the South. For instance, heightened Klan activity in the deep South has prompted many responsible citizens to speak out strongly in protest. An increasing number of church women, civic clubs, ministers, and newspapers have condemned the Klan and its principles and have called for local ordinances to curb it. In some cities such ordinances have been passed, and in others they are pending.

A remarkable demonstration of effective citizen action took place last January in Milledgeville, Georgia. There some six hundred people, incensed by a series of lawless acts, rallied at the courthouse. They called on police officials to carry out their duties more fairly and efficiently. They urged a grand jury investigation of conditions in the county. Finally, to make certain their recommendations would be followed up, they appointed a continuing "law and order" committee.

Many local improvements can contribute to a solution. Better paid and better trained policemen will help. A more earnest effort to meet the basic needs of people—in housing, health care, education, and public services—will do much to remove the tensions that breed violence.

But most urgently needed is strong public sentiment in support of legal procedures, insistence that those in positions of authority move forcefully when law is flouted, and determination that offenders shall not escape punishment.

The sordid background
of an unpunished lynching

The Irwinton Story

July 1949

THE first lynching of 1949 is a classic example of the failure of law and order in a small community. From its beginning in a Negro cafe to its apparent end two weeks later when a grand jury failed to indict two suspects, the story is a sordid one. Many of the details, as they were printed in the newspapers, came from the sheriff of Wilkinson County, who played a large, though ignominious role in the affair. The remarks attributed to the sheriff and other local persons illustrate better than any amount of description the attitudes which make lynching possible.

According to the sheriff, on Sunday evening, May 29, he was summoned to a Negro night club near Irwinton, Georgia, to investigate a disturbance. Caleb Hill, Jr., a 28-year-old Negro chalk miner, was charged with having stabbed another Negro man. When he attempted to arrest Hill, the sheriff said, the man struggled with him, seized his gun, and fired at him. The sheriff was not hit, but in the confusion his gun was lost.

Finally, Hill was safely deposited in the Irwinton jail, which consists of several cells on the second floor of the sheriff's house. After locking up his prisoner, the sheriff set out to find his lost pistol. By his own admission, he left the keys to the jail on a table in the living room. (*Later the sheriff's wife said: That's nothing; he has been leaving them there for years.*") Moreover, he left the front door open. (*Said the sheriff: "If I lock it the lock sticks."*) He was gone two-and-one-half hours, and when he returned he "went straight to bed" without looking in on his prisoner.

The sheriff reported that he knew nothing further until the following morning at 7 A. M., when he was notified that the body of a Negro man had been found near Irwinton. (*Recounted the sheriff: "I thought, Could it be they had come and got my prisoner? I ran upstairs and, sure enough, Hill was gone."*) The dead man was, sure enough, Caleb Hill, Jr. He had been shot three times in the head and body and left face down by the side of a road. The sheriff several times made the statement that he had no idea when he left the jail that a lynching threatened—though, later, he was able to figure out a motive. (*"The trouble was a report had got around that the Negro had killed me. The men were pretty riled up and when they didn't find me at home, they thought maybe I was dead."*)

Hill had not been alone in his cell when his lynchers came for him. A Negro man who had shared the cell testified at the inquest that two white men entered and said to Hill, "Come on, let's go." According to the witness, Hill said nothing, but went along without protest. The witness said he did not recognize the two

white men. (*Asked the coroner: "You probably couldn't identify the men if you saw them again, could you?" Replied the witness: "No, sir."*)

A coroner's jury ruled that Hill had come to his death by gunshot wounds, "being shot through the head by hands unknown." Newsmen asked the coroner if he was planning an autopsy to recover the bullets and he first answered no. (*"No need," he said, "since I don't have a gun to match the bullet with, or some suspects."*) Later he changed his mind and the bullets were recovered.

At this point, the Georgia Bureau of Investigation entered the case to assist the sheriff. After several days of investigation, the GBI agents arrested two white men of nearby McIntyre, Georgia, on suspicion of the killing. (One of the accused chanced to be a nephew of the sheriff.) The GBI spokesman declared that he was "sure" he had enough evidence to obtain indictments. A grand jury of twenty-three men, all white, was convened to hear the evidence. After six hours of testimony, the jury ruled that there was not enough evidence to bring anyone to trial, and the two suspects were dismissed.

There was an air of finality, not to say relief, about the grand jury's findings. The county solicitor, whose job it had been to present the evidence, promptly announced that the investigation had removed "any question of doubt" about the sheriff's blame in the affair. (*"Most Georgia sheriffs," he added, "would have shot the Negro instead of taking him to jail."*)

Unfortunately there was little evidence of any strong feeling among local white residents—except for resentment at the "fuss" that was being made over the killing of a Negro. Most of the comment centered around the alleged facts that Hill was a "bad" Negro and that he had been involved in illicit liquor dealings—both completely irrelevant as justification for lynching. In a "news" story, the *Wilkinson County News* said: "Citizens of this section are generally very critical of the manner in which the fatal shooting of Hill was handled by the newspapers. . . . They cited alleged half-truths, insinuations, and innuendos printed in the daily papers, reflecting unfavorably on the citizens of Wilkinson County."

As a matter of fact, one leading Georgia editor charged that irresponsible and inflammatory journalism in Wilkinson County itself had probably done much to create a climate for lynching. Certainly one editorial about the news handling of Hill's lynching, also from the *Wilkinson County News,* lent strength to the charge. The editorial concluded: "Maybe the editors and writers will eventually get the medals they so much seem to crave from the carpetbaggers, scalawags and blacks of New York. And maybe some of these Georgia editors will yet get the rancid tar and dusty feathers they so much deserve for being traitors to both white and black."

At the end of 1948, Georgia had an unbroken record of twenty-five unpunished lynchings of Negroes since 1930. If the editorial quoted above is representative of local attitudes, the Wilkinson County lynching will undoubtedly stand as number twenty-six.

Public opinion is driving mob violence underground

The Law Gains Ground

January 1951

THE year 1950 saw two lynchings, according to the annual report of the Department of Records and Research of Tuskegee Institute. The two crimes so classified are described as follows:

"One of the victims was Charlie Hurst, white, 39-year-old rolling store operator of Pell City, St. Clair County, Alabama. He was mortally wounded on February 22 in his front yard by a group of unmasked men. They had come to his home at bedtime and tried to force him into their car. His 19-year-old son, who came to his father's assistance, was also wounded. Hurst had previously told his son that 'it looks like the Kluxers are after me.' There were no charges against the victim. It seems that the mob got the 'wrong man.'

"The other victim was Jack Walker, alias Jack Kendall, also known as Clinton Walker, a 40-year-old Negro laborer of near Gay, Meriwether County, Georgia. His body was found on August 18 in a creek near the Flint River by a group of fishermen. He had been shot to death by three men for whom he worked. Walker is said to have known too much about illegal whiskey traffic."

The notable thing about the 1950 record is not the small number of lynchings, which is exactly the average of the last four years, or the nature of the killings, which deviate somewhat from the "classic" lynching pattern. What is unusual—and welcome—is the fact that most of the participants in the lynchings have been apprehended, tried, convicted, and given stout prison sentences. One of the mob members in the Pell City slaying has been sentenced to five years in prison, one committed suicide, and three others are awaiting trial. A Georgia court has sentenced all three of the men implicated in the Meriwether County slaying—two of them to life imprisonment and one to a term of three to five years.

The alarcity with which steps were taken to find and punish the offenders in these two cases is part of a new quality of law enforcement emerging in the South. Public opinion has become sensitive to lapses in our legal machinery; the indifference, sanction, and even downright cooperation extended to mobs by police officers in the past is less frequently condoned. The sheriff of Dade County, Georgia, and his deputy learned that, to their dismay, during 1950. They were found guilty by a jury of fellow Georgians of conspiracy with a masked mob in the flogging of seven Negroes, and they were given the maximum penalty provided by law—jail sentences of twelve months each and fines of $1,000 each.

Other peace officers found occasion to honor their oaths of office last year. Tuskegee reports that lynchings were prevented in at least seven instances—six in the South and one in the North.

LYNCHINGS AND PREVENTED LYNCHINGS, 1937-1950*

Year	Number of Persons Lynched	Number of Prevented Lynchings
1937	8	77
1938	6	53
1939	3	25
1940	5	28
1941	4	21
1942	5	17
1943	3	11
1944	2	8
1945	1	5
1946	6	28
1947	1	31
1948	2	6
1949	3	14
1950	2	7

**Dept. of Records and Research, Tuskegee Institute.*

The classification of last year's two lynchings is certain to be challenged—indeed, it has already been claimed that the Meriwether County slaying was "just a murder." Tuskegee Institute, which has painstakingly kept the record of lynchings from 1882 to the present, is the first to admit that there is no foolproof definition of lynching. Until 1940, the accepted definition was the one commonly used by framers of Federal anti-lynching bills. This specified that (1) the crime must be committed by a "mob" of three or more persons, acting without authority of law; (2) the mob must be acting with the intent to punish or correct a person or persons suspected of, charged with, or convicted of the commission of some offense; (3) the mob must commit violence resulting in the death or maiming of the victim. Violence occurring among gangsters or in the course of labor disputes was generally excluded.

In 1940 representatives of interested agencies met at Tuskegee Institute to reach agreement on a more satisfactory definition. They modified the earlier definition by the following points:

(1) There must be legal evidence that a person was killed.

(2) The person must have met death illegally.

(3) A group must have participated in the killing.

(4) The group must have acted under pretext of service to justice, race, or tradition.

It is the last point which makes classification difficult. The spectacle of large mobs, acting opening and publicly proclaiming their object, has become rare in recent years. They have been replaced by smaller groups who conspire in secret and dispose of their victim without fanfare. In such cases, the motive of the mob is largely a matter of speculation, in which one must be guided by the circumstances surrounding the slaying. Obviously, when interpretation plays such a large part in determining whether a lynching has occurred, the opportunity for dispute is limitless. No single classification can be expected to satisfy everyone. What Tuskegee Institute has done, for over half-a-century, is make a thorough and conscientious analysis each year and present its conclusions to the public.

More significant than the technical definition of lynching is the meaning it has acquired in the public mind. It has come (not without reason) to be identified

with racism. The notion still prevails that the number of lynchings committed serves as a barometer of race relations. But, as the 1950 report shows, that is not necessarily the case. White men may lynch other white men. And, perversely enough, they may murder, rather than lynch, a Negro. The technical definition of lynching may exclude the most horrible interracial slayings. During 1950, for example, three escaped white convicts slaughtered virtually a whole Negro family near Kosciusko, Mississippi; this crime might be termed a massacre but cannot properly be called a lynching.

The plain fact is that the dwindling number of traditional lynchings is no longer a reliable index to injustice, racial or otherwise. The lawless spirit of the lynch mob is still with us, but the pattern of violence has changed. There were more bombings of Negro-owned houses in 1950 than there were lynchings. There were many more Negroes needlessly shot by policemen "in the course of arrest." There were more abductions, more floggings, more mob actions designed to terrorize and intimidate.

The real battle against "lynching" will not be over until there is no sanction anywhere for efforts to deny any individual the due process of law.

Federal and local officers
crack down on the hooded hoodlums

Hard Times for The Klan

April 1952

THE present-day Ku Klux Klan is a far cry from the powerful "Invisible Empire" which terrorized the South and parts of the North in the Twenties. It now consists of a few third-rate satrapies ruled by power-hungry little men who spend much of their time quarreling among themselves. Yet in limited areas these terrorist splinter groups are still a serious threat to safety of the person.

The Association of Carolina Klans, headed by a self-styled "Grand Dragon" named Thomas L. Hamilton, is one such group. It achieved notoriety in 1950 when some of its members raided a Negro nightclub in Horry County, S. C. A gun-fight ensued, and when the shooting was over one Klansman, a Conway policeman, lay dead and abandoned by his companions. Since that time, Horry's Sheriff C. E. Sasser has waged a running campaign against the organization.

Members of the same group have been active across the state line in North Carolina. During the past thirteen months, more than a dozen persons have been flogged by masked nightriders in Columbus County. Many of the victims

were white persons whose morals did not suit the floggers' fancy. Among the few local persons who dared speak out against this lawlessness were two newspaper editors, who rightly termed it "a reign of terror."

Some of these high-riding Klansmen recently had a nasty fall. On February 16, some forty agents of the FBI staged a surprise roundup of members of the now defunct Fair Bluffs Klavern. All ten of those arrested were indicted by a special federal grand jury on charges of abduction and conspiracy.

A few weeks later, the Columbus County sheriff, aided by state agents, dealt the Klan another blow. This time eleven men were arrested and charged with kidnapping and assault.

At about the same time, the sheriff of nearby Robeson County apprehended fifteen alleged Klansmen, charged with violation of an old statute which forbids membership in secret political organizations. Three renounced their membership and were released; the rest denied the charge and were placed under bond.

Too often, arrest in such cases is not followed by conviction. It remains to be seen whether North Carolina will change the pattern. But one thing is unmistakable: the public revulsion against the Klan and its principles is angry and widespread. One index is the demand in North Carolina for state laws that will permanently end such terrorism. The Attorney General of the state is considering a measure that would outlaw the Klan and other organizations which conspire to take the law into their own hands.

Such sweeping legislation has its dangers, as Alexander F. Miller, the Southern director of the Anti-Defamation League, recently pointed out. Alternatively, the ADL suggests the following as effective ways to curb the Klan's illegal actions without endangering the constitutional right of association:

1. Klan members associate secretly to conspire against the public order and safety. The secrecy can be stripped from the Klan by a Secret Society Registration Act which requires the membership list, the officials and finances of certain secret societies, such as the Klan, to be registered with the Secretary of State and open to public inspection.

2. Klan violence is usually committed under cover of masks, hoods, or robes. Obviously an anti-mask law such as has been passed recently by four Southern states will remedy this evil.

3. The Klan intimidates its intended victims by terroristic signs and symbols, especially cross burnings. The use of these symbols can be limited and prohibited by appropriate law such as is now on the books in Georgia.

4. The Klan has sometimes infiltrated the law enforcement machinery. This problem can be solved by legislation providing that each law enforcement officer take periodic oaths that he is not a member of the Ku Klux Klan or any like organization.

Such laws, vigorously enforced, would be another way of saying what the Solicitor of Robeson County recently told a group of arrested Klansmen:

"You understand physical force, but there is another force which we wish to impress upon you. The same law which has protected you all your lives is not your individual or collective possession. It belongs to the rich and to the poor, to the Negro, to the white, to the Indian, to the native born, to the foreign born, to the Protestant, to the Catholic, and to the Jew. It is going to stay that way."

The Asheville Citizen cheers
the passing of Judge Lynch

The South Lifts Its Head

January 1953

Tuskegee Institute has no lynchings, as such, to report for 1952. This is the first time such a report has been made in the 70 years of lynching record keeping, 1882-1952.—Press release, Dec. 31, 1952.

The nation, and thus the South, turned a corner in 1952. As the report of the much-respected Tuskegee Institute, quoted above, so plainly indicates, a form of crime once prevalent in the United States and often peculiar to the South has been "wiped out." In all soberness and conscience it might be said that nothing more astonishing—and heartening—has happened in human relationships in America within the lifetime of most of us now living.

We use the term "wiped out" advisedly. Of course, there may be more lynchings. Yet . . . if it would be reasonable to say that not a single case of cancer or heart disease or tuberculosis occurred within a year, and that hence cancer or heart disease or tuberculosis had been "wiped out," it would be reasonable to say that the ugly crime of lynching has been expunged from the record in America. . . .

To place Tuskegee's report in its proper perspective it is necessary to go back a few years. As recently as 1933 there were 28 lynchings spread over 11 states. By 1946 the incidence of the crime had been reduced to six cases. . . . There was one case in 1947, two in 1948, three in 1949, two in 1950 and again only one last year. Contrary to the fears of sociologists and others who study human behavior patterns, the postwar period did not bring the expected tensions which are manifest in crimes of racial passion.

It may well be argued that the mob with the rope and the torch has been replaced by more subtle forms of group violence against persons. Tuskegee properly calls attention to bombings and attempted bombings directed for the most part against minority groups in the last four years. Sixty-eight instances are cited in 13 states, including five states outside the South. . . .

These crimes are no less sordid or reprehensible in their way. Yet if it is possible to draw a distinction, it is the distinction between the howling, lustful mob and the covert attack by one or more individuals seeking not merely to usurp the function of the law but to vent a warped kind of vengeance on a racial or religious group. . . .

For the moment, however, we are concerned with overt mob violence. In its old aspect, it is a thing of the past. . . . Education, respect for the law, and most of all an awareness of the rights of the human person under the law—these things have prevailed. The record of a year is a record to be viewed at length with pride just as in the unhappy past it was viewed at length with sorrow and humiliation. The South can lift up its head.

Distrust, fear, and violence
are the price of slum housing

Blight, Bigotry, and Bombs

July 1952

WITHIN the past few years, we have witnessed the emergence of a new form of violence. Since January 1, 1951, more than 40 bombings have been perpetrated in the South by terrorists and vandals, and many more have been attempted.

The threat to law and order alone compels concern. But added to that is the disturbing fact that most of these depredations have grown out of racial and religious tensions. Bigotry, even in its non-violent aspects, is a clear and present danger in a nation built on diversity and respect for difference. When bigotry is coupled with bombs, the peril becomes acute.

Since the end of World War II, much progress has been made toward securing in law equal rights for all citizens. Decisions of the United States Supreme Court have lessened segregation in interstate transportation and higher education. Barriers have been lifted at polling places. The Armed Forces are discarding racial classifications. Better economic conditions are enabling minority-group members to seek better homes, often in areas hitherto closed to them. It is clear by now that this progress toward a broader democracy will continue, probably at an accelerating pace, in the years just ahead.

However, changes in age-old traditions are not accepted gracefully by some elements in the South. By reason of narrow self-interest or blind prejudice, these elements are waging a fierce rear-guard action against all such progress. Those among them who occupy responsible positions and who deliberately provoke racial antagonism are morally as guilty as the terrorists who resort to dynamite. Tension and violence are the inevitable results of the fear and hatred which they engender.

To the credit of the South, the bombings have been widely and vigorously denounced throughout the region. But expressions of temporary public outrage by themselves are not enough. Not a single case of bombing growing out of racial and religious tensions has resulted in conviction of the perpetrators.

Two things are urgently needed: First, frank recognition of the causes of tension and violence; and, second, public determination to eliminate lawlessness at its roots.

Those roots go deep into the everyday conditions under which our people live—and in no case more than in housing. The wretched slum dwellings of our Southern cities—nearly three-fourths of them occupied by Negroes—do us incalculable harm, morally as well as materially. Distrust, fear, rumor, and ultimately open violence are the fearful price we pay for the failure to provide long-range, constructive remedies for this problem.

As revealed in reports of the 1950 Census, over three-fourths of the American cities with the worst housing are in the South. Of 77 cities in the nation with 30% or more substandard dwellings, 59 are Southern cities.

The Negro population has the worst of this problem, by far. According to the 1950 figures, Negro-occupied houses in the typical Southern city have a dollar value less than half that of white-occupied houses. Overcrowding among Negroes is three and four times as great as among whites. More than twice as many Negro homes are dilapidated as white homes. In many Southern cities, three-fourths of all Negro-occupied houses are substandard—that is, they are inadequate or unsafe as shelter, or they lack minimum inside plumbing.

These conditions represent no improvement, and in some cases a worsening, since the 1940 Census. The reasons are easy to find:

Expansion of Negro residential areas has been almost completely blocked. Negro families that want and can afford decent housing in better neighborhoods have had little opportunity to secure it. More often than not, real estate interests and fearful white home owners have joined forces to bar the development of suburban expansion areas for Negroes. Thus, hemmed in on one hand by burgeoning business districts and on the other by older white neighborhoods, Negroes have had no choice but to seek a block-by-block conversion of the older housing from white to Negro occupancy. It is this desperate transition process which breeds conflict. The process has been repeated in place after place, with the climax of bombing and other measures designed to terrorize Negro home buyers. First come rumors that Negroes are about to buy in a previously all-white "fringe" neighborhood. As suspicion and tension mount, "protective" associations are formed, often under the leadership of professional bigots. And, finally, at the first evidence of a neighborhood sale to Negroes, emotion explodes into violence. Ironically, even at the expense of all that effort and anxiety and unrest, the best the Negro population gets is hand-me-downs.

The public housing need has not been adequately met in Southern cities with a large proportion of substandard housing. The American people have become firmly convinced that the opportunity to secure good housing is a fundamental human right in a democracy. Low-income families share that right to good housing, at rentals they can afford.

Civic-minded individuals and groups, public and private agencies, share an enormous responsibility in this critical situation—a responsibility so far largely neglected. We call on our fellow citizens to join in the following efforts:

1. Find the facts: Organize as local citizens to make a self-survey of housing conditions and tension areas in your community.

2. Insist on able and impartial police handling of housing tensions. It is a serious indictment of our law enforcement agencies that dozens of homes have been bombed without punishment of those guilty. In some instances, the police have openly sided with aroused white householders, and so have tacitly encouraged the resort to lawlessness. In other instances, the violence-minded have grown brazen on the ineptness and inactivity of law enforcement authorities. The remedies—modern standards of police training and performance—are not likely to be attained until an enlightened public opinion demands them.

3. Seek truly representative planning bodies, on which Negroes, Mexican-

Americans, and other traditionally excluded groups will have an equitable voice in the official determination of community development.

4. Lend support to efforts to develop expansion areas for those inadequately housed.

5. Foster recognition of the facts that (a) Negroes can and will pay decent prices for decent housing; and (b) the presence of Negro residents in an area does not in itself destroy nearby "property values."

6. Urge public officials to make adequate provisions for public housing, slum clearance, and urban redevelopment.

7. Explore special Federal and private credit devices which will enable continuance of private housing construction in areas most in need of it.

8. Familiarize yourself with municipal housing standards. Strong ordinances, backed up by inspection, can accomplish two important aims: (a) insure that new construction is sound and is not merely providing more slums for a few years hence; (b) require repair and improvement of existing dwellings—particularly low-rental properties whose owners have allowed them to deteriorate steadily.

"Master race" orators on stage at a police committee hearing

Race Hatred Gets a Hearing

By Harold C. Fleming

January 1948

OCCASIONALLY an event takes place in the South which crystallizes all the curious, conflicting elements that go to make up Southern prejudices. Such an event was the recent public hearing on Negro police conducted by the Police Committee of the Atlanta City Council.

The issue of Negro police has been a controversial one in Atlanta for a long time. It became more controversial than ever recently when an impressively large group of civic organizations, supported by the Atlanta newspapers, began a concerted move to have Negro policemen employed in the Negro sections of the city. A survey by the Southern Regional Council provided some practical arguments in favor of the proposal. The survey revealed that more than forty Southern cities were successfully using Negro policemen; all the cities commenting announced their satisfaction with the colored officers, and many reported startling reductions in Negro crime. On the basis of these and similar findings,

an increasing number of civic-minded groups and individuals added their support to the move.

The controversy reached its height in November when one member of City Council introduced a resolution providing for the appointment of eight Negro policemen on a trial basis. Another councilman immediately moved that the resolution be tabled, but he was defeated. Instead, the resolution was referred to the Police Committee with instructions that a public hearing be held to determine the state of public opinion.

So it was that, on the evening of November 26, approximately one thousand persons crowded into a large courtroom in the police station on Decatur Street. On the dais at the front of the room sat the members of the Police Committee and the Mayor. The Chief of Police had taken his stand at one end of the platform, and policemen were stationed about the room. Negroes, who made up about one-fourth of the audience, occupied the right rear section of the courtroom. On the whole, they were the quietest and most attentive of the spectators. White persons filled the other benches and the space along the walls. Some of them were there to support the resolution, but many more, easily a majority, were there to oppose it. There could be little claim that the white spectators formed a cross-section of Atlanta's white population. Most of them were residents of those sections of Atlanta where white and colored citizens have been in fierce competition for housing, and flare-ups of race tension were fresh in their minds.

As the spectators waited for the hearing to begin, they talked and laughed with their neighbors, but their eyes were constantly moving about the room—from the committee chairman to the other members of the audience to the newcomers pouring into the courtroom. The atmosphere was one of expectancy, the sort of expectancy one senses in any crowd that has come together to witness a dramatic spectacle.

The chairman rapped for order, and the hearing got under way. The first white spokesman for the resolution made his way to the front of the room. As if on signal, a wave of noisy throat-clearing spread through the crowd.

"What's his name? Make him tell his name!" came from somewhere in the crowded room.

The spokesman's name was announced, and he presented a petition signed by some fifteen civic organizations. Briefly he cited the record of Negro police in other Southern cities. It was a factual speech, delivered quietly and without emotion. When it was over, the spokesman returned to his seat amid silence. There was no applause and no throat-clearing.

Other proponents of the plan, white and colored, then appeared before the Committee. A representative of the Atlanta Chamber of Commerce, a labor spokesman, a white minister, a Negro minister, a Negro newspaper editor, a Negro businessman—each of them gave his reasons for believing the plan a wise one. There were boos and heckling from time to time. Occasionally there was scattered applause. But for the most part the audience was unresponsive.

A new animation stirred in the courtroom, however, when the chairman called for those who were opposed to the resolution. The air buzzed with talk, but no one stepped forward. For a long moment it seemed that no one was going

to speak in opposition. Then a gray-haired figure appeared at the platform. The spectators sat up straight and craned their necks. The air of expectancy was strong again.

"Changes are not always progress," the man began. "The morale of the Atlanta Police Department will be destroyed if we put Negro policemen to work. . . ."

In these quotations the word "Negro" is given its proper spelling. As the word was actually spoken, the letter *r*—always hard for a Southern tongue to manage—appeared feebly a few times, and presently vanished altogether.

As the gray-haired man spoke, he was interrupted now and then by applause. The crowd was beginning to come to life. But, all things considered, he was not an overwhelming success with the audience. He was too moderate. He admitted that the time might come when it would be proper to appoint Negro policemen, although it had not come yet. He confined himself to relatively temperate objections. Although much of the audience applauded and cheered when he sat down, one felt that they were hoping for stronger meat than this.

The next speaker was much more successful. He had some command of that brand of oratory which has long been cultivated by Southern demagogues.

"If people like Henry Wallace, Eleanor Roosevelt, and Drew Pearson would leave us alone, we wouldn't have any problem!" he cried. He was rewarded by thunderous applause and whoops of approval.

"If we get Negro policemen, where are we going to stop? Maybe we should have some Negro councilmen! Maybe some of them should sit on this Committee!"

Enthusiastic laughter echoed in the crowded courtroom, and it required prolonged gavel-pounding by the chairman and the chief of police to restore order. This was what many of the white spectators had come to hear, and they were not to be cheated out of their enjoyment.

The keynote had been struck, and the pitch grew higher and higher for two long hours as each successive speaker tried to out-rant his predecessors. Some of them—politicians and past and present office-holders—were accomplished in wool-hat rhetoric:

"It seems the colored brothers have convicted themselves. In one breath they admit they commit the greatest number of crimes, and in the other tell us the violations will be reduced if we authorize Negro policemen! [*Laughter and cheers*] Anyway, they want to start too high. We ought to start them in a more elementary grade. [*"Tell 'em how to do it"*] If we are to start them at all, we should start a few in the City Hall. [*Laughter*] We could put 'em in the tax office. [*"Now you're telling 'em!"*] The Mayor can appoint his executive secretary. [*Cheers*] Maybe the newspapers who are sponsoring Negro police would put some in the City Hall press room." [*Laughter and applause*].

Some of the audience reactions were so well-timed that one wondered if they had been rehearsed. It is no doubt true that the opposition had marshaled its forces and planned its attack in advance. But the most effective preparation began years ago and can be traced in the tortured political history of Georgia. Thanks in large measure to that history, nowhere have hate organizers found more ready-made recruits than in Georgia and Atlanta. On this night, as so

often in the past, the followers were rallying to their self-appointed leaders.

It early became apparent that the opposition spokesmen had no intention of confining their discussion to the resolution on Negro police. They launched violent verbal attacks on the individuals and organizations backing the proposal, accusing them of being subversive and Communist-inspired. (The conservative Chamber of Commerce, as well as several church groups, were presumably included in this all-embracing charge.)

Several speakers took the time to build up elaborate theological arguments for the belief that Negroes are an inferior race of mankind. Indeed, the pseudo-religious theme was sounded, with infinite variations, in speech after speech. The Bible was quoted and misquoted with great frequency. Indelible pictures were painted of the Negro and his false white friends marching arm in arm down the road to Hell.

Full treatment was also given to the familiar claim that the Southern white man is the Negro's best friend.

"Without the Southern white man to look after him," said one speaker, "the Negro would long since have perished from the face of the earth." He went on to maintain that by following the false lead of "meddlers" the Negro was alienating his only true friends among the white race.

Following the traditional pattern, the rabble-rousers were scattering their shots. Skilfully they built up the impression of a vast conspiracy against the white, laboring, God-fearing majority. It was startling—though perhaps to be expected—when one speaker said:

"It is a dangerous idea that every minority should be represented on official bodies. If you give the Negro this right, then all the others will demand it. The next thing, the Jews will claim the right to sit on this Council and hold high office on every political body." Such was the nature of the opposition that this remark slipped neatly into context.

Even in this maelstrom of emotion, it was impossible to miss the undercurrent of hostility toward those of position, power, and influence.

"Who are these people who favor this thing? If you check up, you'll find out they live out in North Side, where they don't have the Negro problem."

The response to this was greater than might be expected. North Side is a residential suburb where many of the city's well-to-do and influential citizens live. The opposition supporters showed great delight when slurring remarks were directed at this group, and even greater delight when the Mayor and City Council were attacked. One speaker drew lusty approval when he made a contemptuous reference to bankers.

The technique is not a new one. Eugene Talmadge made effective use of it in his stump speeches denouncing "those rich city fellows." It has become a traditional bid for the affection of the "common man." The meaning implicit is: "*They* have the money and the power, but *you* are the salt of the earth and I am for you." It is a strange alchemy indeed that transforms such an attitude as this into hatred of the poorest and least influential group in the South—the Negroes.

The efforts of the Police Committee to have the speakers keep to the subject of Negro policemen met with little success. The crowd roared its disapproval at this interference, and the speakers were allowed to go on with their digressions.

After first-hand experience,
Greensboro wouldn't be without them

Negro Police In A Southern City

October 1947

IT might have been a scene in the municipal court of any Southern city. The defendant, a Negro man about forty years old, was accused of assault and battery, disorderly conduct, and resisting arrest. The police officer who had made the arrest gave his testimony briefly and clearly. There was dignity and assurance in his bearing, in the way he wore his uniform, and in the way he presented his testimony. One by one the witnesses—all Negroes—appeared before the court and testified. They held their heads high and spoke without hesitation. The defendant himself then pleaded drunkenness as an excuse for his acts. He was found guilty as charged and given a stiff jail sentence. The case was closed.

It might have been a routine case in the municipal court of any Southern city—except for one or two things. In the first place, the city was Greensboro, N. C. In the second place, the Negro witnesses were frank and cooperative and seemed eager to see that justice was done. This is not always true in Southern courtrooms. In the next place, the policeman knew what was expected of him and gave it simply and succinctly. His knowledge of proper courtroom procedure is not always found among policemen, in the South or elsewhere. In the fourth place, the judge and the spectators were serious and attentive as the case was presented; they seemed to find it quite important that a Negro had attacked a member of his own race. And, finally, this case was not just any case in any courtroom because the policeman was a Negro.

This scene couldn't have taken place even in Greensboro four years ago, for there were no Negro policemen there then. True, there had been talk of employing Negro policemen. In fact, the idea had been discussed for about fifteen years. But it had never been put into practice because too many people felt that "it just wouldn't work." The reasons why it wouldn't work seemed to them self-evident.

They had other arguments, too: Greensboro's white policemen wouldn't work on the same force with Negroes; it wouldn't be possible to find Negroes who were intelligent and dependable enough to trust with so much responsibility; and finally, of course, there was the inevitable protest that using Negro policemen wasn't in keeping with Southern tradition.

But those who championed the proposal weren't to be put off so easily. Negro policemen were being used with great success in Charlotte, Raleigh, Winston-Salem, and other Southern cities. There were plenty of highly qualified Negroes who were willing to apply for the job if it were authorized. Far from opposing the idea, most of Greensboro's Negro population was enthusiastically in favor

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of it. These were the answers that Negro leaders and progressive white citizens took to the city manager, the chief of police, and the city council.

In order to get a clear idea of the situation, it might be well to pause here and take notice of a few pertinent facts about Greensboro. In 1940 Greensboro had a population of about 59,000. It is one of the few cities in the nation having an army camp within the city limits and within walking distance of the center of town. At the time with which we are concerned, the camp served as an overseas replacement depot and housed between thirty and forty thousand men, both white and Negro. So, when the use of Negro police was being urged, especially difficult police problems existed in the city. These problems did not disappear overnight with the end of hostilities, for the camp later served as a separation center. The authorities knew that if a test were to be made it would be under trying conditions.

There were also favorable circumstances for proponents of the plan. Of Greensboro's 59,000 people, 16,000, or 27 per cent, were Negroes. Though Negro spokesmen had been urging the use of Negro police for fifteen years or more, the potential voting power of the Negro population had never been effectively used to help bring the move about. But in 1943 a relatively large number of Negro voters were registered. What is more, they were kept informed of the efforts their leaders were making and the response those efforts were receiving. In short, the strength of the Negro ballot was brought to bear on the question. This does not mean that the Negro vote was the only important factor in the campaign for Negro police. But, more than any other one thing, it assured the proposal a fair hearing and serious consideration by city authorities.

Those who favored the employment of Negro police were also fortunate in having a man like City Manager Henry A. Yancey to deal with. Mr. Yancey, who is now city manager of Charlotte, had previously managed three Southern cities with Negro populations ranging from 27 to 42 per cent. His record was one of scrupulous fairness to all citizens, regardless of race or economic status. Nor was the idea of using Negro policemen new to him. He had come to Greensboro with a good deal of information on the subject.

"I must admit," says Mr. Yancey, "that I was cool to the proposal at first. This was not for any reasons of prejudice on my part; I had only recently left Durham, where I had already put the plan into effect. I simply wasn't convinced that the Greensboro public was sufficiently prepared for such a move."

But it wasn't long before Mr. Yancey decided that the proposal at least warranted an experiment, and in October, 1943, the City Council, upon his recommendation and that of the chief of police, authorized the appointment of two Negro officers on a trial basis. This is how Mr. Yancey describes the result:

"The white population accepted the action with scarcely a comment; it is certainly true to say that there was no protest. The Negroes received it with great acclaim, and the press, both local and in the surrounding states, hailed it as a 'step forward.'

"Obviously the ultimate success or failure of the experiment depended in a great measure upon the caliber of the men selected, and we set about to obtain the best possible talent. Naturally all applications were received and considered. Our requirements for appointment had been greatly modified due to the war

emergency, and if we insisted upon a higher standard for Negro applicants than we did for the whites, we were risking the charge of discrimination. However, we overcame this by enlisting the aid of the various Negro groups in securing for us applications from good men, constantly impressing upon them the importance of our first selections. The two appointments were not actually made until the 19th of January, 1944.

"These men were given careful training and instruction by the best officers we had on the force, for a period of six weeks. They were then assigned to the plain clothes department for approximately four months, after which time they were placed in uniform and assigned to duty in the largest strictly Negro section of the city.

"As I have already said, they were appointed on a trial basis. However, on March 1st, 1945, we appointed two additional Negro officers, and since that time two more have been added to the force. This in itself was enough to remove any doubt as to the efficiency and usefulness of these men and established as a permanent policy the use of Negro officers in Greensboro.

"These men were given exactly the same authority that the white officers have. I am of the opinion that there is no legal way to confer less authority upon them. Once they have taken the oath of office, they have all the duties and responsibilities imposed by law. We never entertained the thought of restricting their authority. They have worked only in the Negro sections, and their activity has been governed only by instruction, training, and what good judgment on their part would dictate.

"There have been a few cases where they were forced to give a traffic citation and to make an arrest of a white person, where the circumstances were such that they would have otherwise been guilty of neglect of duty. In each of these cases their attitude and demeanor has been such as to reflect credit upon themselves and the department and no untoward incidents have resulted.

"The work of these men has been excellent, equal in every respect to that of the white officers. They have gained the confidence, respect, and admiration of the white officers, and on a number of occasions they have received special praise and commendation from their superior officers for meritorious conduct under very trying circumstances."

What about the claim of the skeptics that Negroes would not cooperate with officers of their own race? The answer is apparent to anybody who will take the trouble to stroll down East Market Street, which runs through the heart of Greensboro's largest Negro section. East Market has the reputation for being a "tough" district, and, in accordance with the policy of the Greensboro Police Department, the Negro officers work in pairs. "Not that it's necessary," commented one Negro storekeeper. "Why, if one of those fellows needed help, all he'd have to do is crook his little finger and people would come running from all directions." You can easily see that Greensboro's Negroes are proud of their policemen, for as the Negro officers walk past on their tours they are greeted on every side with friendliness and respect.

One thing the casual observer might not realize, however, is the transformation that has taken place on East Market Street in the past four years.

"Before we got Negro policemen," says the Rev. J. J. Green, a Negro minister,

"East Market Street was so dangerous you didn't dare walk down it with your wife. Now the street is unimaginably changed. You don't even hear bad language any more."

The Negroes of Greensboro are not the only ones who are proud of the Negro officers. Police Chief L. L. Jarvis needs little urging to tell you how well they have performed. Chief Jarvis, who began his police career as a rookie cop in 1919, has some pretty definite ideas about police officers.

"I don't like bullies," he says, "and I don't believe a policeman ever gets too old to go to school." The Negro policemen have proved more than satisfactory on both counts. "They've shown tact and common-sense in performing their duties," says the Chief. "All six of them are college men, and they learn quickly and thoroughly."

Chief Jarvis has been consulted many times by officials of Southern cities contemplating the employment of Negro police. He has one answer for all of them. "If the right men are picked and given the right kind of training and support, only one thing can result—a better and more efficient police department." According to Chief Jarvis, any city which has no Negro police is simply denying itself the chance to have better law enforcement.

INCREASE IN NEGRO POLICE IN THE SOUTH, 1945-1954

Year	States Employing	Cities Employing	Uniformed Policemen	Plainclothes Policemen	Policewomen
1945	9	29	131*		3
1946	10	42	208*		5
1947	10	41	196	25	7
1948	11	54	248	23	8
1949	12	62	301	33	7
1950	13	77	369	41	17
1951	13	82	381	44	18
1952	13	96 Cities 6 Counties	471	60	50
1953	13	112 Cities 18 Counties	545	87	90
1954	13	143 Cities 22 Counties	618	92	112

**Includes both uniformed and plainclothes policemen.*

As for the attitude of the white policemen, Chief Jarvis recalls that when the proposal was first made "there were a few who didn't like the idea." But once the Negro officers were actually appointed, the objections melted away into thin air. And since that time there has never been any question of bad relations between the white and Negro officers. Perhaps the fact that the Police Department offers its members a course in race relations has something to do with it.

After four years of using Negro policemen, Greensboro no longer looks on them as an innovation, but has accepted them as a natural and normal part of the life of the city. This attitude is perhaps best summed up by the comment of a local newspaperman.

"Negro police?" he said. "They're not news in Greensboro, any more than white policemen are." He thought a moment and then added, "It might be news, though, to remind our people that we haven't always had them."

SRC calls for a "shift from paternalism to democracy"

Representation For All

November 1950

DISCRIMINATIONS long taken for granted in the South are today yielding their bitter harvest. The Southern states are discovering that equal opportunity—as defined not only in the U. S. Constitution, but also in their own laws and constitutions—is expensive and difficult of achievement. They are learning just how unequal our "separate but equal" facilities are, in health, education, housing, recreation, and scores of other public services. Under the pressure of court action, they are discovering that the time is rapidly running out when postponement and token approaches to equalization will suffice.

The problem is talked about in terms of dollars and cents; repairing the neglect of generations is a costly business. But, as the Southern Regional Council has repeatedly pointed out, the problem is a material one—and something more. The South has an old unpaid debt to its Negro citizens: to reward patience, service, and loyalty with recognition of full citizenship status. This debt will not be satisfied merely by *bestowing* upon the Negro population increased benefits long overdue (although that is an end far from attainment).

As Dr. Benjamin Mays declared recently in *New South*: "There is a growing conviction among Negroes that if one racial group makes all the laws and administers them, holds all the power and administers it, and has all the public money and distributes it, it is too much to expect that group to deal as fairly with the weak, minority, non-participating group as it deals with its own."

What is needed is a shift from paternalism to democracy. Negroes should have full and fair representation on policy-making and administrative bodies. These would include, of course, boards and commissions governing the whole range of public services. But the need today is of special urgency in the field of education.

In county after county over the South, Federal courts have ruled, or are being asked to rule, that equal school facilities must be provided for Negro children without delay. School boards and other public officials are anxiously examining their budgets and making belated starts at improvement. A few politicians, more interested in votes than in progress, are shouting defiance at the courts and seeking to incite the public to anger. Other spokesmen have taken on the futile task of justifying and explaining away the inequalities which are too plain to be denied. Still others, while deploring existing discriminations, deplore even more the filing of law suits demanding correction.

Such protestations are neither justified nor constructive. In view of the long record of evasion and inaction, it is hardly surprising that Negroes are turning with increasing frequency to the courts for the remedy to old injustices. That

is a lawful and accepted procedure in our democracy, and should not cause dismay or indignation. On the contrary, it should cause some honest self-examination. School suits, by and large, are the fruits of bad faith. There is every reason to believe that the Negro plaintiffs, like the defendants, would prefer a less expensive and more cooperative method of reaching agreement. The best way to achieve that is for Negroes to have a voice in the policy-making which determines the quality of education children are to receive.

Much attention is being focused just now on the attainment of two equal school systems. Who is to say what is equal? In past experience, our only arbiter on that is the courts. And the briefs prepared for the courts by contending parties inevitably stress the mathematics of equality: How many desks, of what model, at what cost, on how many square feet of floor space, for how many white pupils, as compared with how many of each of these for how many Negro pupils? And ultimately, a court must state a formula—a number.

However, true equality is not static arithmetic. It is a running matter. It requires trustworthy day-to-day administration. How can they be contrived? The only answer is representation of all parties on the important policy boards. If we are to have flexibility and order and understanding in the conduct of our school system in the South, we must build a system of school administration which all concerned can believe in.

In places where boards of education are elective rather than appointive, it is up to qualified Negro persons to seek the office. It need hardly be pointed out that no representation can be effective unless it honestly expresses the feelings of the group represented. In places where boards of education are appointive, public officials will be tempted to appoint persons whose compliance and readiness to please would make for easy agreement. But such appointments will not accomplish their purpose. True agreement—particularly in a matter as sensitive and important as education opportunity—can be reached only if the minority view is voiced with frankness and considered with respect.

The opportunity is before us to strengthen our region and hasten its progress by admitting all our people to the ranks of our common citizenship. There could be no more appropriate time than now, and no more appropriate field than education, for that step to be taken.

They are winning support from voters of both races

Negro Candidates in the South

September 1951

WITH the growth of the Negro ballot in the South, Negro office-seeking has shown a moderate but steady increase in the past few years. During 1951 some thirty Negroes have sought public office in their communities. Leading the Southern states by far in this respect is North Carolina, where fifteen Negro candidates offered for city councils. They participated in primaries or final elections in Burlington, Chapel Hill, Charlotte, Durham, Fayetteville, Gastonia, Greensboro, Madison, Monroe, Raleigh, Rocky Mount, Southern Pines, and Winston-Salem.

Although only five Negroes in the region were successful in their bids for office, others failed by narrow margins. In Jacksonville, Florida, for example, one of two Negro candidates for city council placed second in a field of four.

The successful candidates—in each case for city council or board of aldermen—were:

DR. W. P. DEVANE, physician, Fayetteville, N. C.

DR. WILLIAM M. HAMPTON, physician, Greensboro, N. C.

REV. WILLIAM R. CRAWFORD, Winston-Salem, N. C.

ROBERT E. LILLARD, attorney, Nashville, Tenn.

Z. A. LOOBY, attorney, Nashville, Tenn.

Particularly notable was the election of Dr. Hampton. He is the first Negro in recent years to serve as councilman in Greensboro. In a field of thirteen candidates for seven vacancies, he won fifth place. This showing was partly due to the substantial number of white voters who supported him. Of 5,219 votes cast in his favor, only 2,393 came from the predominantly Negro precincts. It has been estimated that Dr. Hampton might well have won solely on the basis of white returns.

Also significant was the heavy support received by Dr. Devane, of Fayetteville. Having completed one two-year term, he was re-elected with the largest number of votes received by any of the ten candidates in the race.

Mr. Looby's election, followed shortly by that of Mr. Lillard, marked the first time in almost forty years that Nashville has had Negro representation on its city council. The change was made possible largely by the passage of an ordinance providing for election by districts rather than wards.

Winston-Salem has had a Negro alderman since 1947, when the Rev. Kenneth Williams set the precedent for North Carolina and other Southern states. At the end of two terms on the board of aldermen, Mr. Williams this year declined to seek a third and was succeeded by Mr. Crawford.

Thoughts on Negro office-holders from the Atlanta Constitution

"A South of Union and Freedom"

June 1953

IN 1866, in a speech delivered in New York City, Georgia's great Ben Hill began a speech thusly: "There was a South of slavery and secession—that South is dead. There is a South of Union and Freedom—that South, thank God, is living, breathing, growing every hour." That was the first "New South" speech. And Ben Hill was right. The New South, beginning to live, breathe and grow in 1866, has progressed slowly—like all things growing in a soil made poor by war and ruin. But it has kept growing—every hour.

Some months ago in Augusta, Ga., where the race question has been unworthily agitated by individuals hoping to prosper from it, a Negro university man was elected to the school board. He was from a ward largely Negro in population.

Recently, five North Carolina cities and towns elected Negroes to their city councils. In Wilson (population 21,010), in Chapel Hill (population 9,177), in Gastonia (population 23,069) and in the city of Durham (population 71,311), Negroes were elected to office for the first time since Reconstruction Days.

Atlantans awoke Thursday morning to find they had elected the able, qualified president of Atlanta University, Dr. Rufus Clement, to the city's school board. He, too, is the first Negro to be elected on a city-wide basis since Reconstruction Days. The fact that two other Negroes were elected to the City Executive Committee on a ward basis went almost unnoted.

When Atlanta examined the vote tabulations, its wonder grew. Dr. Clement had carried 40 of the 58 precincts. (There are really 59, but the latter is the City Hall where the absentee ballots are counted.) He won a majority of the white wards. And of the 18 lost, he had failed to carry nine by margins of 22 and less. And, even more important, Atlanta seemed proud, if surprised, at having done the job. Thousands had voted for Dr. Clement because they thought he deserved it, and because they believed the more than 25,000 Negro children in the city's schools deserved representation. But none had expected him to win.

The old die-hard KKK element was angry and bitter. They were especially upset because the sky hadn't fallen, the government hadn't capitulated and the graves had not given up their dead. Things went right along and Atlanta seemed, in general, pleased with itself for having done a fair and honest thing within the orderly framework of democracy.

Atlanta, Georgia, and the South could look at themselves and say, after thinking it over, that without doubt there would be backslidings, emotional outbursts, maybe even some violence sparked by the violent, but that what Ben Hill said in 1866 still goes—there *is* a South of Union and Freedom—and that South, thank God, *is* living, *is* breathing, growing *every* hour.

Urban Negroes advance, rural Negroes lag, but both are far behind whites

Negroes Gain In Family Income

November 1953

IT is hardly news any longer that the South's economy is mushrooming. In the last two decades, personal income in the region has tripled, manufacturing payrolls have increased five-fold, and retail and wholesale payrolls have grown four-and-a-half times. The Southern Association of Science and Industry is authority for the breath-taking statement that every working day of 1951-52 saw a new multi-million-dollar industry launched in the South.

What is the Southern Negro's share in this mounting prosperity?

Until recently, there was little evidence on which to base an answer. Now, however, the Bureau of the Census is issuing the most complete information on Negro income ever available. Preliminary reports of the 1950 Census findings give income by race of families and unrelated individuals for all the Southern states, as well as for counties and selected cities. Final reports give the same information on personal income.

The Census findings have several shortcomings. Income, as defined by the Census, is limited to money received from wages, salaries, self-employment, and such other conventional sources as pensions and government assistance. Income "in kind"—food, clothing, shelter, and the like—is not included. So, particularly for farm families, Census income suggests a lower standard of living than actually exists. Moreover, the 1950 Census lumps family income with income of "unrelated individuals"—that is, persons who live independently, not as part of a family group.* This also serves to bring the average down.

It might also be remembered that these figures, though newly published, were collected in 1949. Since then, the Southern economy, and presumably Southern incomes, have continued to grow.

Keeping these limitations in mind, what does the 1950 Census tell us about Negro income in the South?

First of all, it shows plainly that the gap between white and Negro family income, though gradually diminishing, is still wide, particularly in rural areas. In 1949, the income of the typical Negro family ranged from one-third to three-fifths of typical white family income in the various Southern states. In dollars, the figure for Negroes was from $746 to $1,600 less than that for whites.

This disparity was greatest in the "Deep South," relatively less in the border states. The median, or typical, Negro income was lowest in Mississippi, Arkan-

**For the sake of convenience, the combined income of families and unrelated individuals will be termed simply "family income" throughout this article. Similarly, the Census term "non-white" will be converted to "Negro," since Negroes comprise all but a negligible part of the non-white population of the Southern states.*

sas and South Carolina, and highest in Virginia, Texas, Florida and Kentucky.

The Census also found a large number of Negro families at the bare subsistence level, and only a small proportion in the high-income bracket. Three out of every ten Southern Negro families lived on $500 a year or less in 1949. Slightly over half had a yearly income of $1,000 or less, and four-fifths were below the $2,000.01 mark. Only one out of every sixteen Negro families in the South had an income of more than $3,000 a year.

Southern white families fared substantially better. Only one out of seven white families made $500 or less in 1949, and only one out of four made $1,000 or less. Over one-third exceeded the $3,000-a-year level.

These overall figures do not tell the whole story. A closer examination shows that the gains in Negro income have come almost wholly in the cities. In the rural areas, Negroes as a group earned in cash only a little more in 1949 than they did fifteen years earlier. Comparison with earlier years reveals the extent of urban over rural gains in Negro income. In 1935-36, a National Resources Committee study found that the median income of Negro families in urban areas of the South was $525. By 1949, the figure was more than twice as high, ranging from $920 in Arkansas to $1,489 in Virginia. During the same period, the proportion of urban Negro families with incomes of $500 a year or less was reduced from one-half to one-fifth.

By contrast, the median cash income of rural farm Negroes rose from $480 in 1935-36 to roughly $780 in 1949, with the proportion of families at the lowest level changing little. In 1935-36, the National Resources Committee reported that slightly more than fifty per cent of all Negro farm families in the South had incomes of $500 or less. In 1949, 44 per cent were still at this level.

The typical differential between Negro farm and non-farm income in the South in 1949 shows up in the following contrasts in several sample states:

Negro Income	*Urban Families*	*Rural Farm Families*
Alabama	$1,267	$446
Florida	1,245	814
Mississippi	984	449
North Carolina	1,314	805
Virginia	1,489	898

Urban Negro income is not only gaining beyond rural farm Negro income; it has also caught up with white farm income in areas of the South where farm gains are low or non-agricultural job opportunities are increasing. In Georgia, for example, the median income of urban Negro families in 1949 ($1,207) exceeded the median income of white farm families ($1,113) by nearly $100. Urban Negro family income was also higher than white rural farm income in Alabama, Kentucky, Oklahoma and Tennessee.

Negro income in the cities has by no means caught up with white city income. At best, urban Negro income is not quite half of urban white income. Census reports on Southern metropolitan areas reveal that in Birmingham and Richmond, Negro family income is 47 and 43 per cent, respectively, of white income. In New Orleans, Memphis, and Atlanta, it amounts to 48, 44, and 42 per cent of white income.

MEDIAN MONEY INCOME OF FARM AND NON-FARM FAMILIES IN THE UNITED STATES, BY RACE, 1949
(Source: U. S. Department of Labor)

Residence	White	Negro	Negro as a Per cent of White
Urban	$3,619	$2,084	58%
Rural non-farm	$2,851	$1,240	44%
Rural farm	$1,757	$ 691	39%
All families	$3,232	$1,650	51%

The effects on income of farm-to-city shifts in the Negro population of the South are paralleled in other parts of the country. In 1949, the median family income of urban Negroes throughout the United States was three times as high as that of rural farm Negroes. In such states as Michigan, New York, Wisconsin, Illinois, Ohio, and Pennsylvania, the typical Negro worker in the cities earned slightly more than the typical white farm laborer, though considerably less than the typical white urban worker.

In terms of consumer buying power, the increasing Negro income is of major importance to the economy of the nation and the South. Recent estimates of total purchasing power of the U. S. Negro population range from $8 to $10 billion. But though this estimated purchasing power is high in comparison with earlier years, Negro consumption of goods and services is still far below its full potential. If median Negro family income had been equal to white in 1949, for example, Negro purchasing power would have been up more than $5 billion. Over $3 billion of this amount would have flowed into the Southern economy.

An additional $3 billion in Negro income in the South in 1949, if spread evenly, would have added $1,200 to the income of each of the 2,574,475 Negro families in the thirteen Southern states. Converting this amount into terms of goods and services, each of the two and a half million Negro families could have purchased three winter coats, five pairs of shoes, an automatic washing machine, an electric stove, and a refrigerator, with enough left over to pay $50 in doctor and dentist bills.

Increased Negro family income, in addition to expanding purchasing power and relieving public agencies of the many needs which low-income families cannot meet, would also serve to reduce the number of families with several wage-earners. Negro family income, to a much greater extent than white, is largely the product of both husband and wife, and often several children. Higher earnings would diminish the need for the mother and adolescents to work.

As farm mechanization and conversion to cattle reduce the demand for cheap hand labor in the rural South, Negro farm hands, like their white counterparts, must turn to industrial employment for a living. A higher wage rate and more unskilled jobs in construction, lumbering, and industry have helped bring Negro non-farm income up to twice its pre-war average. But most non-agricultural jobs open to Negro workers are "dead-ends," for Negro opportunity usually ends at the skilled level, where large wage increases begin. This ceiling on job opportunity is reflected in the wide gap between white and Negro income in urban areas.

Full use of Negro workers in industry is the challenge that now faces the South.

Pros and cons from the
Winston-Salem Journal and Sentinel

A Look At FEPC

By Chester S. Davis

September 1952

HERE in the South the great majority of the people do not like the prospect of a compulsory Fair Employment Practices Commission. But, like it or not, we must recognize the plain fact that there is a chance—perhaps a better than average chance—that we will have to live with such a law. For this is more than an issue over which politicians publicly wrangle and then, quietly in the smoke-filled rooms or, less quietly, in Senatorial filibusters, privately bury.

Today, 11 states and 22 cities have adopted FEPC laws and ordinances. Some 60 million Americans—roughly 40% of our people—live in these states and cities. Our two great political parties, unequivocally in 1948 and somewhat timidly in 1952, have endorsed a national Fair Employment Practices Commission.

Under these circumstances it is time we took a long, hard look at the history and performance of fair employment practices legislation over the past ten years.

Until the outbreak of World War I, the Negroes, largest of the nation's minority groups, worked as farm tenants and laborers, small tradesmen, craftsmen and domestic servants. Few held jobs in industry.

Because of the tight labor supply created by World War I, many Negroes found jobs in war production. But, because they worked on the edge of the economy, they did not hold their gains in the post-war years. They were the last hired and the first fired, and by 1940 there were proportionately fewer Negroes in mining, manufacturing, trade and transportation than had been the case in 1910.

To varying degrees the story of the Negroes also was the story of the other racial minorities; the Mexicans in the Southwest, the Chinese and Japanese on the West Coast, the Italians, Slavs, Jews, Puerto Ricans and others in the large cities.

When World War II broke out in 1939, the Negro leaders anticipated another opportunity to get their toe in the industrial door. But that opportunity did not come. As late as the summer of 1941, Negroes held only 2.5% of the jobs in industries working on defense and lend-lease production.

Led by A. Philip Randolph, president of the Brotherhood of Sleeping Car Porters, the Negroes threatened to "March on Washington" and protest this discrimination.

President Franklin D. Roosevelt checked that threat on June 25, 1941, by issuing his famous Executive Order 8802. In that order the President banned

discrimination for reasons of race, color, creed or national origin in all industries working on government contracts. . . .

It is unfair to report that this Executive Order was issued solely for the expedient purpose of cutting off an embarrassing demonstration by the Negroes. There was more behind it than that.

In 1941, we were edged towards war with Hitler's Germany. One of the factors pushing us was the fury aroused by the Nazi's brutal racial tyranny. It was fitting that the Federal government, the nation's largest employer and keeper of the national conscience, should renounce racial discrimination as a violation of the American creed of equal opportunity.

The war-time Federal Employment Practices Commission was the outgrowth of Executive Order 8802. The Commission had only the power to spotlight instances of discrimination with publicity and invoke (although it never did) the anti-discrimination clause found in all government contracts.

In the period of 1941-45, the job picture for Negroes and other minority groups brightened considerably. The number of Negro women holding clerical jobs went up to five times what it had been in 1940. By 1944, Negroes held 20% of the Federal departmental jobs in Washington. . . .

For the first time large numbers of Negro workers moved into the skilled and semi-skilled jobs and even into white collar positions.

During that period the FEPC in Washington tackled 13,000 cases. Some of them involved individuals, others involved hundreds and even thousands of workers. Most of those cases—some 8,000—were dismissed because of lack of jurisdiction or a lack of evidence. The other 5,000 were settled on a voluntary basis.

In 1945, this voluntary FEPC program was killed by Congress. The act which did this, however, did not put an end to the Federal government's fight against discrimination.

Today, the Civil Service Commission has a part-time Fair Employment Board. The heads of the various Federal agencies have fair employment officers to advise them. The Department of Defense has continued to attack discrimination in the Army, Navy, Marines and Air Corps.

In December, 1951, President Harry S. Truman created an 11-member Committee on Contract Compliance. This Committee, like the original FEPC, is designed to combat job discrimination based on race, color, creed or national origin in industries working on Government contracts.

All programs, while they are significant, essentially are of an advisory, voluntary nature and they fall far short of an enforceable fair employment practices act.

Ever since 1944, compulsory FEPC laws have been introduced in Congress. Without exception those bills have been blocked by a combination of Southern Democrats, conservative Northern Republicans and that windy weapon known as the filibuster.

With both the Democratic and Republican parties on record as favoring some sort of fair employment practices law it seems certain that the struggle in Congress over national FEPC legislation will continue and grow increasingly bitter.

In the meantime, the drive for FEPC legislation is gaining ground at the local level. Eleven states (New York, New Jersey, Connecticut, Rhode Island, Massa-

chusetts, Indiana, Wisconsin, Oregon, Washington, Colorado and New Mexico) have adopted fair employment laws. And in the non-FEPC states there are 22 cities—the list includes Chicago, Philadelphia, Minneapolis and Cleveland—with fair employment ordinances.

Judging from the record, these local laws are in part the reflection of a desire to put an end to discrimination in the employment field. But they also reflect an awareness of the fact, best stated by Ralph Waldo Emerson, that "The peoples of the world cannot hear what we say because what we do keeps dinning in their ears."

For the past 10 years, the United States and Russia have been engaged in a vast struggle for the allegiance of the minds of men. This struggle is being conducted in a world in which the colored peoples make up roughly 65% of the total population.

In 1944, Wendell Willkie neatly pinned down the issue when he said, "We, as Americans, cannot be on one side abroad and on the other at home. We cannot expect small nations and men of other races and colors to credit the good faith of our professed purpose and to join us in international collaboration for future peace if we continue to practice an ugly discrimination at home against our own minorities."

Since 1944, Russia has hammered unceasingly at this lag between our professed ideals and our day to day practices. John Foster Dulles, former American delegate to the United Nations, puts it this way, "The weakest point in our relations in the United Nations is prejudice in this country. The American delegation has decided simply to admit it and say we're trying to do something about it."

Until 1941, we tackled the problem of discrimination almost solely through education, hoping that understanding and tolerance would check discrimination. Since 1941—and particularly since 1945 when New York adopted the first enforceable FEPC law—the problem has been attacked directly and frontally through anti-discrimination legislation.

The laws vary greatly. At least one (that in Akron, Ohio) is merely a statement of public policy. There are others in Indiana and Wisconsin, for example, that are designed along voluntary, educational lines. In Colorado and in several cities the laws carry compulsory features for public employers but are voluntary insofar as private employers are concerned.

But most of the laws apply to all employers and the anti-discrimination orders that are issued can be enforced in the courts. The New York law has been a model for most of the legislation in this field.

That law applies to labor unions, public and private employers and employment agencies.

Under the New York law:

1. It is illegal to discriminate in hiring, firing or promoting individuals for reasons of race, color, creed or national origin.
2. It is illegal for a labor union to discriminate in the rights and privileges of members for reasons of race, color, creed or national origin.
3. It is illegal to specify race, color, creed or national origin as a condition of employment in any advertisement or application form.

4. It is illegal for employees to refuse to work with members of a minority group.
5. It is illegal to discriminate against a person bringing an action under the anti-discrimination law.

The New York law is administered by a five-member State Commission Against Discrimination. This Commission can: (1) Receive and investigate complaints of discrimination. (2) Call conferences for the purpose of mediation and conciliation. (3) When conciliation fails, subpeona witnesses and hold public hearings. (4) Issue cease and desist orders (and orders for back pay) that are enforceable in the courts. All acts of the Commission are subject to court review.

For the past 10 years we have had a vast war and postwar economic boom. The labor market has stayed tight and for that reason the Negroes and other minority groups have gained ground and held that ground.

While these gains have occurred in all states, there is evidence indicating that the gains have been greatest—both in the quantity and the quality of the jobs available to members of minority groups—in areas with FEPC laws. . . .

Surveys made in both FEPC and non-FEPC states indicate that in areas covered by anti-discrimination laws more industries report that they employ Negroes and, most important, more industries report that they hire Negroes in semi-skilled, skilled and white collar positions.

But the difference between FEPC and non-FEPC states, while it is clearly apparent, is not as spectacular as you might expect. That fact indicates that these laws have been administered with great care. They have not been used crudely to blast open places in the economy for the minority groups. In the opinion of many minority group spokesmen, the progress has been too slow.

Thus far the 11 states with FEPC legislation have handled only 5,000 cases. (Nothing like the flood of complaints that was predicted has occurred.) Roughly 70% involved color or race, 16% involved religion, 8% national origin and 6% a variety of causes.

Fears that an FEPC law would lead to a mass of shyster-sponsored lawsuits have not proved justified. Of the 5,000 verified cases handled over the past seven years in the 11 FEPC states, only five have reached the public hearing stage and, of those, only four have gone on into the courts. One of the lawsuits (*Railway Mail Association* vs. *Corsi*) was carried to the U. S. Supreme Court where fair employment practices legislation was ruled to be a legitimate exercise of the state police power.

One of the most interesting phases of this FEPC development has been the reaction of the employers.

In the beginning employers vigorously fought proposed FEPC legislation. They feared that such laws would deprive them of a fundamental managerial right. They feared the reaction of their white employees and they feared the reaction of the public.

The state and local chambers of commerce, retail merchants associations and manufacturers associations have opposed FEPC legislation where it has been proposed. So have many of the labor unions, particularly AFL unions and the Railway Brotherhoods.

But where an FEPC law has been adopted in the face of such formidable

opposition the results have, in the words of a spokesman for the New York Chamber of Commerce, "confounded its opponents and surprised its friends."

A number of top U. S. corporations have publicly praised these laws.

So have business executives of the caliber of Charles Wilson (General Electric), William Batt (SFK Industries), Henry Luce (*Life-Time-Fortune*), Spyros P. Skouras (20th Century Fox), Charles Luckman (Lever Brothers) and others.

On February 25, 1950, *Business Week* announced the results of a survey made among businessmen in FEPC states and cities. The gist of the findings was, "Employers agree that FEPC laws haven't caused near the fuss that opponents predicted. . . . Some employers still think that there is no need for a law. But even those who opposed FEPC aren't actively hostile now."

It must, however, be recognized that this record of performance has occurred in Northern states. Whether you would have the same results if similar anti-discrimination rules were enforced in the South is a hotly disputed matter.

Certainly it is beyond the scope of this article to attempt to answer that question. However, by a discussion of some of the pros and cons involved in this controversy, it is possible to provide you with material from which you may be able to fashion some conclusion in your own mind.

Businessmen are particularly fearful that FEPC legislation will deprive them of the right to hire, fire and promote within their own organization.

The FEPC laws deny that right where the hiring, firing or promoting is based on discriminatory reasons of race, color or creed.

The employer is free to set his own standards. He can set them as high as he likes so long as they are reasonable and based on the skill required. Once those standards are set, the FEPC then seeks to assure that they are applied fairly to all applicants, regardless of their color, race or religion.

The FEPC does not, for example, attempt to tell an employer that he must hire so many Negroes or Jews. It does not attempt to tell him which individuals can be hired, fired or promoted. These laws are carefully designed so that they do not protect incompetents.

The purpose of FEPC laws is to guarantee—insofar as possible—that jobs will be filled on the basis of individual merit and not on a basis of race, religion or color.

It is said, and with a good deal of justification, that an FEPC law marks the breakdown of the entire system of racial segregation. That fact—and it is a fact—is one of the great stumbling blocks in the South.

In FEPC states like New York and Connecticut, the anti-discrimination commissions work in many other fields than employment. They are combating discrimination in the National Guard, in public schools, in public housing and in the use of such public accommodations as hotels and restaurants.

Southern states certainly will balk at extending anti-discrimination laws into those areas.

Another common argument against FEPC legislation is, "You cannot legislate against prejudice."

That really isn't a relevant argument. Prejudice is a personal matter. The FEPC laws are focused on discrimination which is a public manifestation of prejudice.

Of course these laws will not erase prejudice. They aren't intended to do so any more than a law against murder is intended to erase the act of murder. FEPC laws, like murder laws, are intended to make the overt act—in this case, the act of discrimination—less common.

They place a clear-cut public ban on discrimination. Today racial discrimination is, at least by implication, sanctioned in non-FEPC states. . . .

There are those who argue that an FEPC, by creating job competition between the races, will arouse racial antagonisms.

The CIO, an organization that certainly is interested in that possibility, strongly favors FEPC legislation. Instead of creating greater competition for the same number of jobs, many CIO leaders feel that an FEPC will create more jobs by enabling a large part of the population to increase their earnings and, thereby, enlarge their buying power.

In the South, even among the leading liberal spokesmen, there is a strong belief that the desired goals can be reached through a voluntary program based on education rather than through a compulsory law.

There is no question that progress is being made against discrimination on a voluntary basis. In Winston-Salem, for example, the fact that we have Negro policemen and firemen is evidence of such progress. Some large corporations with plants in the South, the International Harvester and the Firestone Tire and Rubber plants in Memphis, for instance, have voluntarily banned discrimination in their employment programs.

The question raised by proponents of FEPC legislation is whether the pace of this voluntary progress is sufficiently rapid.

In Cleveland, business leaders, in an effort to head off a proposed FEPC ordinance, launched a rather large-scale anti-discrimination educational campaign in 1950-51. That campaign, while it was widely publicized, accomplished very little in the way of removing discrimination in employment. As a result, Cleveland dropped the voluntary approach and turned to a compulsory FEPC law.

In the South the great question mark rises from the impact a compulsory FEPC law will have on a society where racial prejudices are powerful and deep-seated.

The fact that FEPC laws have worked with surprisingly little friction in the large Northern cities and in all parts of the nation, excepting the South, does not answer that question.

Associations are recognizing that professions should be color-blind

Professional Groups Drop Race

July 1950

WHEN the Florida Medical Association opened its doors to Negro members recently, its action was regarded as news throughout the nation. It was news for the very simple reason that Florida is the first—and so far the only—Southern state in which Negro doctors are admitted to full membership in the state medical society.

In most Southern states, it is true, Negro doctors have their own organizations. The same is true in other fields. These all-Negro groups are not dealt with here, however, since they exist largely because of the exclusiveness of the dominant professional associations. Like so many of our "separate" institutions, they suffer limitations not shared by their white counterparts. Their membership is necessarily much smaller, their professional resources fewer, their prestige and influence unavoidably less. Under present conditions, they are necessary and useful, but the Negro professional person will continue to suffer disadvantages so long as he is denied membership in the major associations. And quite apart from the injury felt by trained, competent, sensitive people, the South as a whole is denied the benefits of free interchange of knowledge.

Doctors are not the only professional group to apply the color bar. Negro dentists may not join the dental association in any Southern state, and Negro teachers are excluded from even formal membership in the educational associations of all except Arkansas. In welcome contrast, the state social workers' associations are open to Negro members in all of the thirteen Southern states. Nurses' associations rank next, with eight out of thirteen open to Negroes. Lawyers admit qualified Negroes to membership in seven states, and librarians in six.

The situation is not as simple as this tabulation suggests. Even among the associations which officially admit Negroes, one can find various discriminatory practices. Few have a policy as unequivocal as that of the Alabama Bar Association, which admitted the first Negro lawyer to membership some 25 years ago; today it has seven Negro members who may attend all business meetings, receive all literature, and vote on all proposals. Most of the associations which fall short of these practices do so because of public or private regulations prescribing segregation. Some, for example, combine their business and "social" functions in such a way that Negro members are prevented from taking part. In others, Negroes are eligible for membership at the state level but are not admitted by the district or county organizations which make up the state body. A few are integrated only on paper, for they insist that Negro and white members meet separately and, in effect, conduct their business as two affiliated organizations.

Many of these groups have only recently opened membership to Negroes. As the practice comes to be accepted as a matter-of-course, it is hoped that the clumsier arrangements will disappear. Meanwhile, to illustrate the kinds of adjustments that have been and are being made, the following specific examples are offered.

The functions of the bar associations, and hence their membership policies, vary from state to state. The Georgia Bar Association, for example, is a purely private organization which may admit or exclude anybody it pleases, and performs only such professional services as its members wish. It does not accept Negro members. On the other hand, Virginia has what is known as an "integrated bar"—one which performs the dual role of private association and official agency. It issues licenses, hears complaints, and otherwise regulates the practice of law in the states. By its very nature, the Virginia State Bar could hardly restrict membership to one racial group, since every lawyer must be a member in order to practice. Membership eligibility must be determined by purely professional standards.

In addition to the State Bar, Virginia has two bar associations, one for whites and one for Negroes, which are largely "social" organizations. But that is not the general pattern. In Alabama, the single bar association *is* the integrated bar; and a move is under way in Oklahoma to transform the Oklahoma Bar Association (now limited to whites) into an integrated bar, in which case all practicing lawyers would become members.

The sole exception to the rule of separate associations for white and Negro teachers is a very recent one—and only a partial exception. Until April, 1950, as in the other Southern states, there were two such organizations in Arkansas—the Arkansas Education Association (white) and the Arkansas Teachers Association (Negro). The AEA at its 1950 convention amended its constitution to admit Negro members, but with the provision that the two groups "continue to meet separately." The ATA met a few days later and, after some debate, voted to accept the condition and become part of the AEA.

Although state dental associations uniformly restrict membership to whites, the arrangement in Alabama might be noted in passing. It is best described in the words of the secretary-treasurer of the Alabama Dental Association: "Negro dentists are not active members but are invited and admitted to scientific sessions, clinics, and exhibits at our state meetings. The Alabama Dental Association acts as a clearing house for forwarding the dues of the Negro dentists to the American Dental Association. We have been following this plan for a long time and there are about 35 Negro dentists who participate in it." Negro dentists in Tennessee, though they may not join the Tennessee Dental Association, are invited to participate in an annual seminar sponsored by it.

How many state medical associations will follow the lead of Florida in opening membership rolls to Negro physicians remains to be seen.* The Oklahoma Medical Association took a slight step in that direction only last month when it voted to invite Negro physicians to attend scientific sessions, beginning in 1951.

**Editor's note: As of June 1955, seven additional Southern state medical associations had opened full membership to Negro doctors and two others accepted them as "scientific" (non-voting) members.*

A requirement for admission is that the Negro doctors be recommended by the local medical society of the county in which they practice. Another condition is that the sessions shall be open to Negro doctors only "when they are held outside of local hotels."

Following the Florida action in April of this year, Alabama's Negro medical association voted to seek admittance for its members to the all-white county and state medical societies. Sponsors of the resolution pointed out that Negro doctors are handicapped by policies of exclusion. Membership in the American Medical Association is automatically closed to them, since the AMA requires membership in the state and county medical societies. This is a serious disability, for AMA membership is necessary for certification to the various specialty boards.

Nurses' associations admit Negroes to membership in eight Southern states,* but most of the district organizations are closed to them. The situation in Alabama is fairly typical. The Birmingham *News* reported in an editorial: "Early in November of this year (1949) in state convention the Alabama Nurses Association voted to admit Negro nurses to professional membership in the group. The officers at the state level were, for the most part, in favor of such action. But such vote did not commit each district's membership. Thus it is possible—indeed, the condition has already come to pass—that one district may abide by the decision and another district simultaneously refuse to accept it." Of the fifteen districts in the state, only District One, in which Birmingham is located, is known to have voted favorably on the admission of Negro nurses.

Differential treatment has curtailed the participation of Negro nurses in association activities in at least a few states. One correspondent reports, for example, that in her state their attendance at state meetings "has been very limited because Negro nurses refuse to invite upon themselves the humiliation of being asked to use freight elevators in hotels where meetings are held."

The state library associations in Oklahoma and Virginia have been open to Negroes without restriction from the beginning. Negro librarians have participated fully in the Arkansas association for many years. In Texas, the library association has been open since 1938; in Kentucky, since 1946; and in Louisiana, since 1947. Membership in the Louisiana Library Association appears to be somewhat limited. According to a correspondent, Negroes pay dues, are on the membership roster, receive the literature, but have not attended meetings, since they are held at hotels which discourage Negro attendance.

By and large, social workers have led the field in making membership available on wholly professional grounds. It has already been pointed out that social workers are the only such group which admit Negroes to their organizations uniformly in the Southern states. (This applies to the state organizations only, not to all of the local chapters). Two of the charter members of the Tennessee association founded in 1932, were Negroes. The Texas Social Welfare Association, in which Negro social workers are fully integrated, some years ago adopted a policy of refusing to meet in any city where Negroes might be denied use of the facilities of the meeting place.

**Editor's note: As of January 1955, membership had been opened to Negro nurses in every Southern state except Georgia.*

Most newspapers fall short of modern standards

Race In The News

September 1949

THE past ten years have seen a marked improvement in the coverage of racial news by Southern newspapers. The people of the region, through the news and editorial columns of their hometown papers, have been made immensely more concerned with all aspects of the so-called "Negro problem."

Ten years ago, it could be charged with some justice that most newspapers ignored the Negro, except for his crimes. Today that charge no longer holds. Successive court decisions affecting the Negro's status in politics and education; the President's appeal for a civil rights program and the controversy it has brought about; the impact on the national conscience of Negroes segregated in military service; the national and international publicity given lynchings and other racial incidents which used to be of exclusively sectional concern; the spectacular achievements of individual Negroes like Ralph Bunche and Alice Coachman—these trends and events have been news in the fullest sense of the word. No newspaper *could* ignore them and still pretend to be a newspaper.

It should be said also that most Southern newspapers have reported the big events, the larger issues, in a fashion reasonably consistent with the best traditions of American journalism. News stories have been played straight. Editorials have been increasingly honest and calm in tone, if not always well-reasoned. When the newspapers have failed to give their readers the truth, it has been more often through omission than commission. It is a rare thing today to find among conventional newspapers of general circulation the kind of inflammatory writing that editors once thought to be in order at every moment of crisis between the races.

Yet, in many ways, the newspaper still discriminates against the Negro in the news. Most newspapers have felt it necessary to segregate the news of the two races. But newspapers have done no better at providing "separate but equal" treatment of Negroes than any other Southern institutions. As any reader will recognize after a moment's reflection, Negroes in the news are almost always identified by race; whites, except for the sake of clarity or to avoid the risk of libel, are not. Human interest stories about the Negro usually present him as a comic figure without dignity. Hardly ever does "Mr.," "Miss," or "Mrs." precede the name of a Negro in the regular news columns. In line with the South's traditional double-standard, a Negro is considered bigger news when he commits a crime than when a crime is committed against him. There are notable and laudable exceptions, but in general Southern newspapers constitute the greatest single force in perpetuating the popular stereotype of the Negro. One can only agree with the nine Nieman fellows who observed in *Your Newspaper: Blueprint*

for a Better Press: "As pictured in many newspapers, the Negro is either an entertaining fool, a dangerous animal, or (on the comparatively rare occasions when a Negro's achievements are applauded) a prodigy of astonishing attainments, considering his race."

These faults are by no means peculiar to newspapers. The press is partly a product, as well as a creator, of public opinion. It should be remembered that criticism of the Southern press is necessarily a criticism also of the Southern society. The working editor is plagued every day by a question he rarely answers to his own satisfaction. The question is, whether to give readers what he thinks they want, or to give them when he thinks they ought to have. Not to give them what they want may mean reduced circulation, curtailed advertising, possible bankruptcy. Not to give them what he thinks they ought to have means a forfeiture of the editor's historic responsibility for leadership.

It is the editor's desire to give readers what he thinks they want that accounts for most of the daily acts of discrimination against the Negro in the news. For the average white editor believes, rightly or wrongly, that readers want little mention of the Negro which does not fit in with their own concept of colored persons. Reasoning thus, the editor can rationalize the big play he gives crimes committed by Negroes against whites. He can also cite the newspaper principle of "reader interest." Conflict makes news, he tells himself. And what, to the average Southern reader, can be more exciting in conflict that an act of violence by a black man against a white?

By and large any less discriminatory treatment of Negroes in the news columns should come from the individual editor's sense of public responsibility. For it is the editor who determines policy, and it is he in most instances who must take the initiative; a memo to the staff can affect the operation of the whole newspaper. At the same time, the staff must share this sense of responsibility if it is to be reflected at the working level.

Few editors today will deny that that responsibility exists. They know that the Atlanta race riots of 1906 can be traced directly to the inflammatory headlines and stories in the old *Atlanta News*. They strongly suspect that the 1946 riot in Columbia, Tennessee, and the 1949 lynching in Wilkinson County, Georgia, would never have happened had editors there showed either more courage or less prejudice.

Markedly lacking in timidity, a few newspapers in the South have all but liberated themselves of the editorial compulsion to regard Negro news by discriminatory standards. Among the foremost of these are the *Chattanooga Times* and the *Richmond Times-Dispatch*. These two papers do not headline Negroes in crime stories. Except where identification by color is necessary to an understanding of the story, race is rarely introduced at all. Courtesy titles are used with Negro names when appropriate, as they are with whites. Both run, without any display of condescension or patronage. Negro photographs, achievement stories, background stories on Negro institutions, and interviews with prominent Negro personalities.

In their positive efforts to improve race relations, other papers have gone considerably beyond what conservative newspapermen might think their readers would stand for. At least one such newspaper can be found in virtually every

Southern state. What the editors of these papers are doing is significant, because it shows what other Southern editors can do, even in areas where racial tensions are at their worst.

The responsible editor, hoping to improve race relations in the South, need not indulge in special pleading for the Negro. He need merely apply the same news values to Negro events that he does to all events. He simply handles stories about Negroes with the same respect for accuracy, the same sense of fair play and good taste, that good journalism demands in all stories.

He refuses to capitalize on the race issue; refuses to appeal to the prejudices of his readers in a short-sighted bid for circulation, because he knows that improved race relations are imperative for the progress of his region. And he knows that proper handling of Negro news is helping in that progress by (1) giving white readers a better, fuller understanding of Negro life and Negro aspirations; and (2) encouraging Negroes, by crediting their achievements, to make constructive use of their growing opportunities.

Editors find that good journalism and good racial policies coincide

A Progress Report On The Press

March 1950

NEGROES are coming into their own in the columns of Southern newspapers.

The trend is not new. The movement for fairer handling of racial news has been growing for at least a decade. But the pace has quickened remarkably. In recent months, scores of Southern papers have made constructive changes in their policies.

The Southern Regional Council has watched these improvements with particular interest, since it has played some part in securing them. The pamphlet *Race in the News,* issued by the Council last October, first described the problem in detail and set up desirable standards. The booklet was sent to every white daily in the South by the Southern Newspaper Publishers Association, and has since been mailed by SRC state divisions to the county weeklies in every state in the region. It has gone also to Council members and, in quantity, to various church and civic organizations.

It is not possible to take any statistical measure of the Southern press in this field. That would require an elaborate study of newspaper practices, past and

present. But, without trying to be comprehensive, instances can be cited to show the nature of the trend.

What happened in one Georgia city is a heartening example. Following the publication of *Race in the News,* a committee of church women of both races called on the editors of the two daily newspapers, booklet in hand. The committee members pointed out those practices which they felt fell short of fairness; failure of the dailies to cover important events in the Negro community, failure to use the same courtesy titles for Negroes as for whites, a complete ban on pictures of Negroes, undue emphasis on crime news involving Negroes. Both editors were cooperative, and within a matter of weeks vast improvement could be seen. Now both papers frequently use news pictures of Negroes. The title "Mrs." is usually placed before the names of married Negro women. There has been a marked reduction in headline references to race in crime stories. Most important of all, newsworthy events are being reported as they happen in the Negro community—and they are being given the space and position warranted by their news value and reader interest.

Neither paper could (or probably would want to) lay claim to perfection in its handling of racial news. Eventually, one may hope, some of the remaining problems will be solved by the employment of full-time Negro reporters. But the notable thing is the conscientious spirit in which improvement has been undertaken, and the way it has been accepted by the community at large.

Until a few months ago, a South Carolina daily was publishing a special "Negro edition" once a week. It was in every way similar to that day's regular edition, except that it included a page of Negro news and circulated only in the Negro community. Subscribers were asked to express themselves on a plan to incorporate Negro news in the regular edition. A majority of those responding expressed approval. Yet, the editor hung back for fear of an adverse reaction. Finally the new practice was adopted. When the editor was asked recently if he had any complaints about the change, he answered, "Not a bit."

One Texas weekly that has been above average in its handling of racial news some months ago found it necessary to suspend its Negro news column because it had not found a competent correspondent. (This is not an uncommon problem in small towns.) Commenting on public reaction, the editor wrote: "Surprisingly enough we received more protests about leaving the column out from the white readers than from the colored. . . . Only this week the mayor of this city expressed regret that we had discontinued it." The editor went on to say that the column would be resumed as soon as a correspondent was found.

A member of the Council in Mississippi, reporting on two local papers, said of the first: "At some point, there developed a consistent use of the capital *N* in the word *Negro.* News stories featuring crimes committed by Negroes have improved in tone. Sometimes the racial identity of the individual is not in the headline. Crimes of whites against Negroes are not deliberately played down."

Of the second, the member commented: "There seems to be a greater willingness to accept news brought in by Negroes. There are frequent editorials calling attention to problems involving the Negro which must be faced squarely and honestly. Both papers have carried pictures of Negro groups featuring outstanding achievements."

A member reports from a South Carolina city that the two daily newspapers—neither of which has been known for progressive attitudes—have shown in the past few months "tangible evidence of less racial feeling in reporting this or that happening in our group. . . . The athletic programs of our Negro high schools and other events connected with Negro groups are being more favorably presented. . . . There have been pictures of farm groups and labor groups published to point up some news stories. Of course, it is to be understood that there are still areas for continued improvement, but we do think the trend has been recently in the right direction, especially when one compares the handling of such news items a year ago with current reporting."

These are but a few examples of the kind of improvements to be found in Southern newspapers. They could be multiplied again and again with specific instances.

The gains made are both a satisfaction and a challenge to people of good will. The advantages are obvious: White newspaper readers are acquainted realistically with the activities of Negro citizens; they read about Negroes as individuals instead of stereotypes; and a new respect is born. Negroes, on the other hand, are rewarded by recognition of their accomplishments and their problems, and are encouraged in their efforts to find constructive solutions.

The challenge lies in the fact that the public as well as the press has a responsibility for better newspaper practices. Where change has come, it has usually been because there were local citizens of both races who urged and applauded it. Continued improvement will depend on increased awareness not only among editors and reporters, but also in the reading public.

February 1953

SOUTHERN newspapers are continuing to progress in their handling of news about Negroes, according to a recent article in *Editor and Publisher* by Editor Robert W. Brown of the Columbus (Ga.) *Ledger.*

Mr. Brown's conclusions are based on a survey of 34 daily papers in the Deep South. He found that more than half of the papers now use the titles "Miss" and "Mrs." in referring to Negroes, and some use "Mr." About a third carry special Negro news columns, six devote a daily or weekly page to the Negro community, and all but four use pictures of Negroes.

The editors reported that these innovations had brought no significant protest from white subscribers, but had a favorable effect on Negro circulation.

One of the most interesting conclusions drawn from the survey is that "a new field for Negro professionals is opening in the Deep South—that of journalism." Ten of the 34 newspapers employ Negro reporters, and four more are considering the move.

The use of a segregated column or page is a common practice. But the case against this policy of separation was made by the editor of the Pensacola *News-Journal,* who wrote: "We refuse to print special columns or pages on the grounds that Negro news should stand on its own, according to merit. Most newspapers with special pages do not go to white subscribers. Thus whites do not know of the good activities of Negro citizens."

SRC's president on the humanizing role of libraries

Literacy and The Free Mind

By Marion A. Wright

March 1954

THERE is a point about libraries which I have never seen thoroughly or scientifically explored. The point is that there is casual relation between literacy and good morals or ethics. If there should exist a dearth of literature on the subject, such lack may perhaps be accounted for upon the theory that it would be wasted labor to establish, logically and scientifically, what is so obviously true. All of us seem intuitively to know that there must be light if there is to be sweetness.

Voltarie touched upon it. "Go over the whole history of Christian assassins—and it is long," he said, "and you will see that never have they had in their pockets with their daggers a copy of Cicero or Plato or Virgil."

An old professor of mine kept in his home a string of keys to all of his rooms, each bearing in Greek the location of the lock it fitted. He was chided by a friend who declared that a burglar should not be given such helpful information, whereupon my professor replied, "No one who knows Greek will ever break into a house."

Perhaps, basically, this is the argument for libraries—they tend, at least, to civilize, to humanize those who use them.

In nothing is this humanizing process more evident than in the allergy which literacy has for prejudice. The first indication that one is becoming literate is to be found in the contraction and atrophy of his biases or, rather, in the expansion and extension of his interests and sympathies. The thoroughly literate mind is always the open mind. Bigotry will never thrive in a community of cultivated intellects. He who knows something of *all* ages and places will never live wholly under the tyranny of *this* age and *this* place.

It is my firm conviction that if, for the past fifty years, an efficient public library service had been available for all our people in the South, there would be no civil rights problems to plague us this day.

That is, perhaps, an over-statement. Until the millenium is at hand, even in the most literate society, there will be individuals who seek a preferred status and who feel that they advance more rapidly if others are held back. Those who lack any real superiority but who have power seem to be under the compulsion of proving that they are superior. Hence they surround and bolster themselves with all sorts of legal props designed to convert an actual equality or inferiority into an apparent superiority.

What I mean to say is that, if all of us in the South, white and Negro, had had

access to books to the same extent as the citizens of Massachusetts or New Hampshire, our *present* civil rights problems would long since have been behind us. The skirmish line would be far advanced. We would be contending over issues so tenuous, subtle and finely spun as now to be beyond our comprehension. We might still have questions of civil rights but they would be defined in new terms. . . .

From dark corners these days one occasionally hears ugly words—happily none in North Carolina—such words as "If the court should decide against segregation, ways and means will be found to evade and circumvent the decision." Without minimizing the difficulties of enforcement—though I think they have been vastly exaggerated—it may be pointed out that one of the tests of the degree to which we are civilized is the extent to which we are obedient to the unenforceable.

And, speaking of the re-definition of terms, there were the terms "nullification" and "secession" which at least had about them a certain forthright honesty. They have sired the loathsome offspring "evasion" and "circumvention." These words gain nothing of sanctity because the sentiments they reflect may have been uttered by a former member of the United States Supreme Court.

If the issue of segregation in the schools were entirely a political one, we might defer to the Governors of South Carolina and Georgia as being experts in that arcane field. But involved are questions of fair play, good faith, public morals, community ethics. Without one word of disparagement of either of those gentlemen, I see nothing in their careers which gives them authority superior to the rest of us where probity and conscience are concerned.

So when the ideas of evasion or circumvention of a court decision—whether by constitutional amendment, legislative act or the connivance of officials—emerge from the slime in which they are spawned, let us test their right to our acceptance, not by the eminence of their authors, but by our individual standards of what is a right and an honorable course for a state to pursue.

I am sure that if the question were asked anywhere in the country—Do you believe in slavery?—there would be no affirmative answer. The questioner would be told he should have his head examined, as Sam Goldwyn is said to have remarked about any one who would consult a psychiatrist. But the correct answer may depend upon definition.

What we would be thinking of, of course, is a condition of enforced servitude—a master and servant relationship of the ante-bellum kind. That slavery, of course, has no champions, no defenders.

But in a broader sense, slavery is a lack of privilege to do what free men do. There was the slavery of chains which merely restrained and limited locomotion. There may be the slavery of law and custom which commands: Use the rear seats. Don't sit in that grandstand. Don't go in that waiting room. Don't eat in that restaurant. Don't attend that church. Don't go to that school. Don't use that library.

Why? Because you are Negro. That slavery is subtle. The chains don't show. But custom and law may be hard masters. Wounds to the spirit may be deeper than mere leg sores produced by shackles.

Slavery is but half abolished, emancipation but half completed, while millions

of our fellow citizens are denied the right to use all of the instrumentalities, institutions and facilities of government upon precisely the same terms as every other citizen.

Now, of course, I must admit that all of my remarks are almost out of date—almost, but not quite. Things are moving so rapidly in the field of race relations that, in Alice's immortal phrase, we must run very fast just to stand still. What a pleasant task it would be if time permitted, to comment upon the changes we have witnessed—wrongs rectified in the fields of voting, jury service, appointive and elective offices filled, teachers' salaries, transportation, graduate and religious education, service in army and navy units—the list could be indefinitely extended—business, the stage, literature, churches, sports, entertainment and so on. All about us—everywhere—the walls come tumblin' down.

There remains one conspicuous exception—the public schools. That issue is on the laps, if not of the gods, at least of Nine Old Men.

At Fulton, Missouri, some years ago, Mr. Churchill coined a memorable phrase which has become a part of daily speech—"the iron curtain." It connotes a system or policy by which people in a certain area shut themselves off from ideas from abroad, place an embargo upon thought originating elsewhere, repel all new conceptions unless locally created.

Of course, ideas, like certain plants, have to be cross-fertilized if they are to flourish. There may be in-breeding of thought as of cattle. So a people who reject ideas from abroad rapidly lose capacity to develop their own. Convictions may lose robustness, virility—become anemic—if not compelled to compete upon equal terms with those of others. Hence Jefferson's "a decent regard for the opinions of mankind."

Now, not only in this country but everywhere throughout the world the tide of democracy is at the flood. Artificial distinctions which men reared between themselves are swept away by the combing surge. Caste perishes. The Ghetto crumbles. Little men stand erect in new-found dignity.

Nowhere more than in the South are these changes evident. And in the South nowhere more than in North Carolina. One could ask no higher honor for his state than that it stand at the head of this liberalizing movement.

In the public schools of the South segregation makes, if not its last, certainly its most significant stand. The conscience of the world condemns it. Indeed, when hearts are searched, the consciences of white Southerners are troubled and ill at ease. There is a certain sense of shame in seeing their states officially locked in combat with the world's enlightened forces, opposing their puny strength against world opinion.

For decades a certain type of political leader, now greatly reduced in numbers and thoroughly discredited, has tried to keep intact a kind of—shall we say cotton?—curtain about the South. The natural foe and inevitable conqueror of that kind of leadership is the public library.

When the last tawdry vestiges of that curtain, with all of its Jim Crow embellishments, come down, to the library, to education, to the press, to all forces of enlightenment and to men's attachment to Christian, Judaistic and humane principles will go the honor and the glory.

More Southern cities realize
that knowledge won't segregate

The Color Line In Libraries

By Anna Holden

January 1954

IN 1941 Dr. Eliza Atkins Gleason's careful survey of the *Southern Negro and the Public Library* revealed that only sixteen communities in the South gave any type of service to Negroes through their main public libraries. Four of those—Covington, Ky., Brady, Pecos and El Paso, Texas—offered full service; the other twelve limited Negro patrons to separate reading rooms, partial privileges, or service in the summer months. Mrs. Gleason's comment on the situation in the early 1940's suggests the state of public thinking on Negro use of regular public library channels at that time. "That full privileges are extended to Negroes anywhere in the Southern region," Mrs. Gleason stated, "is a most interesting development."

In the twelve years since 1941, Negro use of the main library has grown from an isolated phenomenon to an increasingly acceptable practice in certain areas of the South.

A Southern Regional Council mail survey of librarians, state library commissions and associations indicates that by January 1954 public library "integration" in the South had gone this far:

1) In sixty-two cities and towns Negroes have free use of the main public library.
2) Twenty-four communities give limited service to Negroes at the main library.
3) In eleven localities in the South one or more branches give service to patrons regardless of race.
4) Three library systems have Negro representation on their boards.

Comments from the librarians testify that main libraries which claim to serve Negroes freely actually do. The librarian at the downtown public library in Burlington, N. C., for example, states: "Since the middle forties this library has been open to Negroes on the same basis as the whites. A resolution of the Board of Trustees set this as a policy. I can truthfully say that they have had this service in actuality as well as in the letter of the law during the past four years." Similarly, the librarian in Miami's new million-dollar central library writes: "Negroes use the library freely, children's room, as well as the adult department. Negroes also attend programs."

Four of the fifty-nine libraries on the "full service" list—Little Rock, Ark., Knoxville and Nashville, Tenn., and Bryan, Texas—do not serve Negro children.

"Limited service" to Negroes in main libraries may mean anything from

regular use of all facilities but the reading room to special service on "rare occasions." The librarian at Gastonia, N. C., reports that "all resources of books, periodicals, audio-visual materials, reference facilities are open to Negro use, but the main reading room is not open." A conference room is made available for Negroes who wish to use these materials in the Gastonia Library. The New Orleans central public library admits and serves Negroes in the main library building, but sets separate reading tables aside for Negro use. Lake Charles, La., follows the same practice.

Where "limited service" is more restrictive, Negroes may borrow directly those materials which do not circulate through inter-library loan, or apply for reference service not available at the branch. A few librarians stipulate giving main library service to professional Negroes or college students. Still others serve Negroes who seek service in the main library, but do not "encourage" Negro patronage.

Successful experience in opening the downtown library to all citizens has paved the way for a small number of formerly "white" and "Negro" branches to begin serving patrons regardless of race. Six or eight years after the main library in Burlington, N. C., dropped racial barriers, one of the "white" branches voted to serve Negroes. According to the chief librarian of Miami's central library, which opened on a non-segregated basis, there is a "Negro" branch on the border of a white residential district which both whites and Negroes use. Chattanooga, Tenn., opened its main library to Negroes in 1949 and now plans a new branch in a predominantly Negro neighborhood which will be open to any resident of the area. It will not be called a "Negro" branch.

Integration of the white and Negro divisions of the University of Louisville was influential in the Louisville library board's decision to open all the city libraries to patrons regardless of race. The resolution adopted by the board in 1952 noted the necessity for "complete freedom of interchange between the students of the University of Louisville and the patrons of the Public Library" and demanded "that the agencies of the Louisville Free Public Library be opened to all citizens." Negroes were admitted to the main library in 1948.

A new policy regarding Negro patrons in the main library does not always precede or accompany integration of the branch libraries. The Secretary of the Florida State Library Association reports that certain "white" branches in one of Florida's leading cities are used by Negroes through special arrangement between the branch libraries. The downtown library is still limited to white use.

Though Southern libraries are opening doors while many other public agencies are duplicating separate services, libraries in the South have lagged behind the public schools, city government bodies and social service agencies in Negro board representation. Just three Southern cities have Negroes on their library boards—Louisville, Ky., Roanoke, Va., and Winston-Salem, N. C. Yet Negroes sit on public school boards in at least nine communities and on city councils in at least ten towns in the South.

For some time Negroes have had unofficial representation on advisory committees of the public libraries. Special committees of Negroes and whites often play an important part in expanding Negro branches and in opening up the main library to Negro use. Many Negro branches and independent libraries

have their own Negro boards. This, however, is not the same as full voice and vote on the city library board. As the Birmingham branch of the National Association for the Advancement of Colored People recently stated in a letter to the Mayor concerning the appointment of a Negro advisory committee:

> We acknowledge this to be a step forward and for that we commend your board for recognizing and beginning to meet a need. We take the liberty of suggesting, however, that the problems in this, as in all other areas of common interest, are so many and so complex . . . that solutions will be unattainable unless and until representatives from the various segments of the population in the community can sit down together as human beings with a common interest and the opportunity for full discussion and consideration . . . We trust that in the not too distant future, action will be taken to have Negro representatives as an integral part of the Library Board. Through such positive participation, we are certain that there will be greater mutual understanding and both human relations and library science will be improved.

Population figures show that public library integration is taking place chiefly in areas where few Negroes live. Nearly four-fifths of the localities extending full library privileges to all their citizens have Negro populations making up less than 20% of the total. Many are located in the hills of Kentucky and the flatlands of western Texas, where Negroes compose 3%, 10%, perhaps 12% of all residents. Towns such as Harrisonburg, in the mountains of Virginia, feel they can no longer justify operating a branch for the six to seven hundred Negroes in the population.

Not all the localities giving Negroes full service in their main libraries have small Negro populations or are found in "border" states. Eleven have Negro populations ranging upwards from 21% to 44%. "Southern" cities like Chattanooga, Tenn., with a 30% Negro population; Newport News, Va., 43% Negro; and Little Rock, Ark., 24% Negro, have come to realize that a separate library system is prohibitive if any attempt is made to accompany the separateness with equal facilities.

While cities the size of Chattanooga, Nashville, and Norfolk often have branches set up in both white and Negro neighborhoods, the task of providing two reference centers with special collections, films, and records seems too costly an undertaking for serious consideration. The board of trustees of the Little Rock Public Library announced its decision to admit Negroes to the main public library with the statement that, while the branch could "supply many library needs and has a particularly good collection of children's books, the main library contains reference books and periodicals which are too expensive to duplicate and which are needed for research."

As yet no communities in South Carolina, Georgia, Alabama, Mississippi, and Louisiana have extended full service to Negroes in their main libraries. Librarians in these areas express the same concern for present inadequacies of Negro service as librarians in the rest of the South. Their concern, however, has so far been directed toward expanding separate services, with extension of partial service at the main library in some instances. Increased demands for service will no doubt change this situation, for as one South Carolina librarian comments, Negro service in his community "is as unequal as the demand for it."

The Justice Department calls for an end to the dining-car curtain

"Separate But Equal" In Court

December 1949

TODAY the "separate but equal" doctrine is under heavy attack. Court suits in the fields of education, transportation, and various public services are challenging the view that equality is possible within a segregated system.

In this legal controversy, no more important document has appeared than the brief recently filed by the Justice Department in the case of *Henderson* vs. *Interstate Commerce Commission.* This is only one of several briefs filed by "friends of the court" on both sides, but it is uniquely significant; for it is a request from the U. S. Department of Justice that the *Plessy* vs. *Ferguson* decision be overruled by the Supreme Court.

The original incident out of which the Henderson case grew took place on May 17, 1942. On that date, Elmer W. Henderson, a Negro representative of the Fair Employment Practices Committee, was traveling by train between Washington, D. C., and Birmingham, Ala. On three occasions he visited the dining car and asked to be served. On all three occasions he was refused service, since the table ordinarily set aside for Negro passengers was occupied by white persons.

Following is a short summary of the Justice Department brief:

SUMMARY OF THE BRIEF

The ruling of the lower Federal court upheld the ICC on the grounds that the railroad's dining car regulations provided equal facilities for Negroes proportionate to the demand by Negroes for those facilities. But it is the *individual,* not merely a *group* of individuals, who is entitled to equality.

When a Negro passenger seeks service at a time when the table reserved for members of his race is fully occupied, but there are vacant seats elsewhere in the dining car, service which is available to other passengers is denied to him solely because of his race. Such legally-enforced racial segregation in and of itself constitutes a discrimination and inequality of treatment prohibited by the Constitution and the Interstate Commerce Act. This case does not involve segregation by private individuals, but a system of racial segregation enforced by and having the sanction of law. Under the regulations here involved, persons traveling together, if they are of different color, cannot eat together regardless of their personal desires. With non-segregated service, the individual passenger is free to avoid any "co-mingling" which he considers objectionable. Whatever his personal preferences or code of social behavior, no departure from it is "enforced" by anything except his own will.

Segregation of Negroes, as practiced in this country, is universally understood as imposing on them a badge of inferiority. The curtain or partition which fences Negroes off from all other diners exposes, naked and unadorned, the caste system which segregation manifests and fosters.

In our foreign relations, racial discrimination, as exemplified by segregation, has been a source of serious embarrassment to this country. It has furnished material for hostile propaganda and raised doubts of our sincerity even among friendly nations. Racial segregation enforced by law hardly comports with the high principles to which, in the international field, we have subscribed. Our position and standing before the critical bar of world opinion are weakened if segregation not only is practiced in this country but also is condoned by federal law.

"Separate but equal" is a constitutional anachronism which no longer deserves a place in our law. It is neither reasonable nor right that colored citizens of the United States should be subjected to the humiliation of being segregated by law, on the pretense that they are being treated as equals.

Despite ICC and court rulings
the Jim Crow coach still rolls

A Slow Train To Integration

April 1953

TO the casual observer, no change in the segregation patterns seems more spectacular than that in interstate railway travel. Not long ago absolute segregation was the rule on all trains traveling through the Southern states. Today, on these same routes it is almost a rarity not to see at least a few Negroes scattered through the once all-white coaches, Pullmans, and diners. It is even more of a rarity to encounter evidence of racial friction among the passengers. The new policies have been accepted by the public as matter-of-factly as the old ones.

But the uninitiated observer may miss a great deal. Seeing Negro and white passengers in the same cars, he may conclude that railway segregation is virtually a thing of the past. It would not likely occur to him to make his way forward to Car 1. If he did, he might be astonished to find Negro passengers crowded into a "Jim Crow" coach, in the old tradition. And if he pursued his investigation further, he would discover that a host of discriminatory practices—some open, some subtle and indirect—still plague the Negro traveler.

A carefully documented report of these inequities has recently been issued by Dr. Herman H. Long of the Race Relations Department, American Mission-

ary Association, Congregational Christian Churches, at Fisk University. Entitled "Segregation in Interstate Railway Coach Travel," the report is based on the first-hand experiences and observations of field personnel, white and Negro, who kept careful records of approximately 28,000 miles of rail travel in 1949 and 1950. Instead of broad arguments against segregation in general, we are given a detailed dissection of segregation practices in a specific field and their effects in human terms.

This approach is especially useful because it puts the main emphasis on what happens to individuals rather than the group as a whole. In rail travel, as in other areas of public life, the practitioners of segregation have pitched their defense on the "group" basis. They have sought to show that, percentage-wise, the Negro group has been allotted a fair share of space and facilities. But increasingly the critics of segregation have succeeded in demonstrating to courts and administrative bodies that the issue is not races and percentages, but discriminations suffered by individuals.

A good example is the Arthur W. Mitchell case, decided in 1941. Congressman Mitchell, a Negro, sued the railroad for denying him Pullman accommodations, although he held a first class ticket. The company argued that all of the first-class accommodations set aside for Negroes were occupied and that the normal Negro demand was too limited to warrant setting aside more. The Supreme Court held that this defense was not valid, since the right to equal accommodations is a personal one and cannot be made contingent on the number of Negroes seeking it.

This significant decision spelled the beginning of the end for discrimination in Pullman travel. Today, there are few remaining barriers to first-class reservations by Negroes and those are mainly occasioned by the private prejudices of ticket agents or other railroad personnel. The same may be said of dining car facilities. Several court actions, culminating in the Henderson decision of 1950, established the principle that a passenger, of whatever race, must be served in the diner. It is not enough, said the court, to set aside separate facilities sufficient to accommodate the average number of Negro diners; for "it is no answer to the particular passenger who is denied service at an unoccupied place in a dining car that, on the average, persons like him are served."

Dr. Long points out, however: "For the most part, the train facility that involves the largest segment of the passenger travel, coach accommodations, has been left untouched by these desegregation developments. Interstate railway carriers serving Southern areas still maintain, for the most part, completely disparate policies and practices toward Negro interstate passengers, even on the same train, depending upon whether they are first class or coach accommodations. The existence of state laws of segregation is no longer the absolute factor; they are made to apply in the operation of one set of practices and not to apply in another."

There is scarcely any legal basis for this distinction between first-class and coach accommodations. The Interstate Commerce Act, which governed in the Mitchell and Henderson cases, is clearly applicable to coach travel. It forbids public carriers in interstate commerce "to subject any particular person . . . to any undue or unreasonable prejudice or disadvantage whatsoever." In the Irene

Morgan case (1946), the U. S. Supreme Court held this to mean that the State of Virginia had no power to require segregated seating on motor buses which operate across state lines.

What applied to motor carriers could be assumed to apply equally to rail transportation. But the Morgan case left one question still unanswered: Is it lawful for interstate bus and rail lines to do what the states cannot do—that is, enforce regulations of their own requiring segregation? Only last November, the Supreme Court upheld a lower court decision outlawing such a regulation, in the case of *Chance* v. *Lambeth.*

The case was first heard by a Federal district judge in Virginia, who ruled in favor of the railroad. However, the Circuit Court of Appeals in Richmond reversed the decision, holding that the company regulation requiring segregation was an unlawful burden on interstate commerce: "When white and colored passengers are permitted to ride together for part of their journey through the State of Virginia, and then are compelled to separate and change cars, and when passengers in coaches are segregated on account of race while passengers in Pullman and dining cars are permitted to ride together irrespective of race, the burden upon interstate commerce is as clearly manifest as that imposed by the statute of Virginia which was invalidated in the Morgan case."

Legally, then, there is no longer any defense of segregation on interstate railroads. But in practice the situation is by no means settled. Before the court decision can become fully effective, a great deal of inertia and resistance will have to be overcome. The railroads not only must revise their policies to conform to the new standards, but must also wage a vigorous educational campaign among their employees. Only the most determined company action can insure that non-discriminatory procedures will be followed by railroad personnel, from ticket agent to conductor.

So far, there is scant evidence of such determination. Railroad practices have as yet shown little improvement over the confusing and contradictory conditions discussed in Dr. Long's report. Following is a brief summary of some of the chief forms of discrimination described in "Segregation in Interstate Railway Coach Travel."

Coach passengers on Southern trips may be segregated in one of several ways, depending on the particular railroad and train involved. If the point of origin is outside the South, Negroes may either be seated in a "Jim Crow" car from the start, or be required to change to one at Washington, D. C., St. Louis, or some other transition point. In other cases, Negro passengers boarding the train outside the South are not segregated at any time, while those boarding below the Mason-Dixon line are uniformly seated in the all-Negro Car 1. Contrariwise, those boarding North-bound trains at Southern points may be segregated for the first part of the trip only. Almost without exception, the space designated for Negroes is in the first car.

In the sample study by Dr. Long and his staff, the cars occupied by Negroes represented 18.4 per cent of the total. On the face of it, this may seem a fairly liberal quota, since the average proportion of Negro passengers to the total was 16 per cent. But these are average figures which do not reflect the actual distribution of passengers on specific trips. In 13 out of 42 trips, the proportion

of Negro passengers exceeded the 18.4 per cent quota, and in several instances was two to four times as great. On a few trips, the reverse was true: the number of white passengers exceeded the quota of seats allotted to them, while seats in the all-Negro car went unoccupied.

The arrangement was even less equitable on the reserved-seat trains, taken separately. Though this class of facilities represented 54 per cent of the total space in the sample, Negroes were allotted only 7.2 per cent. This is particularly significant in view of the fact that the reserved-seat trains are the fastest and most modern of coach facilities and are growing in use on all rail lines. The relatively small quota of seats allotted to Negroes, therefore, puts an absolute ceiling on the number who may secure these more desirable accommodations.

In no field is the impracticability of "separate but equal" more obvious than in train travel. Since segregation narrowly limits the Negro passenger to the facilities designated for his race, he has no choice as to the seating comfort, ventilation, lighting, lounging, and toilet space available in other sections of the train. If the so-called "Jim Crow" facilities are inferior in these respects to any found elsewhere on the train, then obviously equality does not exist. Short of integration, the only sure way to avoid discrimination in quality would be to set aside the very best facilities on the train for Negroes. Not only have the railroads failed to do this, but they have customarily chosen the oldest, least modern, and least comfortable cars for Negro use.

For purposes of comparison, Dr. Long's observers rated the coaches in four categories: de luxe, modern, ordinary, and antiquated. Thrity-six per cent of the white coaches were of the deluxe type, as compared with 23 per cent of the Negro coaches. The two groups had the same percentage of cars classified as modern. Thirty-two per cent of the Negro coaches were rated as ordinary and antiquated, as compared with 18 per cent of the white coaches. (Negroes had a monopoly on the facilities classified as antiquated.) With some exceptions, the reserved-seat trains show up much better than average; facilities throughout these trains are usually of high quality—including the Negro car. But it must be remembered that Negroes encounter greater difficulty in securing reservations on most of these trains, since facilities for them are sharply limited.

The manipulation, deception, and subterfuge involved in enforcing the segregation policy on reserved-seat trains are truly formidable. Here are some of the common techniques, as described by Dr. Long:

"One fairly general method used by ticket offices in complying with requests for seat reservations via the telephone, particularly in Southern areas, is to assure the potential passenger that space is available, telling him to pick up his reservation at a certain time before train departure. Thus, it is not until the individual appears at the ticket office that specific seat assignments are finally made. The juggling of seat assignments according to the racial identity of the passenger may and does occur at this point. This avoids raising the racial issue between the agent and passenger over the phone and in the transaction, although Negro passengers have raised objections out of Northern points, when they see that they are being put into a segregated car. It has the distinct disadvantage, however, of the agent having to refuse issuance of a reservation or to give seat space in a white car, when the passenger appearing before him happens to be a Negro

and the limited space of the Negro car is filled.

"Partly because of this kind of complication, as well as for other reasons, agents follow other kinds of practice designed to obtain the racial identity of the person requesting seat space over the telephone. In the Southern cities, and occasionally in Northern and border points, the passenger may be asked, 'Are you colored or white?' or 'Do you want space in the Negro car or white car?' or just 'In what car do you want space?' All of these, of course, are direct efforts to allot seat reservations on the basis of race. The Negro passenger, not wishing to enter into argument with the agent or to say anything which would prevent his getting space and proceeding with the trip is inclined to comply.

"At Northern points, and most notably out of the Chicago area, more subtle measures are used for getting the racial identity of the persons requesting seat space via the telephone. At the initial phase of the conversation, just after space has been asked for a given reservation-seat train going to the South, the agent may ask from what hotel, address, or phone the passenger is calling.

"Yet this is not a service given by railroad reservations offices, as is the case with airlines. The passenger has to take the initiative in checking and re-checking reservation openings. Since about eight out of every ten Negroes in Chicago live in the densely settled southside area, and since the telephone exchanges and the number prefixes rather clearly define these areas, it is relatively easy to ascertain whether it is a Negro or white passenger seeking a reserved seat. Other possible clues may escape in the conversation which will enable the agent to reduce the possibility of making an erroneous identification.

"There is bound to be a small proportion of errors in this procedure, but it is always possible to make a correction when the passenger appears at the ticket window to pick up his space and ticket. Investigators reported from their experience that this may be done in one of two usual ways: (1) by making a direct shift in the reservation, or (2) pretending a conflict exists on the original assignment.

"Even if the segregation sieve still fails to catch one or two Negro passengers, there is a final measure of a direct nature which can be effected while the train is en route. This is simply for the conductor to change the Negro passenger to the segregated car at the point on the trip where the Mason-Dixon line is reached. Although this is a usual procedure on the non-reservation trains, it is a somewhat hazardous undertaking for these trains, since the reserved space is for the entire trip from point of departure to destination. Suits of complaint and damage against the railroads by disaffected Negro passengers have grown out of this kind of situation. Conductors now make the changes hesitatingly, if at all, and they do so after assessing the Negro passenger and the situation quite carefully. . . .

"The administrative details involved not only have the character of the picayune and arbitrary, but they also show the extremes of subterfuge and misrepresentation to which segregation policy unavoidably leads in transactions with the Negro public. And there are the imponderables of the effects of these practices upon the individuals toward whom they are directed—the uncertainty of getting on a reservation train and of following a given travel plan, the irritations from the delays in getting reservations, the embarrassment of changes in committed

seat space in ticket offices and on trains."

This summary by no means exhausts the list of discomforts, inconveniences, and humiliations documented by Dr. Long and his associates. For example, there are the difficulties that arise when facilities for one race or the other are suddenly overcrowded by an influx of passengers. There is also the problem of "through" coach service—a service seldom available to Negroes under the "Jim Crow" system. While other passengers remain comfortably in their seats as their coach is transferred to another train, Negroes must struggle with baggage, inclement weather, and often long waits in the station in order to change trains.

Worst of all, there is the ever-present threat of conflict and violence in the segregated situation. Even the best-intentioned conductors are likely to grow touchy and inconsiderate under the strain of preserving rigid separation of the races, under all sorts of harassing conditions. And Negro passengers grow rightfully resentful when they are deprived of dignity and comfort by an arbitrary system, often crudely administered.

Under such conditions, heated disagreements are only to be expected. All too often, local police are called in at this point to enforce the racial codes. Protesting Negro passengers have been arrested, beaten, and even killed in the ensuing controversies. It hardly matters if the Negro involved is within his constitutional rights as an interstate passenger. To a policeman in a small Southern community, he is likely to appear in defiance of state law and local custom and, as such, deserving of no more consideration than a common criminal.

It is to be wondered at that the railroads themselves have been willing to pay so high a price for coach segregation. Certainly uniform treatment of all passengers will greatly simplify their administrative and operating procedures. But, whether they hold this view or not, the recent actions of the Supreme Court has given it the force of law. As the Mitchell case outlawed Pullman segregation and the Henderson case outlawed dining-car segregation, so now the decision in the Chance case has clearly made it unlawful for an interstate railroad to practice segregation on coaches. In one respect, the Chance case went even further. It established that such segregation is unlawful *even if the separate facilities are equal in every respect.*

Plainly, the railroads and the Interstate Commerce Commission, as the responsible government agency, now have a public duty to eliminate all racial distinctions on interstate trains.

A correspondent finds a moral for Southern politics in Korea

Bigotry and Fighting Men

August 1950

THE inconsistency of race hatred and bigotry with our democratic ideals has seldom been put more concretely than it was by W. H. Lawrence in a recent issue of the *New York Times Magazine.* Writing from Korea, Mr. Lawrence said in part:

"For this correspondent, fresh from the politics-as-usual (or even worse-than-usual) atmosphere of the recent South Carolina primary election, another contrast is apparent between these two worlds: a contrast of the unworthy and the finer moments of democracy. In Carolina two men fought for a seat in the United States Senate, offering as their principal qualification the ability to uphold white supremacy and oppose the program of the President of the United States.

"Here in Korea, white, black and yellow men, under the direction of the same President, are fighting and trying to uphold the principle that men of whatever color should be free to govern themselves in a democratic society and not be subject to a totalitarian communism imposed by force of arms. . . . But while waiting for transport I saw the most convincing answer to the racial appeals of the Carolina politicians. An ambulance plane from the Korean front, allowed to take off because of the urgency of its errand, rolled to a stop on the airstrip where Red Cross ambulances were lined up. The walking wounded came out.

"The first man off the plane was a big Negro rifleman with a patch over one eye. Then a sandy-haired white man wearing a crucifix and clutching his wounded arm. There were several others, black and white, and then the litter patients, about equally divided.

"Here they were united in the bond of sacrifice, suffering and fighting in a battle so that some yellow men could rule themselves. It was a far cry from the rantings of Johnston and Thurmond on the theme that only white men were fit to rule and that Negroes must always play a subordinate role to a white master. . . . With disgust I recalled the terribly low level struck by both candidates for senator from South Carolina.

"It seemed hardly possible that the same country in which such appeals for high office could be made also furnished these black and white men I had seen fighting together so that yellow men could be free to run their own lives. A song from my favorite musical, 'South Pacific,' furnished a partial clue: 'You've got to be taught to hate.'

"These kids obviously had not been taught to hate each other or anybody else for that matter. A few more days of combat would give them the bitter incentive to kill their North Korean enemies. But the common sacrifice and suffering they are enduring should keep them from ever hating each other over the circumstance that one has a skin of different color from another."

Military efficiency dictates new racial policies in the Armed Services

"Freedom To Serve"

August 1950

EVER since the beginning of World War II, the military services have been increasingly preoccupied with the question, How can Negro servicemen best be utilized? The question, it should be noted, is not regarded by the services as primarily a moral one. Their main concern lies in making the most efficient use of all personnel and, at the same time, maintaining a high degree of morale. When it came to Negro servicemen, this seemed an almost impossible dilemma to some military leaders. They were prepared to admit that racially segregated units results in inefficiency and waste of skills. But they were also convinced that abolishing segregation would bring about friction, impair morale, and further loss of efficiency.

What the services have discovered in the past few years is that the dilemma was an artificial one—it did not really exist at all.

An important step in this process of discovery came in 1948 when the President issued his Executive Order 9981. The order stated: "It is hereby declared to be the policy of the President that there shall be equality of treatment and opportunity for all persons in the armed services without regard to race, color, religion, or national origin. This policy shall be put into effect as rapidly as possible, having due regard to the time required to effectuate any necessary changes without impairing efficiency or morale."

To implement this policy, the order also established the President's Committee on Equality of Treatment and Opportunity in the Armed Services, made up of distinguished citizens who had demonstrated their leadership in both administration and human relations. The job of the Committee was to advise and assist the armed services in developing policies which would achieve the objective set by the President.

On May 22, 1950, the Committee issued its first report, a summary of the progress made to date. The report, entitled "Freedom to Serve," tells a remarkable story. It is an account of how the armed services' policies with respect to race have been virtually transformed in the last few years.

At the very start, the Committee ran head-on into two basic assumptions that had long determined military thinking about Negro utilization: (1) Negroes do not have the education and skills to perform efficiently in the more technical military occupations; and (2) Negroes must be utilized, with few exceptions, in segregated units in order to avoid grave difficulties.

Meeting the military on its own premise and considering the question purely from the viewpoint of military efficiency, the Committee had serious doubts about this reasoning. It conceded that, owing to lack of educational advantages,

Negroes *as a group* do not measure up to the same standards of skill and ability as the white population. But, it asked, does this group difference justify denying to the *individual* Negro—solely on the grounds of race—the opportunity to qualify for, and serve in, any job whatsoever? At the same time that segregation deprived the skilled Negro of equal opportunity and deprived the service of his skill, it also magnified the inefficiency of the unskilled majority by concentrating them in separate units.

The second question still remained to be dealt with: that is, Would the breakdown of segregation result in even greater loss of efficiency because of impaired morale? For an answer to this question, the Committee examined the Navy's experience.

THE NAVY

Since February, 1943, the Navy has gradually been integrating Negro sailors in general service, as contrasted with the old practice of limiting Negro enlistments to the messman's branch. The Navy's revision of policy went through several phases. First, Negro sailors were assigned exclusively to shore installations and harbor craft. As the influx of Negro selectees increased, however, the Navy found that it could not provide employment for all of them in these limited assignments. In late 1943, as an experiment, two ships were manned with Negro crews under white officers. As a next step, the Navy assigned Negroes to the crews of 25 auxiliary ships of the fleet, limiting the assignments so that Negroes would not make up more than 10 per cent of any given crew. The success of this experiment led to the opening up of all auxiliary fleet vessels to Negroes, and, in 1946, the Navy took the remaining step of opening up all general service assignments without restriction.

The order declared: "Effective immediately all restrictions governing types of assignments for which Negro personnel are eligible are hereby lifted. Henceforth, they shall be eligible for all types of assignments in all ratings in all activities and all ships of the naval service. . . . In the utilization of housing, messing and other facilities, no special or unusual provisions will be made for the accommodation of Negroes."

Has the Navy experienced any difficulty as the result of its policy of assigning men solely on the basis of individual ability and the needs of the service? The Committee asked this question not only of commanding officers but also of petty officers and lower grades, both white and Negro. All of those questioned replied that there had been no racial friction.

The thing that most impressed the Committee about the Navy's experience was that in the relatively short space of five years the Navy had moved from a policy of complete exclusion of Negroes from general service to a policy of complete integration in general service. In this about-face, the Navy had not been primarily motivated by moral considerations or by a desire to equalize treatment and opportunity. Chiefly, the Navy had been influenced by considerations of military efficiency and the need to economize human resources. Equality of treatment and opportunity, the Navy had discovered, was a necessary and inevitable condition and by-product of a sound policy of manpower utilization.

The Navy's experience was revealing, but some military officials doubted that

it was conclusive. Negroes, they pointed out, made up only two per cent of the sailors in general service. The proportion in the Army and the Air Force was much larger, ranging between seven and 10 per cent. Would integration prove as satisfactory with that relatively greater percentage of Negroes? The affirmative answer was supplied by the experience of the Air Force, whose Negro strength was between seven and eight per cent.

THE AIR FORCE

During World War II the racial policy of the Air Force was that of the parent Army—a 10 per cent restriction on Negro enlistments, utilization in segregated units, and greatly limited job opportunities. By the end of the war many high-ranking officers in the Air Force were convinced that the concentration of almost all Negroes in a relatively narrow range of duties had deprived the service of many skills which were lost by reason of segregation. But they did not begin to find a way out of this dilemma until the President issued his executive order in July, 1948. Then the Air Force set to work to evolve a policy which would simultaneously improve the efficiency of the service and extend equality of opportunity to all personnel.

The net result was a new policy, announced in May, 1949, which read in part as follows:

"There will be no strength quotas of minority groups in the Air Force troop basis . . .

"Qualified Negro personnel may be assigned to fill any position vacancy in any Air Force organization or overhead installation without regard to race . . .

"All Air Force personnel will be considered on the basis of individual merit and ability and must qualify according to prescribed standards for enlistment, attendance at schools, promotion, assignment to specific duties, etc.

"All individuals, regardless of race, will be accorded equal opportunity for appointment, advancement, professional improvement, promotion and retention in all components of the Air Force of the United States."

Within six months' time, this new policy was in almost complete effect throughout the Air Force. And the President's Committee found it was working well. Almost without exception the commanders interviewed by the Committee's staff stated that they had put the new policy into effect with some misgivings. They did not for a moment question the accuracy of Headquarters opinion that "the traditional utilization of Negro manpower primarily in Negro units has contained certain elements of waste and inefficiency." But they doubted whether, in open competition with whites, many Negroes would be able to qualify for technical positions, and they questioned whether the gain in manpower utilization would be worth the trouble they expected to result from assigning Negroes to white units.

Without exception commanding officers reported that their fears had not been borne out by events. A far larger proportion of Negroes than expected had demonstrated their capacity to compete with whites on an equal basis, to absorb highly technical school training, and to perform creditably in their subsequent assignments. Furthermore, commanders testified that racial incidents had diminished, rather than increased, since the new policy had gone into effect. With all schools and jobs open on a basis of merit, officers were no longer

plagued with complaints of discrimination. Some officers who candidly stated their personal preference for the old ways nevertheless volunteered that the new program benefitted the service and caused less trouble.

THE ARMY

By the end of World War II, the Army had come to the conclusion that its policy over a long period of years had not proved satisfactory and that changes must be made in the utilization of Negro troops in the postwar Army. To this end, the Army convened a special board of general officers, known as the Gillem Board, and charged it with submitting recommendations to the Secretary of War and the Chief of Staff.

In the winter of 1945, some 2,500 Negro soldiers from the supply services had answered a call for volunteers for front-line duty. These Negro volunteers had been formed into platoons and assigned to white companies. The combat performance of these platoons had effectively established the feasibility of integration at this level without difficulty.

On the basis of this and other evidence, the Gillem Board made six principal recommendations:

(1) Negro units in the postwar Army should in general conform to white units.

(2) Qualified Negroes should be used in overhead units.

(3) A staff group in Army headquarters and in every major command should be created to supervise racial policy and practice.

(4) Periodic surveys of manpower should be made to determine positions that Negroes could fill.

(5) Re-enlistment should be denied to the "professional private" (men of low qualifications who habitually re-enlisted and, in the case of Negroes, kept the 10 per cent quota filled).

(6) There should be experimental groupings of Negro and white units.

Three years after the Gillem report, the President's Committee found that there had been little progress toward the goals set up by the report. Moreover, in the Committee's opinion, segregation and the 10 per cent quota on enlistments made the achievement of those goals virtually impossible. As a result, the Committee made further recommendations to the Army, which were adopted early in 1950. The most important points of the new policy are as follows:

"Army school quotas . . . will make no reference to race or color. Selection of personnel to attend Army schools will be made without regard to race or color. . . .

"Military Occupational Specialties will be open to qualified enlisted personnel without regard to race or color. . . .

"In furtherance of the policy of the President . . . it is the objective of the Department of the Army that Negro manpower possessing appropriate skills and qualifications will be utilized in accordance with such skills and qualifications, and will be assigned to any (overhead) or (organized) unit without regard to race or color."

As a final step, in March, 1950, the Army abolished the quota system limiting Negro enlistments to 10 per cent of total strength.

The Army's job of integration is a considerably larger one than either the

Navy or the Air Force faced. Negro soldiers at the beginning of 1950 constituted between 9 and 10 per cent of total enlisted personnel. Many of them were in all-Negro combat and combat support units which formed part of the immediate striking force.

It is still too early to appraise the effect of the Army's new policy. But *Freedom to Serve* concludes by saying: "The Committee firmly believes that as the Army carries out the Committee's recommendations which it has adopted, then within a relatively short time Negro soldiers will enjoy complete equality of treatment and opportunity in the Army."

An official report by the
Civilian Assistant, Department of Defense

Integration In The Armed Forces

By James C. Evans

November 1954

DURING recent years, the Armed Forces have continuously and vigorously implemented principles of equality of opportunity and treatment for Negro personnel. There has been a conscientious endeavor to carry forward the principles laid down by the President of the United States and the Secretary of Defense for the most effective utilization of all military manpower.

A clear enunciation of the position of the Department is found in a radio broadcast on 17 February 1954, when Dr. John A. Hannah, then Assistant Secretary of Defense (Manpower and Personnel), made the following statement: "The obligations to defend our country and our beliefs are borne equally by all of our citizens without regard to race or color or religion . . . we believe in the essential dignity of every human being, and that, within certain limits necessary to maintain an orderly society, each individual should have an opportunity to determine the course and patterns of his existence. . . . It should be a real gratification to all thinking Americans to know that our Armed Forces are leading the way in demonstrating both at home and abroad that America provides opportunities for all of her people. . . . In spite of all predictions to the contrary, I have yet to find a field commander in any service that has anything but commendation for complete racial integration. . . ."

Evidence of the extent of the concern on the part of the Department is found in connection with schools for the children of personnel stationed at military installations. Without any formal directive to the effect, several schools for dependents located on Government property in a number of states had been operating for some time without incident on an integrated basis. As the question of integration in schools received further and widespread attention, it was deter-

mined that all such schools operated by the military would begin operation on an integrated basis with the beginning of the 1953 fall term, and this policy was carried out on schedule.

There remained questions concerning schools located on military installations, but operated on a segregated basis by local educational agencies. Policies on this problem were finalized on 12 January 1954, when the Secretary of Defense directed "that the operation of all school facilities located on military installations shall be conducted without segregation on the basis of race or color," regardless of other considerations. It was stipulated that this policy would be placed into effect "as soon as practicable, and under no circumstances later than September 1, 1955." In connection with the promulgation of this directive, Secretary of Defense Charles E. Wilson stated, "We hope all interested parties and all local communities will cooperate." It will be noted that the Supreme Court decision against segregation in public education followed four months later.

The Air Force has accumulated considerable experience on integration in training as a result of a policy decision made in connection with technical training contracts for Air Force personnel with schools in states having segregation laws. This policy was to the effect that "The Air Force will let contracts for technical training in civilian schools in accordance with the effectiveness of the service that the school can render to the Air Force. When airmen are to be sent to schools in states having statutes requiring segregation, Negro airmen will be given the option of not going if they choose. In that event, the Negro airmen will be sent to a school which can accept both white and Negro airmen."

Traditionally, there has been a concentration of Negro personnel in the stewards branch of the Navy. A significant step was taken toward changing this situation when the Department of the Navy announced on 1 March 1954, that separate recruitment of stewards was being abolished. The effect of this policy is to give all seamen recruits an equal opportunity to qualify and apply for service in any of the Navy's specialty groups at the end of recruit training. While it is realized that the present racial concentration will not be immediately dissolved under this new program, Negro recruits are now assured of the opportunity, as all others, to choose their branch of service on the basis of recruit orientation, testing, and training.

The Department of the Army, in regulations issued on 23 April 1954, directed the omission of racial designation in orders covering the reassignment of members between Army Reserve units. This directive will facilitate the participation of Negro personnel in Army Reserve activities on the same basis as that now obtaining for personnel on active duty.

The Secretary of the Navy, on 20 August 1953, directed the complete elimination of all barriers to the free use of previously segregated facilities on Government-owned Shore Stations of the Navy. Despite evidences of objections to thus modifying racial customs of long standing in some sections, effective negotiations and follow-up brought about full implementation of this directive well ahead of the schedule initially outlined.

Concurrently, similar moves were carried out by the Army and the Air Force with a minimum of publicity and no untoward incidents. This action advanced equity of treatment for civilian employees toward a status already attained by

personnel in uniform.

In a directive issued 11 June 1954, the Secretary of Defense provided for a program to familiarize contracting officers, contract administrators, and other personnel dealing with procurement with "the spirit, intent, and requirements of the President's policy" of non-discrimination with respect to Government contracts.

Through this program, the Army, Navy, and Air Force, in addition to the immediate procurement objectives, conduct educational programs to impress upon their contractors their own responsibilities regarding non-discrimination.

For the Armed Forces, 30 June 1954 was earlier agreed upon as the time limit for the termination of any remaining all-Negro units in the services. The program proceeded ahead of schedule, so that at the above date the often-asked question about Negro units within the program of integration had become one of mere definition.

There are no longer any all-Negro units in the Services. The few Army units still carrying racial designations in the records include a considerable proportion of non-Negro personnel. Where a small unit may be found containing only Negro personnel, the condition is transient. Where concentrations are encountered, as in the case of Navy stewards, formal barriers do not any longer prevent the transfer of the individual as an individual and without regard to race.

In a positive direction, the abolition of racial quotas for Service school selection and the subsequent selection, training, and assignment without regard to race or color have resulted in more than doubling the number of Negro officers and enlisted men in attendance at these schools. . . .

Contrary to earlier predictions, removal of racial quotas and other restrictions has not resulted in any imbalance of ratios of Negro personnel in the Services. Moreover, additional opportunities in the Services for training and assignment on the basis of individual merit have resulted in a definite increase in the number of Negro officers.

The following percentages of Negro personnel against total personnel in the military Services over a recent period give significant evidence:

	1 July 1949	1 July 1954
Army Officers	1.8 %	2.97%
Army Enlisted Men	12.4 %	13.7 %
Navy Officers	.0 %	0.1 %
Navy Enlisted Men	4.7 %	3.6 %
Air Force Officers	.56%	1.6 %
Air Force Enlisted Men	5.06%	8.6 %
Marine Corps Officers	.0 %	0.1 %
Marine Corps Enlisted Men	2.08%	6.9 %

The Department of Defense maintains no racial statistics. However, the data upon which the above summary is based are believed to be sufficiently valid and comparable for present purposes. This summary is of further significance in that current policies for eliminating racial designations will make it increasingly difficult to compile such comparative data in the future.

It is the established policy of the Department that there shall be no discrimi-

nation among its Civil Service employees because of race, sex, color, or religion. Fair practices officers are assigned in all areas to further the implementation of this policy.

Even so, the utilization of the individual Negro employee at his maximum potential often appears as a distant objective. This is particularly true of women employees. A continuous evaluation of the impeding factors in this situation is being made, and progress has been noted. However, as compared with other Government employees, or as measured against the Negro in military uniform, much remains to be done to accomplish full equity as regards testing, selection, orientation, training, assignment, guidance, and advancement, not to mention full recognition and reward on the basis of service rendered.

Community customs and mores in regard to race vary in different parts of the nation and of the world. It is paradoxical that the Negro citizen in uniform has frequently been made to feel more at home overseas than in his home town.

These matters are largely beyond the direct purview of the Department of Defense. Even so, marked progress is being made in clarifying civilian-military relationships off duty and off post. While this work is still in its beginning, achievements to date in replacing controversy with cooperative effort reflect great credit upon the commands immediately concerned.

The Military Services will help themselves and the nation as a whole in advancing further the promising developments in cooperative relationships with the civilian community. Failure in their effort will create problems almost without end, as we strive to maintain in a ready state at home larger military forces than ever before stationed among the civilian communities in time of peace.

Racial factors here may be large and variable. They may become dominant as improvements on the military post bring into sharper contrast conditions off the post. Civilian prerogatives having priority, cooperation and coordination are everywhere indicated. Housing, transportation, family life, education, and recreation are examples of community-related areas which impinge directly and forcefully upon military proficiency. . . .

In military areas, promising improvements of considerable scope are possible in the Reserve Officer Training Programs, the Reserve Forces, and the National Guard as well as in the further routine advancement of qualified officers now on duty.

The program of equity of opportunity for all personnel, military and civilian, is based on the concept of obtaining maximum effectiveness in the defense effort through full utilization of the maximum potential of every individual. Anything less is wasteful, especially in view of threats to our national security, besides being contrary to the basis tenets of our government.

Court decisions are opening the doors of Southern universities

Graduate Schools Admit Negroes

October 1950

THE doors of Southern graduate and professional schools are opening to Negro students. Little more than four months ago, the U. S. Supreme Court ruled that the University of Texas must admit a Negro student to its law school. At the same time, the Court held that the University of Oklahoma must stop treating a Negro student, already admitted, differently from white students. In both cases, the Court repeated the doctrine already advanced by the Gaines decision of 1938, the Sipuel decision of 1948, and others. That doctrine, briefly, is that the state must provide its Negro citizens equal educational opportunity within state boundaries "as soon as it does for applicants of any other group."

The Court went a step farther in the Sweatt and McLaurin cases by defining more completely what it meant by equal. It had already established that equality is not achieved by the state's agreeing to pay a Negro's tuition at an out-of-state school. Nor, it now added, is it achieved by hastily erecting a building, stocking it with a collection of books, staffing it with a few teachers, and labeling it a "separate-but-equal" law school. Nor, it said further, is it even achieved by admitting a Negro to the white graduate school and then requiring him to sit, study, and eat apart from the other students.

Texas had gone to some expense to provide a special law school for Negroes, in order to offset Sweatt's lawsuit. Here is how the Supreme Court measured its inequality: "In terms of number of the faculty, variety of courses and opportunity for specialization, size of the student body, scope of library, availability of law review, and similar activities, the University of Texas Law School is superior." The Court also made comparisons between such qualities as faculty reputation, community standing, traditions and prestige, and opportunity to associate with those who would later make up most of the lawyers, witnesses, jurors, and judges in the state.

It was immediately apparent that Texas—or any other state, for that matter—could hardly provide separate graduate facilities which would meet these standards. Accordingly, the University of Texas without fanfare admitted Sweatt, as well as two other Negroes seeking graduate work in other fields.

Following is a summary of developments elsewhere in the South:

Oklahoma. The major question of Negro admittance to the University of Oklahoma was settled by the court ruling in the case of Ada Lois Sipuel Fisher in 1948. But the University had subsequently followed a practice of separating Negro students from white in classrooms, libraries, and the cafeteria. One of them, G. W. McLaurin, had filed suit maintaining that he was being discriminated against. The Supreme Court agreed. McLauren, it declared, having been

admitted to a state-supported graduate school, "must receive the same treatment at the hands of the state as students of other races."

"It may be argued," the Court declared, "that (McLaurin) will be in no better position when these restrictions are removed, for he may still be set apart by his fellow students. This we think irrelevant. There is a vast difference—a Constitutional difference—between restrictions imposed by the state . . . and the refusal of individuals of commingle where the state presents no such bar." The University of Oklahoma conformed to the ruling by eliminating differential treatment for the approximately ninety Negro students who were enrolled in its summer school.

Arkansas. Arkansas is the only Southern state in which graduate facilities were opened to Negroes voluntarily, without the necessity of any litigation. When the Supreme Court ruled in the Oklahoma suit in 1948, state officials saw the implications and proceeded to set their house in order. A qualified Negro student was admitted to the law school of the University of Arkansas that year; the following year, another law student was admitted and a Negro girl entered the medical school. In the early stages, the Negro students were partially segregated, but that practice has gradually been eliminated.

Kentucky. Kentucky has likewise taken voluntary action, though a law suit figured early in the changes. In March, 1949, Federal Judge H. Church Ford ruled that the University must admit Negro students to its graduate schools until comparable courses were made available in Negro institutions. A year later, twelve Negroes were pursuing their studies at the University. The General Assembly in 1950 amended the state segregation laws to permit any institution of higher learning, on its own initiative, to admit Negroes to those courses not matched by Kentucky State College for Negroes. The governing boards of the University of Louisville, Berea College, and several other institutions have already exercised their local option by dropping racial bars.

Virginia. When Gregory Swanson, a Negro attorney of Martinsville, made application for the law school of the University of Virginia, the University's Board of Visitors rejected it, on the grounds that state law forbade his entrance to the white institution. After a brief hearing, in which no serious defense was offered by the state, a three-judge Federal tribunal ordered Swanson's admission. Since that ruling on September 5, a second Negro has been admitted to graduate work at the University, and several others have asked for admission to the Richmond Professional Institute.

North Carolina. Four students of the North Carolina College for Negroes have in the past few weeks suffered an adverse decision in their suit for admission to the state university's law school. The points at issue closely resembled those in the Sweatt case. The Negroes maintained—and produced distinguished witnesses to testify—that the separate law school established for Negroes is in no way equal to that at the University of North Carolina. The Federal Circuit Court in Durham, however, held that the two schools are "substantially equal"—the first such ruling since the Sweatt decision. An early appeal to the U. S. Supreme Court is anticipated.

Delaware. On August 9, the Court of Chancery ruled that Negroes must be admitted to the state university on the same basis as white students. The ruling came in response to ten separate suits against the University and its trustees. Vice-Chancellor Collins J. Seitz, who rendered the opinion, did not discuss segregation as such. He simply compared the facilities at Dover State College (for Negroes) with those at the University, and found them "grossly inferior." Since state laws provide that there must be equal educational facilities for all citizens. Seitz declared, the University had no choice but to admit qualified students without regard to race.

Maryland. A Supreme Court decision opened the law school of the University of Maryland to Negroes as long ago as 1935, but the other schools have remained closed to them. The Maryland Court of Appeals has upheld the right of Miss Esther McCready not to be excluded from the School of Nursing because of her race, and that decision has been upheld by the Supreme Court. Meanwhile, a graduate student in sociology, Parron J. Mitchell, has been admitted.

Missouri. Last June, the Board of Curators at the University of Missouri asked the circuit court for a declaratory judgment defining the educational rights of Negroes and defining the duties of state institutions. The court held that the State University and other state colleges must admit Negroes to all courses not matched at Lincoln University (for Negroes). The judge commented, "It seems to me that the Supreme Court of the United States has already written my opinion in this case."

Louisiana. The Board of Supervisors of Louisiana State University rejected the applications of twelve Negroes, on grounds of race, on July 28, 1950. One of the Negro students, Roy S. Wilson, sought an injunction in Federal District Court to restrain the Board from enforcing its resolution barring Negroes. On October 7, the Court ruled in Wilson's favor and ordered the University to admit him to its law school. According to the first news reports, the decision, by prior agreement, applies only to the law school, leaving the question of other graduate courses still to be resolved.

Florida. The State Supreme Court ruled last summer that out-of-state scholarships do not satisfy Constitutional requirements for equality of opportunity. But, as a substitute, the Court gave its sanction to a compromise plan: Negroes would be enrolled in Florida A. & M. College (for Negroes) and would then be allowed to attend the University of Florida on a segregated basis until equivalent courses are made available at A. & M. The validity of this arrangement has been questioned in the light of the Sweatt and McLaurin decisions.

Other States. As yet, there have been no similar lawsuits in Alabama, Georgia, Mississippi, and South Carolina. Georgia political figures declared recently that they would "go to jail" before obeying any Federal Court order to admit Negroes to the University of Georgia. They were promptly answered by Negro leaders, who promised to "give them an opportunity to do just that." Court action, however, has not yet been taken.

Formerly all-white institutions have taken the change in stride

University Integration Works

June 1954

SINCE the first Negro graduate student was admitted to the University of Maryland in 1935, more than 20 public institutions in Southern and border states have opened their doors to Negroes. An estimated 2,000 Negro students have been enrolled during regular sessions and an additional several thousand in summer schools.

Dr. Guy B. Johnson of the University of North Carolina, who studied integration in higher education for the Ashmore Project, summed up the experience this way:

> In almost every instance when a state institution was faced with the fact that it might actually have to admit Negroes, there were serious predictions of violence and bloodshed *if* this thing came to pass. To the best of our knowledge, the first drop of blood is yet to be shed.

From the point of view of the Negro students, this statement by Donald Murray could probably serve as typical:

> My experience, briefly, was that I attended the University of Maryland Law School for three years, during which time I took all of the classes with the rest of the students . . . and at no time whatever did I meet any attempted segregation or unfavorable treatment on the part of any student in the school, or any professor or assistant professor.

In short, those formerly all-white institutions that have admitted qualified Negroes to their campuses have taken the experience in stride. Dr. Johnson and his associates found that, on the whole, the white students have been either indifferent or sympathetic to their newly arrived Negro colleagues. The vast majority of the student bodies have simply accepted the presence of the Negro students as a matter-of-course, requiring no special show of interest one way or the other.

Faculty members have been generally sympathetic to the new Negro enrollees. They have recognized that a good many Negro students are handicapped by an inferior educational background acquired in the dual system. This has posed academic problems in some instances, but none that are attributed to racial traits.

The official discriminations that marked the treatment of Negroes on some campuses in the early days have now disappeared except for occasional special arrangements in dormitories. University administrators show a fairly consistent interest in holding down the number of Negro admissions, or at least in making sure that any increase is gradual. But since the demand for admission has been small, they have had little cause to feel concern. The general attitude of the administrators might be expressed as the hope that everybody on the outside will forget that Negroes are on the campus—which, as a matter of fact, usually has been the case once the first flurry of publicity has subsided.

Church-related colleges show the way to voluntary integration[1]

A New Trend In Private Colleges

By A. A. Morisey

September 1951

WHILE court action is cracking the wall of segregated education in state-supported institutions below the Mason and Dixon line, private institutions in the South, in increasing numbers, are voluntarily opening their doors to Negro students.

A survey by the *Journal and Sentinel* shows that twenty private schools in most of the Southern states have admitted Negro students to their classes.[2] Many of the colleges, however, restrict Negroes to study on the graduate level. Others admit them freely to all departments.

The policy on the use of dormitories and dining rooms varies. At some schools Negro students live in the dormitories and eat in the dining rooms while at others these facilities are denied.

Baptist, Methodist, Presbyterian, Catholic, and non-denominational institutions are among those which admit Negroes.

The two Catholic institutions, one in Washington and the other in St. Louis, reported the largest number of Negro students enrolled. The Catholic University of America, in Washington, has followed a policy of admitting both races since it was founded in 1889.

St. Louis University, like its sister school in Washington, admits Negroes to all its facilities. "They have been fully integrated into the college program with no unhappy results," an official said. A total of 351 Negro students was enrolled last year and five Negro teachers were on the faculty.

"A trend toward acceptance of Negro students is being hastened," a spokesman for the university said, "by the experience of universities like St. Louis that the admission of Negro students poses no problem of acceptance by white students and no insurmountable problem of inferior secondary education background. The forthright pronouncement of the courts in recent months and the growing realization that the teaching of democracy in American colleges can be fostered by the admission of Negroes are other factors."

The four theological seminaries of the Presbyterian Church in the United States admit Negro students to work on a graduate level. They are located in Richmond, Virginia; Decatur, Georgia; Austin, Texas; and Louisville, Kentucky.

A Presbyterian official said, "Our denomination is sensing the need of a more

[1] *Originally reprinted from the Winston-Salem Journal and Sentinel.*

[2] *Editor's note: As of January 1955, a total of 64 formerly all-white private institutions of higher learning were open to Negroes.*

definite contact between the Christian leadership of the Negro race and the white race. If we are to find a Christian solution for our problems it will be necessary for Christian leaders of both races to get together for study. For this reason, we feel that it would be to the advantage of all concerned if some way could be opened for our Negro ministers to be trained in our white seminaries."

Negro students at the Louisville Theological Seminary have access to all facilities, but those who attend the other three seminaries do not use the dormitories or dining rooms.

An official at one of the seminaries expressed the belief that a "definite trend toward the admission of Negro students has developed" and explained it saying, "Christianity is filtering through slowly."

Three Baptist theological seminaries are admitting Negro students. They are located at Fort Worth, Texas; Louisville, Kentucky; and New Orleans, Louisiana.

Wayland College, a Baptist institution, admitted its first Negro students in June. They have access to all facilities of the school. An official of the college said that the factors hastening the admission of Negro students are, "recognition of the unfairness of the present situation, a wish to equalize training facilities for all races, and an attempt to thwart communism as it tries to make inroads into democracy through the illiterate and suppressed peoples."

Southern Methodist University in Dallas, Texas, admitted its first Negro student for the winter quarter last year, but the only department open to the race is the graduate school of theology. The three Negro students who enrolled lived in the city, but a university official said that the dormitories and dining rooms of the theological school would be available to Negro students. The university is owned by the South Central Jurisdiction of the Methodist Church.

Johns Hopkins University, Baltimore, has accepted colored students each year since World War II. The registrar said, "We do not hesitate to accept those who can meet the requirements and who seem likely to profit by their attendance here." The university is non-denominational.

St. John's College at Annapolis, Maryland, has one Negro student who expects to graduate next June. It is non-denominational and has a "four-year all-required program."

A prominent white churchman, active in Southern race relations, said that the "final hurdle to be cleared" is convincing trustees of small colleges that their difficult financial conditions will not be further increased by admitting Negro students.

"There is already," he said, "enough acceptance on the part of students and faculties to make the admission of Negro applicants quite an easy process. In my opinion, the factor of greatest importance in hastening these admissions is the very decided change in attitude on the part of large numbers of young, church-related students who no longer believe in the old theory of white supremacy.

"Basic to all this, however, and most important is the simple and undeniable fact that there is no moral ground on which to continue the policy of segregation in the field of education. In my opinion, this is the pressure which in the end is going to change the current pattern."

How a Virginia county school board made up its mind

King George County "Equalizes"

By C. Emerson Smith

December 1948

ON July 29, 1948, a long-smoldering source of dissatisfaction was brought suddenly and dramatically to the attention of the citizens of the State of Virginia when a federal judge permanently enjoined the school board and superintendent of King George County from further discrimination against the Negro children and ordered that school facilities in the county be equalized at once.

The plaintiffs in this case, strangely enough, were children—Negro pupils in the schools of King George County, Virginia. Through their parents and the Virginia Conference of the National Association for the Advancement of Colored People as their next friends, they had brought a complaint before Federal Judge Sterling Hutcheson alleging that they were the victims of unlawful discrimination because of their race and color. The school board of the county, they charged, maintained schools for Negro children which were greatly inferior to those maintained for white pupils.

Since the beginning of this case the NAACP has investigated educational facilities in more than fifty other school divisions in the State. Suits involving four of these are now pending in federal courts. Since the King George suit was the first to be brought to court it will be interesting to trace its development in some detail.

King George County is located in northeastern Virginia, on the shores of the Potomac River, about fifty miles south of Washington, D. C. It is a small, predominantly agricultural county with limited resources, only three other counties in the state valuing their total property subject to state and local taxation at less than its $2,697,000 assessment. Its total population as reported by the 1940 census is 3,609 whites and 1,817 Negroes. The school population was given in the 1945-46 state report as 787 white pupils and 454 Negro pupils.

The controversy centered principally around the conditions in the local high schools, although all schools in the county were included in the suit. In accordance with the educational policy in effect in Virginia, whereby each county is responsible for the construction and maintenance of its school buildings, King George County had built two high schools—one for the white students known as the King George High School, and one for colored pupils known as the King George Training School. In 1938 Mr. T. Benton Gayle, superintendent of schools for King George County, recommended that the county borrow money to build two new high schools—one for Negroes and one for whites. According to Mr. Gayle, his proposal was turned down by the county board of supervisors,

who decided to float a bond issue sufficient to finance the construction of a high school for white children only.

After the construction of the new high school for white children it was obvious that regardless of what the comparative facilities had been, at least the physical facilities now provided for the white pupils were far superior to those for Negro children. For a number of years no effective move was made to remedy this inequality. But in May of 1945 the Rev. L. B. Smith, a Negro minister in the county, wrote to the authorities requesting better school facilities. Superintendent Gayle answered his letter, stating that physical facilities do not make a school and suggesting that the basic fault was with the teaching staff at the Training School.

The Negro citizens of the county were unwilling to accept such an answer. Following meetings and conferences with interested people in the county, the NAACP officially petitioned the school board for the equalization of educational opportunities. Mr. Gayle admitted that there were inequalities in educational facilities, but again denied that they constituted discrimination in that "the best school is a log with a pupil on one end and a teacher on the other."

After it became apparent that the school board was not going to act on the petition, the NAACP decided to carry the matter to the courts. Accordingly a suit was filed in Federal Court on October 14, 1946, asking for the equalization of school opportunities in King George County.

During the trial, which began in November, 1947, a great deal of evidence was produced to substantiate the charge of discrimination. It was brought out that the High School was in a modern brick building, whereas the Training School was in an old frame building. The counsel for the plaintiffs pointed out that the High School had an auditorium and gymnasium, running water, modern inside toilets, a central heating plant, a modern cafeteria, an adequate library well housed, and a laboratory and laboratory equipment for chemistry, physics, and biology. The Training School, on the other hand, had outside toilets, no running water, no gymnasium, no auditorium, no adequate laboratory or equipment, no central heating plant (the rooms being heated by oil drums converted into stoves), and a cafeteria which was greatly inferior to the one at the High School. It was shown that in the years from 1943 to 1946 there were four times as many volumes in the library at the High School as there were at the Training School. It was further disclosed that in its annual report for 1945-46 the State listed the value of the buildings and site of the High School at $102,173 and its furniture and equipment at $13,500. The value of the building and site for the Training School was listed at $24,200, and its furniture and equipment at $4,000. In addition to the inequality in physical facilities, it was shown that although chemistry, physics, geometry and algebra II were offered in the High School, they were not offered in the Training School. One year of biology was offered every year in the High School, but only every other year in the Training School. The High School was accredited, but the Training School was not. Upon being questioned by the counsel for the plaintiffs, Superintendent Gayle admitted that it was generally understood that two types of instruction were given in order to prepare white and colored children for two different types of employment.

On April 7, 1948, Judge Hutcheson gave the opinion of the court, in which he reviewed the evidence presented and concluded, in part: "Upon consideration of all the evidence introduced pertaining to the school system in King George County it is clear that the opportunities afforded colored children are not substantially equal to those furnished the white children." And on July 29, he delivered a final judgment, permanently enjoining the school board and superintendent from further discrimination against the Negro children and ordering that school facilities in the county be equalized at once.

After hearing the opinion of the Judge, the county school board asked the state department of education to make a survey of the Training School to determine whether money could be borrowed from the state Literary Fund to finance improvements of the school buildings. The department of education refused to accredit the Training School, thus eliminating the possibility of the use of the Literary Fund for its improvements. It suggested that a new school be built or that King George County and neighboring Stafford County operate a consolidated school in the city of Fredericksburg, about 25 miles away.

The school board rejected this recommendation and urged Governor W. M. Tuck to make funds available or to call a special session of the Legislature to provide funds to help the counties finance their school building needs. Since that time, more than fifty counties have also appealed to the Governor for similar financial aid. Many people advocated the imposition of a sales tax to produce the necessary revenue. Governor Tuck refused to call a special session of the Assembly, pending the outcome of the study of state and local taxation being made by a commission appointed by him.

The school board of King George County thus denied help from the state did not ask the county to float a bond issue to build a Negro high school, but proceeded to make certain improvements in the Training School facilities.

A few days before the opening of the Training School, representatives of the NAACP and the Virginia Teachers Association, accompanied by a number of school patrons inspected the changes made in the Training School and declared that they were "totally inadequate." They asserted that although some interior painting had been done, a water fountain with inadequate pressure had been installed, and a little equipment had been added, no significant changes were made in the Training School building, no new courses were added, with the exception of one commercial science course, no sanitary flush toilets had been added, and no effort had been made to secure accreditation for the Training School. They also asserted that the 2,000 volumes left on the floor of the principal's office to be added to the Training School library included many antiquated and valueless books. Superintendent Gayle was quoted as admitting that the improvements were inadequate but insisting that everything possible had been done in the available time.

The NAACP therefore advised its clients not to register at the Training School but to apply for admission at the King George High School. Accordingly, on September 9, 1948, Martin A. Martin, chief counsel for the NAACP, and W. Lester Banks, executive secretary, accompanied the plaintiffs to the King George High School, where Superintendent Gayle declared that to register the Negro children at the King George High School would be a violation of the

state constitution and laws.

At this stage a swift procession of events ensued.

In a statement issued September 9th Governor Tuck admitted that "facilities are unequal in many instances." He stated that segregation "will continue to be observed" and asserted that "the people will recognize that the situation must be treated with the utmost calmness and tolerance." One Negro newspaper replied that the Governor's statement contained parts ". . . which showed a lack of both tolerance and understanding of the problem. . . ."

In the meantime King George school authorities announced an administrative change which made the principal and two teachers at the Training School assistants to the corresponding members of the staff of the white high school. This move was labeled by NAACP attorneys as a "direct reprisal" against Negro citizens of King George County.

While these events were taking place, the NAACP attorneys petitioned Judge Hutcheson to order the superintendent and school board to appear in court to show cause why they should not be held in contempt of court for deliberate refusal to equalize school opportunities in the county. In the petition to Judge Hutcheson NAACP attorneys pointed to the demotion of members of the Training School staff and submitted a copy of the petition circulated among the Negro citizens of the county as evidence that the school officials had acted "maliciously, contumaciously, willfully, and contemptuously" in not obeying the judge's equalization order. Judge Hutcheson ordered the school authorities to appear in court on October 22nd to defend themselves against these charges.

On October 21st Judge Leon Bazile of the 15th Judicial Circuit Court ordered a special election to be held November 6th, on a $150,000 bond issue to finance a new high school for Negro pupils in the county.

On October 22nd Judge Hutcheson continued the hearing on charges of contempt to allow time for the attorney for the school officials, Mr. Horace T. Morrison, to file a formal answer to the contempt charge. This Attorney Morrison did, denying that the school officials had failed to provide substantial equality of educational opportunity and answering point by point the charges made by NAACP attorneys.

On November 4th, the school officials, following the advice of Judge Leon Bazile, in a surprise move to equalize facilities, dropped from the King George High School the courses in chemistry, physics, biology, geometry and algebra II which were not offered in the Training School. This move provoked a storm of protest. Attorneys from both sides, Superintendent Gayle, and patrons of both Negro and white schools joined in denouncing it.

On November 6th the citizens of King George County went to the polls and voted approval of the school bond issue, 322 to 245.

Following this step, events moved swiftly toward an amicable agreement. School board authorities, with the approval of the NAACP attorneys, restored three of the courses dropped from the white school. Defense Attorney Morrison proposed a conference with attorneys for the plaintiffs. This was greeted with favor by Attorney Martin A. Martin. The conference was held with Judge Hutcheson, on November 10th. A solution was reached whereby the school board agreed to the following stipulations and the NAACP attorneys therefore

agreed to a continuance of the contempt action until September 1949. The stipulations were: "(1) that the same course of study be provided for Negro schools in the county as for white schools; (2) that equal physical facilities and buildings be provided for both races; (3) that a 12-year course be installed in the Negro schools in place of the existing 11-year course; (4) that an order of September 7 putting white principals and teachers in authority over Negro principals and teachers be rescinded, and that (5) attorneys for the two sides shall discuss means of equalizing school salaries." The attorneys for the plaintiffs also said that they would not object to the restoration of the remaining courses dropped from the white high school, if the above conditions were agreed upon.

The amicable settlement of this case, though encouraging, does not settle the problem of equalization of school opportunities in Virginia. No such solution has been reached in several similar cases now pending in federal courts in the State. Furthermore, a recent report by State Superintendent of Public Instruction, G. Tyler Miller, indicates that Virginia's estimated bill for building and equipping the necessary schools to provide full educational opportunities for all citizens of the State during the next ten years will reach the staggering total of $396,014,204.

It is hoped that the school divisions of the state will follow the editorial advice proffered by the *Richmond Times-Dispatch*: "Now that precedents have been set in this county, the other counties of Virginia should be canvassing their school problems and planning to equalize facilities as expeditiously as possible. The obligation is there and must be met. Much better feeling will be created throughout the state if the counties move to meet it of their own free will, instead of waiting for suits to be filed on behalf of their Negro children."

A distinguished Negro educator and churchman explains

Why An Anti-Segregation Suit?

By Benjamin E. Mays

October 1950

THE suit filed September 19 by 200 Negro patrons of the public schools against the Atlanta School Board has attracted more attention and discussion than any local suit in recent years. The suit has been condemned by the Atlanta Press and some Negroes have condemned it. It is very difficult for people to speak and write on the subject of race with calm and objectivity, especially when the question of segregation is involved, for segregation is a sacred institution in our native South.

The purpose of this address, therefore, is to give what I conceive to be the motives that lie behind the suit and to place it in its proper perspective. To argue that the suit makes an attack on segregation because the initiators of the suit want Negro children to go to school with white children is to miss the point entirely. Mixed schools are not the heart of the suit. Negroes opposed the curtain and the partition on the dining cars not because they wanted to eat with white people, but because the curtain and the partition were embarrassing to Negroes and because they set Negroes off as inferior persons. This the Negro resented. Eating with white people on the diner was not the issue.

The motive behind the Atlanta suit represents the growing conviction, rightly or wrongly, among Negroes everywhere that there can be no equality under segregation—the growing belief that the "separate but equal" theory is a myth. Even the Negroes who argue that the suit was ill-timed are likely to say when talking among themselves that segregation means inequality. There is a growing conviction among Negroes that if one racial group makes all the laws and administers them, holds all the power and administers it, and has all the public money and distributes it, it is too much to expect that group to deal as fairly with the weak, minority, non-participating group as it deals with its own. If the Negro were a part of the policy making body, the situation might be different—but as things are now the Negro has grave doubts that equality in education can be reached.

There is also a growing conviction that the gulf of inequality is so wide that in order for the Negro schools to be brought up to the standard of the white schools, appropriations for Negro schools must be increased over a long period—beyond the appropriations for the white schools. This would mean that the rate of improvement in white schools would have to be slowed down while the improvements in the Negro schools would have to be speeded up. The conviction exists among Negroes that the School Board will hardly reverse the appropriations in this way and that it would not accelerate the improvement in Negro schools sufficiently to bring them up to the standard of white schools within a relatively short time.

The Negroes who believe this way may be in error, but there is one thing that sustains their belief. The history of segregation is a history of inequality. History seems to be against the idea of "separate but equal."

The Supreme Court seems to say as much. It seems to say in both the McLaurin and the Sweatt cases that segregated education could not be equal. It stated that, even if the school at Houston were equal in faculty and facilities, it would not be comparable to the Law School at the University of Texas. The McLaurin Case in the University of Oklahoma seems to say something similar. McLaurin's education in the University of Oklahoma under segregated auspices was not adjudged to be equal education.

I am convinced that the emphasis in the Atlanta suit has been wrongly placed. The emphasis has been placed on that phase of the suit which speaks of the white public schools being opened to Negroes. The emphasis, if rightly located, would be placed upon the reason why the suit was filed as it was. It says clearly that the conviction exists that that is the only way Negro children of Atlanta can have equal educational opportunities. The stressed is not on mixed

schools, but on the inequality that results from the dual educational systems.

Honestly, I do not believe that it sheds much light on the subject to talk about the great improvements that have been made in Negro schools in recent years without at the same time pointing out the improvements that have been made in the white schools in a comparable period. The Atlanta public should know the facts comparatively. For, after all, in a dual civilization such as ours, which insists theoretically upon "separate but equal," one does not run a race alone. It is always a biracial race. We should take a second step. After making the comparison and if we find, as we surely will, that the Negro schools are in the main inferior to the white schools, we should find out in dollars and cents how much it will take to equalize the Negro schools.

We should face this problem honestly and courageously. And if a careful, scientific study should reveal that several million dollars are needed to bring the Negro schools up to the whites, we should accept the findings in good faith and with good intentions. It has been estimated that it would cost the State of Georgia anywhere from $100,000,000 to $175,000,000 to equalize the Negro schools. Is the State of Georgia willing to spend $100,000,000 or $175,000,000 to equalize Negro schools? Are the citizens of Georgia willing to be taxed for this purpose? If not, what is the solution? Then a third step should be taken. We should find out how long it will take to bring the Negro schools up to the standard of the white schools. If it will take ten years or twenty-five years or a century, that would suggest one thing. If it would take two, four, or five years that would be different. We could improve Negro schools for a half-century and not make them as good as the white schools. Honesty, democracy, and the Christian religion all require that we face this situation with a determination to give every child in Georgia an equal educational opportunity.

If we believe in the democratic way of perfecting social change, we should be willing to trust the Federal Courts. This is the machinery which our founding fathers have set up as one of the ways to resolve differences and to adjust grievances. Negroes should not be criticized too severely if they take advantage of the democratic way which our founding fathers have bequeathed to us in the Federal Constitution. The Negro has always relied upon the machinery of the law and the courts to gain his objective, the machinery which the white man has created.

I have another conviction and that is this: When the Supreme Court of the United States hands down a decision that decision will be respected and obeyed. When the highest court of the land speaks, the South, like the rest of the country, obeys. At this point I have faith in my native South. When the United States Supreme Court said that the University of Texas had to admit Sweatt, the University of Texas admitted him. When the Supreme Court ruled against segregation of McLaurin, the University of Oklahoma obeyed the court and stopped segregating him. When the University of Virginia barred a Negro in July, the Attorney General said that the action of the University would not stand up in court, and it did not. The officials of the University of Virginia accepted the ruling of the court and admitted the Negro. The Attorney General of the State of Tennessee has recently ruled that Negroes can attend the graduate, the law, and the dental schools of the University of Tennessee. The people of

Tennessee will accept the Attorney General's decision. When the Day Law was amended in Kentucky, the colleges of Kentucky opened their doors to Negroes. Negroes are in the University of Arkansas by the voluntary act of the University.

When the Supreme Court ruled against the curtains and the partition on the dining cars, the South took down the curtains. When the Supreme Court ruled against disfranchising the Negro, the South permitted the Negro to vote. The South does not flout the decisions of the United States Supreme Court. I have faith to believe that we in Georgia will respect the decisions of the Federal Courts.

If the Negroes were resorting to illegal, un-Constitutional, undemocratic means to achieve their rights, they should be greatly condemned. But as long as they trust the peaceful ways of the Federal Courts, we should be calm and poised and await with patience the decision of that Court. There is no need to be panicky, there is no need for rabble-rousing, this is no time for name calling, and there is no need for fear. For when we get through rabble-rousing, the question will still be: Can there be two separate but equal school systems?

Secessionist statements
ring strangely in modern ears

Open Letter To Three Governors

July 1951

HON. HERMAN E. TALMADGE, *Governor of Georgia*
HON. JAMES F. BYRNES, *Governor of South Carolina*
HON. FIELDING L. WRIGHT, *Governor of Mississippi*

Gentlemen:

WE take the liberty of addressing you jointly, since you have recently taken markedly similar stands on the question of segregation in state-supported schools.

The essential point made by each of you is that, come what may, you will preserve segregation in the educational institutions of your states. We get some idea of your determination from the Georgia Appropriations Act of 1951, sponsored by Governor Talmadge; that act provides that no state funds shall go to any publicly supported institutions which admit Negro students—even if they do so by court order. We find further evidence in the South Carolina legislation in 1951, sponsored by Governor Byrnes, which authorizes the selling or leasing of public school facilities to private individuals or groups—presumably in the event segregation is ordered discontinued.

If these measures left any doubt, your own statements removed it. To wit:

Governor Talmadge: "As long as I am governor, Negroes will not be admitted to white schools."

Governor Byrnes: "We will, if it is possible, live within the law, preserve the public school system, and at the same time maintain segregation. If that is not possible, reluctantly we will abandon the public school system. To do that would be choosing the lesser of two great evils."

Governor Wright: "We shall insist upon segregation, regardless of the cost or consequences."

What you are saying, in short, is that you are prepared to give away the public schools and colleges rather than open them to all students without racial distinction. This calls to mind another spectacular give-away gesture of recent years.

Those in authority in South Carolina at that time were determined men, too, and they proclaimed that they would keep the primary white, "regardless of cost or consequences." The Supreme Court of the United States had already ruled that the primary in a one-party state is, in fact, the state election and must be open to voters of both races. In order to escape this responsibility, South Carolina's officials *gave the Democratic primary away.* They did this by the simple expedient of repealing all state laws governing the conduct of primary elections and turning that function over to the state Democratic party, which they then declared to be as private as a social club.

It is needless to dwell on what happened next. A federal court, later sustained by the Supreme Court, held that this was nothing more than evasion; that the state could not so easily duck its constitutional obligations; that qualified Negroes were still entitled to vote in the Democratic primary.

Now, the Supreme Court has held repeatedly that various graduate schools of Southern state universities must be opened to qualified Negro applicants; and those Southern states have quietly and without incident followed the mandate of the court. There is every likelihood that the court will apply the same constitutional principle in cases arising in Georgia, South Carolina, and Mississippi. And, although a lower court has lately declined to do so, there is still the possibility that the Supreme Court may eventually rule against segregation at the elementary or secondary level.

Are we, then, to repeat the history of the white primary? Are we to "give away" these institutions in defiance of our nation's highest judicial body? If so, then should not the people of your respective states be informed that the outcome will very probably be as ignominious as before?

Perhaps you will not agree that the comparison is valid. Perhaps you will maintain that, in this instance, your states will *actually* wash their hands of the institutions involved, so completely as to satisfy the courts. Let us suppose for the moment that that will prove legally feasible.

To whom will our state universities or public schools be given? Two of you have suggested that education—thus wrenched from the official functions of the state—might well be entrusted to the churches. It is only fair to point out that such a solution will not sit well with a good many Georgians, South Carolinians, and Mississippians. Some of them, rightly or wrongly, are devoted to the principle that education should be a secular affair; that the traditional separation

of church and state somehow applies in education as well.

At the very least, they are likely to insist that their children be allowed, without undue inconvenience, to attend a school run by their own faith and, preferably, their own denomination. That raises the question of how the schools will be divided up: How many to Protestants, Catholics, and Jews? How many to Baptists, Methodists, Presbyterians, Episcopalians, and so on? Then, too, your states would undoubtedly have a constitutional responsibility—to say nothing of a moral one—to distribute existing institutions equitably between the races; a distribution which does not now obtain and which would provoke loud protest in some quarters.

There is another perhaps more serious obstacle to such an arrangement. Surely it has not escaped your notice that the churches in our region are beginning to question the traditional racial patterns. Many sincere Southern people would be deeply distressed to see their churches cast in the role of champions of segregation. A number of prominent Southern religious leaders have lately proposed that their respective churches move away from segregation in their own operations. In fact, the Catholic Church and many Protestant denominations in the South—including the Southern Baptists, the Southern Presbyterians, and in one instance the Methodists—have recently opened the doors of seminaries and colleges to Negro and white students alike. In view of all this, might not one question whether the churches would be "safe" custodians of segregated education?

Some of your supporters have quietly given assurance that your proposals were not advanced in earnest as plans of action, but were intended merely to dissuade the Supreme Court from ruling against segregation in your states. And one of your number has been quoted in the press as citing this defiant statement attributed to Andrew Jackson: "The Supreme Court has no bayonets."

Still, we cannot think that you were motivated by any intent to threaten. It is the duty of the Supreme Court, as the country's highest tribunal, to interpret the Constitution without fear or favor—just as it is our duty, as citizens, to obey the law of the land, regardless of our personal opinions or prejudices. As a former member of that distinguished body, Governor Byrnes would undoubtedly reject any suggestion that its members can be intimidated, as well as any suggestion that attempts at such intimidation are ever justified.

Nevertheless, the recent utterances of each of you have had a secessionist ring to them which echoes strangely in modern ears. It is our conviction that the vast majority of Southerners have no wish to see their region isolated from and at odds with the rest of the country. Although national legislation or federal court rulings may occasionally go against their grain, they are willing to sacrifice personal and sectional preferences to a higher loyalty. They recognize that our system of government is a good one and that the South has more than a proportionate voice in the conduct of it. Until proved wrong, we will continue to believe that the people of Georgia, South Carolina, and Mississippi will not—in the name of Southern tradition or anything else—be willing to declare a moratorium on American democracy.

In so far as graduate and professional education is concerned, there is already impressive evidence that our confidence is well placed. Negroes are now attending

state universities in Arkansas, Kentucky, Louisiana, North Carolina, Oklahoma, Texas, and Virginia. This change has been accepted without the slightest disturbance by white students and the public at large in those states. We submit that the people of your respective states are in no wise less law-abiding or less reasonable than their fellow Southerners.

The matter of elementary and secondary schools is admittedly more complicated; opposition to a sudden and blanket opening of those schools to children of both races would probably be widespread. But we do not agree with Governor Talmadge that it "would create more confusion, disorder, riots, and bloodshed than anything since the War Between the States." On the contrary, we think the majority of white Southerners could be counted on to confine their protests to lawful and democratic means.

The Negro plaintiffs and lawyers in the Clarendon County suit have been severely criticized by some spokesmen for their legal attack on school segregation. It has been charged that their only motive is to embarrass public officials and to force their way into unwelcome association with white persons. But we make bold to suggest that the blame, if such it is, does not lie wholly at their door.

Counsel for the Clarendon County school authorities readily admitted to the court that the Negroes are victims of serious discrimination—discrimination which has existed for the better part of a century. He admitted that a differential estimated at $40,000,000 exists today between the white and Negro schools of South Carolina. His plea to the court, on behalf of the defendants, was as follows:

"They urge the court in its discretion to give them a reasonable time to formulate a plan for ending such inequalities and for bringing about equality of educational opportunity in the schools of the district."

To Negro listeners, this plea must have had a somewhat hollow sound. For their efforts to obtain fairness under the separate-but-equal doctrine have been met with this same answer for eighty years. Meanwhile, thousands of Negro children have come into the world, received their inequitable share of education, and grown old—only to see their own children and grandchildren similarly denied equality of opportunity. To you the problem may appear primarily a legal and "social" one; to them it is intensely personal.

Let us at least make the slight effort required to understand why these plaintiffs have, at long last, asked the courts to overrule the separate-but-equal doctrine. Let us not deceive ourselves by explaining it in terms of "outside agitation" and cunning schemes to coerce white and Negroes persons into unwilling association. Let us recognize that it is the result of generations of bad faith, during which the Negro's hope of equality in separation has been abused beyond repair.

True, the defense counsel suggested that an attempt would be made in South Carolina to remedy these long-standing delinquencies. He pointed out that state revenue measures, passed early this year, were designed to raise funds for equalization of white and Negro schools. He could not, of course, explain why this equalization measure was enacted only this year, though the King George County, Va., school suit put the South on notice three years ago that educational inequalities could not be tolerated by the federal courts. Nor could he say how long the equalization process will take, or exactly how it is to be imple-

mented, for plans have not yet developed that far.

Even so, it was a bid for recognition of good faith. It would have been a stronger bid had it been possible to demonstrate that Negro citizens were to have a voice in the implementation. But Mr. E. R. Crow, director of the State Educational Finance Commission, which will administer the equalization program, did not so testify. Following is the exchange of questions and answers between him and Mr. Thurgood Marshall, NAACP attorney representing the plaintiffs:

Q. "Are there any Negroes on your commission?"

A. "No."

Q. "Has there been any discussion as to whether any Negroes will be appointed?"

A. "No."

Q. "Are there any Negro employees?"

A. "Not as yet."

In his summing-up, Mr. Marshall declared: "Where you have segregation, I would assume absolutely equal facilities; equal and identical. In South Carolina you have admitted inferiority of Negro schools. All your state officials are white. All your school officials are white. It is admitted. That is not just segregation; it is exclusion from the group that runs everything."

The court itself, which was composed of three Southern-born judges, expressed some perplexity over the defense pleadings. Presiding Judge John J. Parker asked the defense counsel, "What sort of decree do you think this court should enter, in the light of your admissions?" He appeared dissatisfied with the answer that the court might simply retain jurisdiction of the case until such time as South Carolina has demonstrated its good faith in equalizing facilities. To this he replied: "I'm not much impressed with that suggestion. You are coming into court and admitting that facilities are not equal. It is not up to the court to wet-nurse the schools. All we can do is tell you to do what the court says for you to do."

Despite these difficulties, the court decided, with one judge dissenting, to assume the burden of "wet-nursing" the schools, at least for a period of six months. They did so on the grounds that public school segregation "is a matter of legislative policy for the several states with which the federal courts are powerless to interfere."

No one knows, of course, whether the U. S. Supreme Court will uphold the lower court's majority ruling or whether it will agree with the dissenting opinion of Judge J. Waties Waring, who maintained that segregation *per se* is discrimination. But the main consideration is not what the Supreme Court will rule, or what will be the administrative outcome of its ruling; it is how we, as Southerners and Americans, will accept the results, whatever they may be.

We sincerely urge that you use the prestige of your high offices to set an example in that regard which the whole South can follow in honor and good citizenship.

The Supreme Court considers one of the great questions of our time

School Segregation On Trial

December 1952

FOR ten hours during the second week of December, the Supreme Court of the United States listened attentively as a dozen able lawyers debated one of the great questions of our time: Does segregation in public school systems violate the Constitution of the United States?

Not for a half-a-century has the legality of racial segregation been so clearly at issue. It was in 1896 that the Supreme Court, in the celebrated *Plessy* v. *Ferguson* decision, upheld the right of a state to separate its citizens according to race, so long as the separate facilities provided were "substantially equal." In a purely legal sense, this doctrine of "separate but equal" has prevailed ever since. But in practice, it has been largely a fiction. Public facilities have indeed been separate in the Southern states, but they have seldom approached equality.

Only very recently has it become fashionable for Southern leadership to speak in earnest of equalization, to confess past sins and promise early atonement. But this may well prove to be a death-bed conversion. During the long years of neglect and injustice, the conviction has grown, among whites and Negroes, North and South, that "separate but equal" is merely a genteel way of saying "discrimination." So deeply has this conviction embedded itself in the conscience of the nation that it can hardly be dislodged now, or be long denied full expression.

It is true that the *Plessy* decision still stands in constitutional law. But particularly in the last fifteen years, it has lost considerable footing. Beginning with the case of *Gaines* v. *Canada* in 1938, the courts have rendered a series of memorable decisions in the field of higher education. Based on the Fourteenth Amendment to the U. S. Constitution, these decisions have attacked the spirit, if not the letter, of the *Plessy* doctrine.

This is the legal background against which the Supreme Court has been asked to rule on the constitutionality of segregation in the common schools. The old *Plessy* doctrine has not been overruled, but as far as graduate education is concerned, it has clearly been undermined. The Court has not as yet denied the right of a state to segregate its citizens according to race, but it has heavily qualified that right. It has ruled that a state does not have the legal right to maintain separate facilities which are manifestly unequal. And in the field of higher education, it has set the standards of equality so high that no state can meet them except by discarding segregation.

In the public-school suits argued before the Supreme Court in December, attorneys for both sides agreed that the issue is, purely and simply, segregation itself. The cases are five in number and each case presents the issue in a some-

what different form. Following are some of the varied questions raised by the appeals from the lower courts:

Clarendon County (S.C.) and Prince Edward County (Va.)—Was the lower court correct in allowing school authorities an extended period in which to equalize facilities, instead of ordering the Negro children admitted to the "white" schools?

Topeka (Kansas)—Was the lower court correct in refusing to rule out segregation, even though the court itself conceded that segregation imposed a psychological handicap on the Negro pupils?

Wilmington (Del.)—Was the lower court correct in ordering Negro children admitted to the superior school for whites, even though the court refused to rule on the constitutionality of segregation *per se*?

Washington (D.C.)—Was the lower court correct in dismissing the case on grounds that school segregation is required by act of Congress?

In the Supreme Court hearing, members of the legal staff of the National Association for the Advancement of Colored People represented the plaintiffs in all except the Washington, D. C., case. Their two main arguments were these: that racial segregation of school children is "an unlawful and unreasonable classification" in violation of the Fourteenth Amendment; and that school segregation "retards the education and mental development of Negro children"—a point on which experts had testified in the original hearings.

Attorneys for the states affected argued that the *Plessy* decision still governs and there is no valid reason to overrule it. John W. Davis, representing South Carolina, maintained that the courts have repeatedly upheld the rights of states to classify their students on the basis of race, "or for that matter of age or sex or mental capacity." He disputed the expert testimony on the harmful effects of segregation, citing various Southern spokesmen as authority. In any case, he added, the decision should rest, not with the federal courts, but with the state legislatures. To this argument, Thurgood Marshall, NAACP special counsel, replied that the Supreme Court "has always asserted the federal rights to which citizens are entitled regardless of state statutes and constitutions."

The Supreme Court is not expected to announce its decision for several months. Meanwhile, reasonable people have no more urgent duty than to inform themselves of the factors which will shape the decision, whatever it may be. Here, we can only touch on a few of the broad questions which the nine justices will probably consider.

One of these will certainly be the possible reaction in the South to a ruling against segregation. During the Supreme Court hearing, several questions from the bench elicited arguments, pro and con, on this subject. Among the opinions expressed were the following:

Mr. Marshall contended that "segregation in education is no more ingrained and traditional than in transportation." (The Court has outlawed segregation in interstate travel.) "I believe that the people of South Carolina are law-abiding citizens who will obey whatever decree this Court hands down."

Mr. Davis remarked that the consequences of a ruling against segregation "cannot be contemplated with entire equanimity."

Virginia Attorney General J. Lindsay Almond declared that abolition of

segregation would virtually destroy the public school system, that the public would not support revenue measures for "mixed" schools, and that Negro school teachers would lose their jobs, since they "would not be allowed to teach white children in Virginia."

Kansas Assistant Attorney General Paul Wilson said that "there would probably be no serious consequences" in his state if school segregation were ended.

A brief filed by six human relations agencies cited a number of instances of successful integration. Their conclusion was that "integration can and will be accomplished in the public schools of the South without 'bloodshed and violence' if the law enforcement agencies, federal or local, demonstrate that they will not tolerate breaches of the peace or incitement. Americans are law-abiding people and abhor klanism and violence."

Strictly speaking, these opinions are irrelevant to the constitutional question to be decided. But it has long been recognized that the courts usually take into account the human consequences of their decisions.

Another consideration which will undoubtedly be weighed by the Court is that of world opinion. What this nation's highest tribunal has to say about the legality of racial segregation is bound to have vast international significance. It could influence, for better or worse, not only America's foreign relations, but the whole course of world events.

A brief filed as a "friend of the court" by the United States Department of Justice states the case against segregation this way: "It is in the context of the present world struggle between freedom and tyranny that the problem of racial discrimination must be viewed. The United States is trying to prove to the people of the world, of every nationality, race, and color, that a free democracy is the most civilized and most secure form of government yet devised by man. We must set an example for others by showing firm determination to remove existing flaws in our democracy."

But if the Court should find it proper to decide the constitutionality of "separate-but-equal," the Government strongly urges it to rule against segregation. In that event, the Government suggests that the Court provide for "a program for orderly and progressive transition" to allow time for administrative changes, and to "lessen antagonism." Under this plan, the federal district court "could direct the parties to submit proposals for such a program. And if the district court so desires, it could appoint an advisory committee of lawyers and other citizens to assist it in this task. . . . At reasonable intervals after the program is put into effect, the parties should submit progress reports to the district court, which should have the power, if circumstances so require, to enter any further orders found to be necessary."

The decision will be announced in due time, and the law of the land on segregation will be settled. Meanwhile, thoughtful Southerners have a job to do. It is up to them to repudiate the false leaders and irresponsible citizens who threaten drastic or violent action if their own prejudices are violated. It is up to them to make sure that the Supreme Court's decision, whatever it may be, is accepted calmly and in good faith.

The U. S. Secretary of State
*on segregation and world relations**

The Opinion of Mankind

January 1953

I WROTE the Chairman of the Fair Employment Practices Committee on May 8, 1946, that the existence of discrimination against minority groups was having an adverse effect upon our relations with other countries. At that time I pointed out that discrimination against such groups in the United States created suspicion and resentment in other countries, and that we would have better international relations were these reasons for suspicion and resentment to be removed.

During the past six years, the damage to our foreign relations attributable to this source has become progressively greater. The United States is under constant attack in the foreign press, over the foreign radio, and in such international bodies as the United Nations because of various practices of discrimination against minority groups in this country. As might be expected, Soviet spokesmen regularly exploit this situation in propaganda against the United States, both within the United Nations and through radio broadcasts and the press, which reaches all corners of the world. Some of these attacks against us are based on falsehood or distortion; but the undeniable existence of racial discrimination gives unfriendly governments the most effective kind of ammunition for their propaganda warfare.

The hostile reaction among normally friendly peoples, many of whom are particularly sensitive in regard to the status of non-European races, is growing in alarming proportions. In such countries the view is expressed more and more vocally that the United States is hypocritical in claiming to be the champion of democracy while permitting practices of racial discrimination here in this country.

The segregation of school children on a racial basis is one of the practices in the United States that has been singled out for hostile foreign comment in the United Nations and elsewhere. Other peoples cannot understand how such a practice can exist in a country which professes to be a staunch supporter of freedom, justice, and democracy. The sincerity of the United States in this respect will be judged by its deeds as well as by its words.

Although progress is being made, the continuance of racial discrimination in the United States remains a source of constant embarrassment to this Government in the day-to-day conduct of its foreign relations; and it jeopardizes the effective maintenance of our moral leadership of the free and democratic nations of the world.

**From a statement by the Secretary of State as quoted in the United States Government's brief before the Supreme Court, December 1952.*

A noted sociologist draws some timely lessons from the past

Impending Crisis of The South

By Guy B. Johnson

May 1953

THE Supreme Court of the United States is about to announce a momentous decision on the question of the constitutionality of compulsory segregation in the public schools. That decision *may* confront us with a crisis of serious proportions, a crisis which will compel the South itself to make a great decision. To find anything comparable to the situation which we shall face, it is necessary to turn back to certain chapters in American history. In the firm belief that we can learn something from history if we are willing, I ask you to review briefly with me two other great crisis situations and the manner in which they were met.

The first of these was the issue of slavery itself. Slavery evolved so gradually that we scarcely knew what we had until too late. But one sin begets another, and pretty soon slavery was not just a "necessary evil," it was "a positive good," it was even "Christian." It died out in the North, but prospered in the South and the stage was set for sectional conflict. After the invention of the cotton gin and the expansion of the great Cotton Kingdom, there was no turning back for the South. The stake of the slaveholding class was too high. It was a minority class—remember that only one-third of the white families of the South owned slaves—but it monopolized political power, wealth, education, and social prestige. It became an insatiable giant gnawing at the foundations of democratic government, demanding to be let alone so that it could spread wherever it pleased.

For fifty years the slavery issue dominated our national political, economic, and religious thinking. The Missouri Compromise, the War with Mexico, the annexation of Texas, the Compromise of 1850, the fugitive slave law, the Dred Scott decision, John Brown's raid, the abolition crusade—these and other incidents were but signs along the road to the inevitable showdown between free and slave states. The issue was sharply defined in the election of 1860. When Lincoln was elected, the slaveholders said, "This is the end," and they took the Southern states out of the Union. And then came war.

This was a war which had been prepared by many, yet it was a war which nobody really wanted. There was guilt all around. The proud and stubborn states' righters, the selfish politicians, the fanatical abolitionists—all had contributed to the crisis, all had played a part in the making of a war. The Civil War was one of the most destructive wars in all history, and it was our greatest national tragedy. It resulted in the abolition of slavery, yes; but what a price!

Now, if this was the only possible way of ending slavery, it was worth the

price. But was it really the only possible way? I contend that it was not. I believe there were alternatives. For example, the South could have stayed in the Union and worked out the problem of emancipation in a peaceful way. But once the great decision for secession was taken, one alternative was removed. It was not necessary for the trigger-happy young Confederates to fire on Fort Sumter, but once that decision was made, the chances for peaceful action were further reduced. Even after the war began, Lincoln's valiant efforts to negotiate a compromise along the lines of gradual, compensated emancipation might have succeeded if there had been a few more wise and humble leaders on both sides. The tragedy of the Civil War, then, was that it was the culmination of a series of bad decisions, each of which reduced the possibility of intelligent action. The final result was that slavery was ended under the worst possible circumstances and that the stage was set for a new crisis situation.

The second great crisis in the relations of white and Negro came, of course, during the Reconstruction period. Now the problem was: given the emancipation of the slaves, what is to be the status of the Negro in Southern society? There were three general lines of thought in answer to this question. The first said, "The Negro is inferior, he does not deserve the rights of citizenship, therefore let's subordinate him before he gets out of hand." This was the view of reactionary Southern white people.

At the other extreme was a second view, which was: "The Confederates are rebels and traitors. They deserve no mercy. Take their civil rights away from them until they have learned their lesson. Keep the federal armies in the South as long as is necessary to make the white man give complete political and social equality to the Negro." This, of course, was the view of the Radical Republicans, who controlled the Congress after the death of Lincoln.

In between these was a third stand which was moderate and intelligent. It said, "We recognize that the Negro is now a citizen. The South has some tough problems ahead, but we believe that white and black can cooperate and work out sensible evolutionary solutions." This was the view of a substantial minority of Southern white people and the great majority of the Southern Negroes and Northern whites.

Considering the great bitterness which existed in the South after the Civil War, there was a surprising amount of support for this moderate view of the situation. Let us look at South Carolina, for example. When Wade Hampton brought the Democratic Party back into power in that state in 1876, he did so on a platform which declared "acceptance, in perfect good faith, of the thirteenth, fourteenth and fifteenth amendments to the Federal constitution." Speaking at Darlington, he said: "Not one single right enjoyed by the colored people today shall be taken from them. They shall be the equals, under the law, of any man in South Carolina." In the 1878 election, many Negroes were welcomed into the Democratic Party. An Abbeville newspaper said, "The color line has been obliterated, and we are all moving along together upon a higher and better platform of equal rights and equal justice to all, 'without regard to race, color or previous condition'." Another newspaper, the *Kershaw Gazette,* said that ". . . every good Democrat [should] put down the enunciation of race antagonism. . . . We want every good colored voter to join our party and help swell

our majority in each county. The bugaboo of social equality has never disturbed our equipoise."

Similar conditions could be cited for other Southern states. There was a real trend toward cooperation and integration. But powerful reactionary forces were on the move. They raised the cry of Negro domination and social equality. They were for white supremacy at any price. They murdered, they intimidated, they practiced fraud at the ballot box, and they finally prevailed over the forces of decency and fair play. Then they proceeded to undo completely the good things which had been done since the Civil War. They disfranchised the Negro and drove him out of politics, they wrote segregation into the state constitutions and laws, and they ostracized any white man who dared to speak out in favor of equal rights for the Negro.

It is ironic to reflect upon the fact that some of the Southern states got along for thirty years or longer after the Civil War without completely disfranchising and segregating the Negro. The South had faced a great crisis, it had made some progress toward meeting the crisis constructively, but then it had let the narrow interests of race, social class, and political party turn it from the right course.

Now there is no doubt that the Reconstruction policies of the vindictive Radical Republicans led to some grievous conditions in the South. Yes, Reconstruction needed some revisions, but it did not need a complete undoing. I am not suggesting that if the South had gone along without disfranchisement and compulsory segregation, we would have reached the millennium by now. Not at all. There would have been problems aplenty, and there would still be a vast amount of voluntary and customary separation of the races; but we would not have been in a legal straightjacket, we would have had some middle ground, some freedom of choice, and the morale of the Negro would have been infinitely higher. And so I submit to you the thought that maybe we have lost fifty years and that the wrong turn after Reconstruction laid the groundwork for the impending crisis arising from tomorrow's decision by the Supreme Court.

I do not mean to say that there has been no progress in the relations of the races in the South during the past fifty years. On the contrary, there has been a rather remarkable progress. We are now far enough away from the bitterness of the Civil War and Reconstruction to look upon them with considerable calmness. We have learned many lessons in mutual understanding and cooperation. Two world wars and a great depression have taught us a great deal. Urbanization, industrialization, better education, better income—all these have broadened the opportunities for both races.

Even some of the legal bulwarks of discrimination have been nibbled away by court action. The Supreme Court has nullified the white primary, and hundreds of thousands of Negroes are now playing their part in political decisions in the Southern states. It has opened the way for non-segregated interstate travel, and such travel is becoming commonplace. It has also made decisions which have resulted in the admission of Negroes to state-supported "white" graduate or professional schools in all except four or five of the Southern states. Furthermore, several private white institutions have voluntarily removed the color bar. In short, the idea of integration is gaining, and we approach nearer

and nearer to the American ideal of justice and equality under the law.

But in the South there is today a great uneasiness. This uneasiness arises from the imminent threat to the legal structure of compulsory segregation in the public schools.

As I stated earlier, there are two possible decisions that the Court can make. One of these is the "separate-but-equal" decision. This is in line with the previous doctrine followed by the Court ever since its decision in the case of *Plessy* v. *Ferguson* in 1896.

The other decision that the Court might make is one which would declare that state laws enforcing racial segregation are acts of discrimination and therefore invalid under the constitution of the United States. Admittedly this would be a new precedent, that is, an overruling of a long line of previous decisions, but the Court has done this sort of thing a number of times. The white primary decision in 1944 in the case of *Smith* v. *Allwright* is one example. It is this flexibility, this prerogative of the Supreme Court to change its mind, that keeps our constitutional law in step with the changing needs of the nation.

Now, if and when this legal atom bomb is exploded, the South is going to experience a great shock. How will the Southern people react? How *should* they react? What will their leaders say? What will their legislatures do? Will they make rash and hasty decisions? Will our behavior in this crisis be such that we can be proud of it fifty years from now?

When we were children most of us heard the advice, "When you are tempted to say something naughty or to do something in anger, first count to ten." That was good advice. First of all, then, the South needs to count to ten—very, very slowly. A member of the North Carolina General Assembly recently said, "If the Supreme Court decision comes while we are in session, I think we should adjourn for a month so that we can think over calmly what we are going to do." That is a wise point of view.

Second, the period of waiting and "cooling off" should be a period of full public discussion. The press, radio, television, and other media of communication have a grave responsibility here. Those people who earnestly believe in the Christian way of life and in the principles of American democracy should not hesitate to stand up and be counted, lest the rabble-rousers and race baiters lead the public to believe that *they* are in the majority. The Negro, who will be at the center of this great debate, should also have an opportunity to offer his opinion and his wise counsel.

Third, we should try above all to keep clearly in mind the probable consequences of our decisions. If we do *this,* what will happen? If we do *that,* what will happen? And after that, what else is likely to happen? It takes straight thinking to foresee the logical consequences of some action which one is tempted to take in the heat of the moment. A good illustration of what I am saying is the proposal to abolish the public school system if the Supreme Court decision goes against segregation. Several governors have announced that their states will do this, and South Carolina has already adopted a constitutional amendment which, at any moment the legislature desires, will erase completely the state's legal obligation to support a system of public schools.

The theory behind this device is that if the state supports no public schools,

it is not discriminating against anybody, and therefore it is beyond the reach of the Federal constitution. The proponents of this idea imagine that schools would be taken over, operated and financed by all sorts of private educational agencies. Some of these educational associations would be white, some would be colored, but they would all be acting as private voluntary associations. Thus, South Carolina would hope to do through private action what it could no longer do by official action, namely, maintain segregated schools.

Now, let us look at the logical consequences of this policy. The present public schools will have to be deeded over to the private agencies, otherwise the state is still legally involved. This step alone could lead to untold confusion, but assuming it is done, what next? All school taxes are abolished, of course, so that their equivalent can be paid in by private citizens in some manner or other in order to finance their private schools. The result is obvious: well-to-do communities or classes of people have fairly good schools, while most of the Negro and poorer white people have the barest minimum of opportunity for education. Next a great cry arises, even from some of the more fortunate people, "We need more school money. The state must subsidize our schools." Then the state faces a dilemma: it wishes to see every child get an education, and so it wants to contribute to the private school agencies, but the moment it does this, the Supreme Court enters the picture again. And so the state may find that after years of confusion and educational injustice to a large portion of its children, it is right back where it was on the day that the Supreme Court first announced its decision. If any state wishes to follow this plan, it should at least do so with its eyes open.

Fourth, if the Supreme Court does declare against segregation, could the South do something better this time? Could it say something like this? "We knew this thing couldn't go on forever. We would like to have a little more time but, then, after all, we have had a lot of time. We believe in the rule of law, we believe in the American way, and we will accept the decision of the Court in good faith. We dread this surgical operation on our social order, but we know that we have to go through with it, and we can take it."

Anyone who thinks that the transition from segregation to racial co-education can be made without problems, tensions, and even personal tragedies is a fool. Anyone who thinks that the transition means the end of civilization is a fool. The operation may be serious, but the patient will recover. And when he recovers and looks back over the experience, he may say, "Well, it wasn't half as bad as I thought it would be."

How, then, shall we meet the impending crisis? The eyes of the world will be upon us, and what we do here in the South will have its weight in the struggle of the free world against the menace of totalitarianism. Shall we set race against race and bequeath to our children still other crises? Or shall we act in the spirit of justice and establish a new charter of race relations which will make the next fifty years the brightest in the history of the South? We the white and Negro people of the South have great spiritual resources if we will only use them. We have known one another since the foundation of this nation. We are friendly people, and when we are at our best we are hard to beat. This is a time when we need to be at our best.

Local citizens of both races are now the real decision-makers

The Supreme Court Speaks

June 1954

ON May 17, 1954, a long period of waiting came to an end. The Supreme Court of the United States spoke the decisive words in a constitution debate that has stretched across one hundred years of American history. The Chief Justice, speaking for a unanimous court, restated the far-reaching question, "Does segregation of children in public schools solely because of race, even though the physical facilities and other 'tangible' factors may be equal, deprive the children of the minority group of equal educational opportunities?"—and he replied, "We believe that it does."

There were, in reality, two questions before the court. The first involved a legal and moral principle—Is racial segregation in the public schools compatible with the ideals of our democracy as expressed in the United States Constitution? This the Court answered with a clear and unequivocal "No." In the words of Chief Justice Warren, "To separate (Negro pupils) from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone . . . ; in the field of public education the doctrine 'separate but equal' has no place."

Many Southerners shared the *Knoxville Journal's* view that this answer was inevitable: "No citizen, fitted by character and intelligence to sit as a Justice of the Supreme Court, and sworn to uphold the Constitution of the United States, could have decided this question other than in the way it was decided." Even those to whom the decision was distasteful could hardly ignore the fact that it invigorated the cause of democracy throughout the world. For millions of non-white people in other lands it was the most telling evidence yet of the vitality and promise of American leadership in the free world.

But apart from the principle of segregation, there is also segregation in practice, and to this the answer is not so simple. Through generations in the South segregation rooted itself deeply in law, in institutions, in customs, and—more important—in the minds and emotions of Southern people. During the last fifteen years, the uprooting has begun in many areas of public life. But the Supreme Court wisely recognized that segregation could not be eradicated from the public schools at a stroke; that skill, and planning, and time for adjustment would be needed. So the "when" and "how" of the decision were deferred pending further discussion in which the Southern States are invited to participate.

As one noted Southern editor has put it, white and Negro citizens have important business together. The months immediately ahead are a time for sound thinking and planning by the best people of both races. The real decision-makers will be the private citizens who are actively involved in the lives of their communities. That includes, or should include, all of us.

The Dean of George Washington Law School on the trend of court decisions

A Legal View of Segregation Plans

By John T. Fey

September 1954

THE recent Supreme Court ruling in *Brown* v. *Board of Education* and its four companion cases is not the final chapter on segregation in the public schools. To the contrary it is a reopening of all segregation's many problems—social, economic, and political. It is a beginning of a tremendous task of integration, requiring patience, tact, and understanding. This fact was recognized by the Court when it deferred a determination as to the ways and means of implementing its decision, to which point argument will be directed next Fall. Thus segregation was not ended forthwith.

In considering the Court's decision and the period of transition, it is important that the difference between legal doctrine and legal practice be properly emphasized. Codes, constitutions, and decisions are not law until they are interpreted and effectively administered. The recent decision did not by itself end segregation—only through its application in each school district of the South can it become the law in practice. Each district presents its problems and will require the cooperation of the administrators and citizens affected. Again, the Supreme Court has recognized this distinction and is prepared to consider such factors prior to formulating final decrees in the cases involved.

Further, the legal aspects of integration cannot be fully determined to the exclusion of social, economic, and political realities. It is in this context that the legal aspects must be examined. These forces, the pressures of the living community, must necessarily influence the application of the law. This is not to say that the status quo will continue, but rather that other forces in the community must be considered in carrying out any prescribed objective. Again the Court has made provision for consideration of this factor.

Any discussion of legal principles at this time must of necessity be out of context. At that risk we may consider likely problems of the period of transition in the light of existing decisions.

Brown v. *Board of Education* and the companion cases ruled that segregation per se is denial of equal protection of the laws in its application to Negro public school pupils. . . .

The problems of implementation are enormous. There are *financial* and *practical* questions of what to do with two sets of schools and teachers. There are *social* and *psychological* problems of adjustment of the pattern of Southern society. And, of course, there are legal questions of formulating decrees in the lower courts in these cases that would alter state laws. Even with complete

cooperation these problems will require time—and with any amount of litigation they will require a generation for final settlement.

It would be conservative to conclude that the reaction to the Court's decision was mixed. This feeling was, of course, influenced by the social and economic patterns of various communities. In some parts of South Carolina, Georgia, and Mississippi, it was difficult to see an early movement toward integration. Concern for the problem was certainly understandable. There were proposals ranging from a withdrawal of state support of public schools to gerrymandering of school districts.

The proposals aimed at continuation of separate schools fit into five basic patterns.

First: A System of Private Schools. This would require a gift, lease, or sale of existing buildings and property. It would further require financial support, by grants, by scholarships, or by rendering special services. And finally, there would be the problem of management and administration, assignment of teachers and supervision of standards. It would seem apparent that some governmental assistance, state or local, would be indispensable.

Second: Individual Assignment of All Students to Particular Schools. School Board officers would have the power to designate the particular school within the district which each enrolling child should attend. Each assignment would be on an individual basis considering available facilities, health, and moral factors. Such a scheme would be implemented by a cumbersome and difficult system of appeals, so as to discourage those complaining of assignments.

Third: Free Transfer of Students Among Schools in the District. This would be similar to the assignment device, and would differ only in the determination as to the proper school after the child's initial appearance at the school of his choice.

Fourth: Gerrymandering of School Districts. Boundaries would be altered so as to sharply differentiate between white and Negro areas of residence, attempting to include in each an all-white or all-Negro population. This system would operate best in towns and cities. This method, because of "residential segregation," could probably be carried out with a high degree of effectiveness.

Fifth: The Tri-School Proposal. Where there are now two separate schools there would be created three schools. The first would be operated on the basis of complete integration. The second and third would be white and Negro respectively and the child could elect to attend the school maintained for his race.

The recent decision unambiguously declares that state action in carrying out a segregated public school system is a denial of equal protection of the laws. While only four states and the District of Columbia were parties to the suits, this principle applies equally to all states and territories. The final decrees will differ only to adjust for local conditions which must be considered in making an orderly transition.

It would also seem reasonable to conclude that these cases determine the status of segregation in state supported colleges. Already in the Sweatt and McLaurin cases, the Supreme Court has found that segregated graduate and professional schools could not provide equal education. The reasoning in those cases was reaffirmed in the recent segregation cases, and it would seem the

Court finds that state action would involve a denial of equal protection of the laws at any level of education.

In fact, the extension of the concept of state action over the past decade presents the possibility that any action, or inaction, involving the field of primary education will be held to be state action. This is certainly a likely possibility, and therefore is good reason for examining recent proposals in the light of other Supreme Court decisions.

The 14th and 15th Amendments were intended to protect Negroes from the use of governmental authority of the states in a manner prejudicial to them. This includes not only legislative action but executive and judicial action as well, as suggested by the court as early as 1879 in the case of *Virginia* v. *Rives.* State action also includes the action of any local governmental unit, and more recently has been held to include the unlawful acts of a local county sheriff in the 1947 case of *Screws* v. *U. S.* Any agent or agency deriving its authority and power from the state is capable of performing state action as recognized in the decided cases.

Shortly after establishing the concept of state action, the Supreme Court found the necessity of limiting its bounds. The opportunity came with the Civil Rights Act of 1875, which established both civil and criminal offenses for discrimination by private owners of inns, theaters, places of amusement, and public conveyances. The Court in the "Civil Rights Cases (1883)," declared individual action to be beyond the bounds of the 14th Amendment, and held that the statute was therefore unconstitutional. This principle restricted state action to official acts of the state through one of its official agencies.

Despite the exclusion of private acts from the scope of state action, recent decisions have extended the concept of state action so that the original distinctions between state and private action was virtually meaningless. . . .

The expansion of state action has been along two distinguishable lines: (1) the "instrumentality theory," under which action of private organizations has been considered state action; and (2) the "redefinition theory," where the court has redefined what action by an admittedly state agency is to be considered state action.

Instrumentality Theory. This theory had its origin and growth in the attempts of Southern political party organizations to exclude Negroes from primary elections. It has been utilized to find state action in the following situations:

(1) Where the state of Texas prescribed statutory regulations for the conduct of the primary election and connected it by statutes with the ensuing general election—*Smith* v. *Allwright* (1944).

(2) Where following the Smith case, the state of South Carolina repealed all statutes affecting the primaries, but the primary remained an integral part of the general election procedure—*Rice* v. *Elmore* (1947).

(3) Where the Jaybird Democratic organization, *a private association in no way assisted by the state,* excluded Negroes from its primary in Texas—*Terry* v. *Adams* (1953).

The last case in 1953, *Terry* v. *Adams,* found state action in areas where the courts had previously been unable to discern such. Some commentators would limit these primary cases because of the interrelation with the state's election

machinery. But it would seem that this decision establishes *that performance by private parties of a governmental function makes them a state instrumentality.* This theory is further supported by two decisions outside the area of primary cases. One involved the act of a privately owned town abridging the religious freedom of a trespasser on its streets—*Marsh* v. *Alabama* (1946). The second involved a discriminatory act of a privately endowed city library system which owed its powers to the state, though it was not state supported—*Kerr* v. *Enoch Pratt Free Public Library* (1945).

The Redefinition Theory. The second area of expansion of state action is found where state agency exists, and the problem is what is state action. It has been held in *Shelley* v. *Kraemer* (1948) and in *Screws* v. *U. S.* (1947) that a state acts even when its agencies abuse or exceed their authority. The action of a state court in enforcing a private racial restrictive covenant was sufficient to find state action. The import of the *Shelley* decision is vast, and broadly speaking would seem to make—*any and all action by any arm of the state, whether direct or indirect, close or distant, alone or in conjunction with private individuals or groups,* state action under the 14th Amendment.

Such is the present status of the legal concept of "state action"—the area in which private school plans will be tested. All of the plans suggested present a possibility of the existence of state action.

There is a variety of theories that will be used to attack segregation practices during the transition period.

(1) If private schools are used they may be challenged as state instrumentalities under the state action concept. (*Terry* v. *Adams.*)

(2) Even if there is no discernible state-aid to privately organized public schools, they may be attacked on a theory of performance of a governmental function. (*Marsh* v. *Alabama.*)

(3) The affirmative action of a state in withdrawing public education facilities may be attacked as state action. (*Rice* v. *Elmore.*)

(4) The negative position of a state in failing to prohibit discrimination in private schools may be attacked as state action.

(5) A state court's enforcement or sanction of discrimination in a private school may be attacked, under the principle of *Shelley* v. *Kraemer,* as state action.

(6) In the event of assignment or transfer of students any attempt at segregation may be attacked on the theory of the case of *Yick Wo* v. *Hopkins.* That case held a statute to be invalid as a denial of equal protection where laundry licensing could be used to exclude Chinese laundries.

(7) If state money is used to support private schools, the attack will be directed at the unconstitutional use of public funds.

(8) The creation of private schools could give rise to suits based upon impairment of teacher's tenure contracts. Rights under such contracts have been supported in the Supreme Court case of *Anderson* v. *Brand.* . . .

Plans used during the transition which conflict with the decided cases can only be regarded as temporary expedients. There can be no permanent forestalling of integration in view of the existing decisions. The findings are clear—only the methods and timing present uncertainty. . . .

Southern religious bodies greet the decision as just and right

The Churches Speak: A Sampling

June 1954

THE overwhelming majority of religious leaders and official church bodies greeted the Supreme Court's decision in the spirit of this statement by the *Southern Baptist Christian Life Commission*: ". . . we urge Christian statesmen and leaders in our churches to use their leadership in positive thought and planning to the end that this crisis in our national history shall not be made the occasion for new and bitter prejudices, but a movement toward a united nation embodying and proclaiming a democracy that will commend freedom to all peoples."

The General Assembly of the Southern *Presbyterian Church, U. S.*, convened at Montreat, N. C., only days after the decision had been rendered. By a resounding vote, the Assembly voted to open the doors of all its institutions of higher education to both races, to recommend the same action to synods and presbyteries, and to call on local churches to eliminate discrimination within their own fellowship.

Southern conferences of the *Methodist Church* that have met since the decision have taken action like that of the North Georgia Conference, which called on Methodists to "face the practice phases of this decision with the courage, poise, and maturity of law-abiding citizens."

The Department of Christian Social Relations, Southeastern Province of the *Protestant Episcopal Church* has declared: "The decision of the Supreme Court outlawing segregation in the public schools is just and right. [We urge that] our public authorities give their support and direction toward putting this ruling into effect as best manifests our Christian heritage."

Speaking as president of the *National Council of Churches,* Methodist Bishop William C. Martin of Dallas-Fort Worth said: "The recognition of the brotherhood of man under the fatherhood of God has been one of the cherished ideals of Christianity. . . . The decision offers to the churches of the nation a distinctive opportunity to give positive expression to this principle and to lend every possible encouragement to its realization in our national life."

The *Catholic Committee of the South,* following the decision, recalled the 1953 statement by the Bishops of the South, which concluded: "We sincerely hope that the day will come when the ideal of Christian brotherhood will displace from our Southern scene all traces of the blight of racism. Let us Catholics, true to our convictions, set the pattern." Catholic authorities have announced plans to integrate parochial schools in such Southern Cities as New Orleans, Nashville, and San Antonio.

Representatives of Southern *B'nai B'rith* lodges, in a convention immediately after the Supreme Court's action, expressed confidence that the people of the

South can work out positive solutions within the framework of the decision.

Many Southern councils of the *United Church Women* have taken action affirming the position of their Christian Social Relations Department: "We accept with humility the Supreme Court decision as supporting the broad Christian principle of the dignity and worth of human personality and affording the opportunity of translating into reality Christian and democratic ideals."

The Supreme Court's implementation ruling looks toward community action

A Call For Local Leadership

June 1955

ON May 31, the Supreme Court gave the long-awaited word on how its school segregation decision of last year is to be put into effect. The ruling is brief. But it is not the arbitrary order that some hoped and others feared it would be. To those who were looking for a stern command that would apply, immediately and simultaneously, everywhere in the South, the decision was a disappointment. To those who expected the Court to retreat from the principle of desegregation, it was equally disappointing. The Court held firm to the principle, but it instructed federal district courts to see that the principle is put into practice in the community.

The decision drew conflicting claims of "victory" from both pro- and anti-integrationists. In this partisan sense, however, there was no victory. Rather, there was recognition that the South is a region of great variety, that every community has its particular problems and its particular resources for meeting them. In essence the decision was a call for leadership in every school district affected.

In the April arguments before the Supreme Court, Florida's Attorney General Richard Ervin said: "We want an opportunity to show this Court that we can by local action, not by taking a vote but by people working with the school administrators, the PTA, interracial committees, talking this problem out, arrange some time of desegregation in the school districts. We want to show the Court that it can be done."

This is precisely the opportunity that the Court has afforded. But there is little comfort in store for those who hailed the decision as a "blank check" or an "indefinite extension" for segregation. Here, point by point, is why:

The district courts are instructed to require "a prompt and reasonable start toward full compliance." School authorities have the responsibility of assessing

their "varied local school problems" and developing a plan to solve them. However, the federal courts are responsible for determining that the actions of school authorities constitute "good faith implementation" of desegregation.

Any delay must be justified by school authorities as necessary and "consistent with good faith compliance at the earliest practicable date." Moreover, additional time may be granted by the lower court only after "a prompt and reasonable start" has been made.

Prejudice and attitudes of resistance, as such, are not grounds for delay. The district courts are permitted to exercise "practical flexibility" in shaping the remedies and "reconciling public and private needs." But the problems that they may take into account are specified by the Supreme Court as tangible obstacles "related to administration"—physical condition of school plants, outmoded school districting, laws and regulations that must be revised, and the like. "But," adds the Supreme Court, "it goes without saying that the vitality of these constitutional principles cannot be allowed to yield simply because of disagreement with them."

Federal district judges can be expected to require compliance in good faith. Some Southern political spokesmen have made much of the fact that the district judges are native Southerners, supposedly in sympathy with segregation. The implication is that the judges will sanction indefinite delay or downright evasion of the ruling. This dim view of the judiciary is unwarranted by past evidence. Federal judges are under the authority of the Supreme Court, and their official actions are subject to review by the high tribunal. In recent years, Southerners on the federal bench have enforced Supreme Court decisions ordering Negroes enrolled as voters, admitted to Southern universities, impaneled on juries, seated unsegregated on interstate buses and trains. As Ralph McGill, editor of the *Atlanta Constitution,* observed: "They (federal judges) are sworn to the Constitution. They will resign rather than violate their oath. They are, by the Court's wisdom, granted great powers of discretion because they are presumed to know the variety and complexity of local conditions. But no citizen should condemn or insult the integrity of these judges by assuming the jurists deliberately will follow a laissez faire course."

Early cases will define the limits of time that may "reasonably" be allowed to solve desegregation problems. In every school case that comes before a district court, both sides have the right of appeal to the Supreme Court. Some of the initial decrees are bound to be appealed by the plaintiffs or the defendants, as being too lenient or too harsh. The Supreme Court's review of these appeals will further define and narrow the limits of the district courts' discretion.

The first application of the decision in the South will not be a test of compliance, but a test of defiance. The Supreme Court's May 31st ruling applied directly to only five communities. Three of these—Wilmington, Del., Topeka, Kan., and the District of Columbia—have already proceeded with school integration. The two remaining school districts are in Clarendon County, S. C., and Prince Edward County, Va. Both of these are characteristic "black belt" counties—predominantly rural and agricultural, with heavy Negro populations of 71 and 45 per cent, respectively. School authorities in both have already announced that they will close their schools rather than integrate them. Thus

the constructive local process provided for by the Supreme Court apparently will have no change to work there. Instead, there will probably be further litigation testing the constitutionality of "private school" or "no school" plans of the sort advanced by former Governors Talmadge and Byrnes. The final disposition of these two cases may foretell the fate of the "private school" legislation enacted by Georgia, South Carolina, and Mississippi.

In many Southern areas, communities will begin to comply voluntarily, without need for lawsuits. State and community leaders in some parts of the South have already expressed an intent to abide by the new law of the land. In general, the areas most likely to adjust voluntarily are those in which Negroes have a significant voice in local government, those with small Negro populations, and the rapidly growing industrial cities of the region. The local will-to-comply will no doubt be heavily influenced by official state attitudes. State governments of South Carolina, Georgia, Mississippi, and Louisiana have adopted measures that would penalize or discourage communities that put desegregation into effect. The other Southern states have not attempted legally to impose statewide uniformity, and several have indicated that they will cooperate with local authorities who choose to move ahead.

Desegregation will spread by example. As demonstrations of successful desegregation mount in number, more and more communities will be encouraged to follow suit. Many people who now protest that school integration "can't work here" will come to feel differently when they see it working across a state or county line. The "solid South" is no longer solid, and politicians who trade in racial fears and prejudices will find it increasingly hard to hold a following.

The effects of the school decision will carry over to other fields. Many religious denominations and other private institutions, although outside the authority of the courts, will be challenged to modify their racial practices. Some Catholic authorities, for example, had previously indicated that they would await the implementation ruling before moving ahead with parochial school desegregation. As school integration progresses, private groups concerned with education may logically be expected to lower racial barriers. The trend toward integration in public libraries, meeting facilities, professional associations, and other public and private activities should continue at an accelerated rate during the next few years.

The spirit of life draws men together, not apart

Not Walls, But Bridges

By J. M. Dabbs

August 1954

RACIAL segregation is unjust because it is based upon a false view of human nature. It is not what men want; it is the sort of thing men do when they can't get what they want. And here I would take my stand, with all of you, in the Judeo-Christian tradition, and speak a word from the deepest level of my consciousness. The greatest representative of that tradition said, "The first commandment is 'Thou shalt love. . . .'" He did not say, It is a nice thing, a proper thing, to love. He said, Thou shalt, and he implied a penalty for disobedience.

Listen now to the contemporary anthropologist, Ashley Montagu: "The organism is born with an innate need for love, with a need to respond to love, to be good, co-operative. . . . To love thy neighbor as thyself is not simply good text material for Sunday morning sermons but perfectly sound biology."

I am amazed, therefore, as I observe the walls of segregation crumbling across the South, to see so many Christians facing these changes in alarm. They should be battering down the walls themselves, instead of cowering in the corner, while other forces, sometimes not even nominally religious, prize the walls loose from their dark foundations.

For what is a Christian but a man who has realized the human destiny? And what is the human destiny but the tearing down of walls? Walls are for protection, and indicate weakness. . . . As animals—and physically we are animals—we must build against inclement weather; but as men, especially in our nobler moments, we strive to pass through, indeed to disintegrate the walls which separate us from our fellows and from the world, and to walk freely with our brothers down the endless corridors of God's House.

The walls of segregation, of discrimination, of prejudice are built for protection. They are devices which hide the truth from men who fear to face it. Recent studies have shown that bitter prejudice especially is a form of aggression resulting from frustration. Finding himself unable to succeed in the world, finding himself frustrated, such a person places the blame upon some accessible group, such as a relatively defenseless minority group, and builds between himself and this group the wall of prejudice. . . . But, as Montagu would say, his hatred is his thwarted love.

For, essentially, men are trying to pass through walls, not to build them. What do we want in life? As the child develops and becomes conscious of himself, he becomes conscious at the same time of other people and of the

world, and then, like an echo following a cry, he realizes the great gulf that lies all around him. Yet he does not, he cannot, accept this gulf, nor sit with folded hands upon the brow of the precipice. Being the social creature he is, he leans and calls across it, from the beginning of his life to the end.

Man is indeed a builder of bridges. If, instead of building them, he seeks to destroy them, and builds walls in their stead, it is because his thwarted love has turned to hatred. What he really wants to do is build bridges, disintegrate walls, integrate himself with life, not segregate himself or anybody else.

"Something there is," says Robert Frost, "something there is that doesn't love a wall." Indeed, there is something that doesn't love a wall, whatever walls men may build for their protection: it is the spirit of life itself. And those who are fighting for segregation will find themselves, I fear, fighting against the very spirit of life, against God. This is unfortunate.

It takes no knowledge of theology to realize these things; I am no theologian. It takes only a clear examination of our own hearts. We want to be friendly, we want to know people; we are happy as we succeed, and unhappy as we fail. For how else—tell me if you can—how else shall we gain comfort in this strange world? How else shall we come to the peace and assurance we long for? If anyone says, "Through God," I shall only ask, "How shall we love God whom we have not seen if we love not our brother whom we have seen?"

Of course, there are many objections to what I have said. The human being, frail and frightened, can think of many reasons why he should not be friendly, why he should maintain the walls, especially why he should maintain the wall of segregation. We must protect our civilization, he says, forgetting in the first place that the Negro is already a part of our civilization, forgetting, more importantly, that at the very heart of our civilization is a respect for the person which segregation denies. . . .

The most subversive element in our society, the strongest corrosive of the American Dream, is this lack of respect for persons of which segregation is the prime example.

So, trying futilely to maintain the wall of segregation, men fight against the American Dream, against Western civilization, against the spirit of life. I am amazed that Christians do this, for they are the people who claim to know what the spirit of life is doing. For myself, I have been too lonely, too isolated by the gulfs of life, ever to refuse the proffered hand of any man.

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