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THE CABINET

Report by the Attorney General on the
Administration's Efforts in the Field
of Racial Segregation
and Discrimination

For information of Cabinet Members, attached is
a copy of a progress report by the Attorney General
summarizing the various significant steps taken by the
Administration to eliminate racial segregation and
discrimination in their different forms and aspects.

This report should be considered as background
information in conjunction with a portion of the Attorney
General's oral report at the coming Cabinet meeting.

Maxwell M. Rabb
Secretary to the Cabinet

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REPORT BY THE ATTORNEY GENERAL ON THE ADMINISTRATION'S EFFORTS IN THE FIELD OF RACIAL SEGREGATION AND DISCRIMINATION

This report summarizes various significant steps taken by the Administration to eliminate racial segregation and discrimination in their different forms and aspects.

Education

(1) In the field of public school education, segregation of pupils on the basis of race or color has been declared to violate the Constitution. This was done by the Supreme Court in its decisions of May 1954. Brown v. Board of Education of Topeka, 347 U. S. 483, and Bolling v. Sharpe, 347 U. S. 497. The remaining question before the Court is how the decisions are to be implemented. This involves two issues as to which the Court has requested further briefs and will hear further argument from the parties and the Attorney General. First, the Court has asked whether it must order an immediate end to segregation or whether it can permit a gradual adjustment; second, it has asked whether if it has the power to permit a gradual adjustment, how such adjustment should be worked out. Our brief has already been filed. Our position is in essence, first, that the Court has the power to permit a gradual adjustment and, second, that there should be no unnecessary delay in ending segregation. More specifically, we say that the school authorities should be required to submit within 90 days plans for ending segregation as soon as possible and that, if they do not submit such plans, they should be ordered to end segregation forthwith; that the lower courts should pass upon the plans which may be submitted and supervise their execution, with the Supreme Court retaining jurisdiction to step in if necessary.

Oral argument of the case, in which the Government will participate, awaits confirmation of Justice Harlan in place of the late Justice Jackson.



(2) In the District of Columbia the Board of Education has already put into effect a plan for desegregation. In that connection the District Government obtained the dismissal of a citizens' federation suit intended to maintain segregation pending final action by the Supreme Court.

(3) The Department of Defense has taken steps to eliminate racial segregation of children in schools for the children of personnel stationed at military installations. The Department determined that all 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. With respect to the question of schools located on military installations but operated on a segregated basis by local educational agencies, the Secretary of Defense on January 12, 1954, directed "that the operation of all school facilities located on military installations shall be conducted without segregation on the basis of race or color", and that this policy should be placed in effect as soon as practicable but under no circumstances later than September 1, 1955. See Integration in the Armed Services, January 1, 1955, a Progress Report prepared by the Office of The Civilian Assistant, OASD-M & P, pp. 2-3.

(4) The Office of Education, Department of Health, Education and Welfare, has undertaken by reeducation to lessen public opposition to desegregation in areas where such opposition may exist. It has done this through preparation of a guide for leaders of public and private community groups concerning knowledge, principles,

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techniques, and practices in the field of intergroup relations. Leaders' Guide to Use and Study of Materials on Intergroup Education, prepared by Joseph H. Douglass and Ambrose Caliver, of the Office of Education (published by the National Education Association, 1954).

Transportation

(1) The Attorney General has urged the Interstate Commerce Commission to outlaw racial segregation of railroad passengers traveling on interstate journeys. This action was taken in the case of National Association for The Advancement of Colored People v. St. Louis-San Francisco Railway Company (I.C.C. Docket No. 31423), involving 12 rail carriers linking the South to the rest of the country. In November 1954 an examiner of the Commission issued a report proposing that the Commission should prohibit this practice. The railroads have recently filed exceptions to the report which exceptions will be considered by the Commission as provided by its rules. The Attorney General will ask the Commission to adopt its examiner's report.

(2) The Department of Justice, with the approval of the Bureau of the Budget, supported legislation in the 83d Congress (H. R. 7304, S. 465, 2672, and like bills) (which failed to be enacted) to abolish "Jim Crow" practices in all forms of interstate transportation, stating that "Passage of this kind of legislation would remove all doubts and bring to a conclusion the long process of making the facilities of interstate travel available to all without distinction because of race or color." Letter of Deputy Attorney General Rogers dated August 4, 1954, to Senator Bricker, Chairman, Senate Committee on Interstate and Foreign Commerce.

The Armed Forces

The Department of Defense has vigorously continued to implement the policy of equality of opportunity and treatment for its Negro personnel. The matter of schools has already been mentioned. Other steps taken include the following (See Integration in the Armed Services, Progress Report, supra, passim):

(1) On March 1, 1954, the Navy Department abolished the practice of separate recruitment of Negroes to serve as stewards. As a result Negro recruits are now assured of the opportunity, as all others, to choose their branch of service on the basis of testing and training.

(2) The Department of the Army in regulations issued April 23, 1954, directed the omission of racial designations in orders for the reassignment of members between Army Reserve Units. This directive facilitates the participation of Negro personnel in Army Reserve Activities on the same basis as that now obtaining for personnel on active duty.

(3) On August 20, 1953, the Secretary of the Navy directed the complete elimination of all barriers to the use of previously segregated facilities on Government-owned Shore Stations of the Navy. Concurrently, similar action was taken by the Army and Air Force.

(4) In a directive issued June 11, 1954, the Secretary of Defense provided for a program to familiarize contracting officers, 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.

(5) For the Armed Forces, June 30, 1954 was earlier agreed upon as the time limit for the termination of remaining all-Negro units in the services. The program has proceeded ahead of schedule and there

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are no longer any all-Negro units in the Services. The number of Negro officers and enlisted men in attendance at Service schools has more than doubled.



Hospitals

(1) Segregation has been ended in all Veterans Administration Hospitals. The program to end such segregation began shortly after Mr. Harvey V. Higley became Administrator of Veterans Affairs in September 1953. A survey ordered by Mr. Higley showed that of VA's 166 installations there was some degree of segregation in 47 installations located in 23 states. Mr. Higley instructed the managers of these installations to end segregation as soon as possible. Today no segregation of any type is permitted in VA installations. The designation of color has been eliminated from all future VA hospitals and outpatient application forms as a result of an order approved February 4, 1954. See Veterans Administration Press Release dated October 27, 1954.

(2) The Department of Health, Education, and Welfare reports that with respect to Public Health Service Hospitals in the South, its policy is that all services and facilities shall be available to all patients and employees without distinction as to race or color. The Department further advises that its desegregated program has been almost completely achieved and that what little remains to be done will have been completed not later than July 1, 1955.

Employment practices

(1) The problem of racially discriminatory practices in industry has been tackled by the Administration through the President's Committee on Government Contracts established pursuant to Executive Order 10479 of August 13, 1953. This Committee was set up to strengthen and enforce compliance with non-discrimination provisions required, by executive order, to be included in all Government contracts and sub-contracts. By Executive Order 10557 of September 3, 1954, pursuant to recommendation of the Committee on Government Contracts, the non-discrimination provision was revised "as a means of better explaining, the present nondiscrimination provision of Government contracts". The Committee, under the chairmanship of the Vice President, is engaged in an active program of implementation. It receives and considers complaints of discrimination, advises contracting agencies on appropriate enforcement measures, and cooperates with state, municipal, private, and voluntary agencies to effect non-discrimination. See pamphlet of the Committee, "Equal job opportunity is good business" (1954).

(2) Directed to the problem in the Government itself, the President, by Executive Order 10590 of January 18, 1955, established the President's Committee on Government Employment Policy. The function of this committee is to ensure adherence by all departments and agencies of the executive branch to the policy of non-discrimination in Government employment on account of race, color, religion, or national origin. Thus, the Committee is authorized to review cases and render advisory opinions thereon, and to make necessary inquiries and investigations. The executive order also imposes upon the head of each department and agency the express responsibility for effectuation of the policy of non-discrimination, including the promulgation of a hearing procedure for complaints and the designation of Employment Policy Officers. A vigorous implementation of Executive Order 10590 will do much to accomplish "the utilization of the individual Negro employee at his maximum potential". Cf. Integration in the Armed Forces, supra, pp.9-10.

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Facilities operated by or under the jurisdiction of
the Department of the Interior

The Department of the Interior in connection with the use of public recreational facilities, the administration of Indian affairs, and the peoples of the territorial and island possessions, most of whom are not of the white race, does not sanction or permit racial segregation. The Department's regulations expressly prohibit such segregation. In addition, concessionaires operating facilities in areas under the Department's jurisdiction are required, by contract, to refrain from practicing or permitting racial segregation. Among such facilities are swimming pools, tourist lodgings, golf courses, eating facilities, and hotels. The Department has advised that its experience has shown that non-segregated operation of its facilities is not only practicable but has reduced racial tensions.

Airport facilities

The question of racial segregation in connection with airport facilities is one in which the Department of Commerce is interested. That interest arises in connection with airport facilities in areas of the South acquired by the United States and granted to states and municipalities under contracts providing that the grantees shall not impose unjust discriminations in the operation thereof. As a consequence of the Supreme Court decision in the school segregation cases the Commerce Department, in conjunction with the Attorney General, is undertaking to explore the possibility of whether the non-discrimination clause of the contracts can be utilized as a means for eliminating racial segregation at the airport facilities involved.

The District of Columbia

The situation in the District of Columbia may be summarized as follows: (1) Schools, see above; (2) as a result of the decision in the Thompson case (District of Columbia v. John R. Thompson Co., Inc., 346 U. S. 100 (1953)), segregation has been ended in restaurants, lunch rooms, and all other public eating-houses; (3) a non-discrimination clause is required in all District of Columbia contracts; (4) the Board of Recreation has abolished segregation throughout its facilities; (5) racial discrimination is prohibited in employment by the District Government and in the use of its facilities and services; extended to the fire-fighting division of the D. C. Fire Department, August 19, 1954, and (6) on December 7, 1954, steps were initiated to secure a judicial determination as to the enforceability of the provisions of the Act of the Legislative Assembly of 1872 and the ordinances promulgated by the Corporation of Washington in 1869 and 1870, other than those provisions applicable to restaurants. These additional provisions prohibit racial discrimination by proprietors of hotels, barber shops, bathing houses, and places of amusement. In this connection, it should be noted that segregation has been voluntarily abandoned by operators of motion picture theatres and, more recently, by major hotels.

Housing

In the area of housing it will be noted that the Housing and Home Finance Agency has reorganized and expanded its Racial Relations Service. There has been established a Coordination Committee on Racial Activities consisting of the top Racial Relations Officers of the HHFA and there has been created a racial relations post in each of the six regional offices of the HHFA (HHFA Press Release, January 10, 1955). The Administrator of the Agency has also taken steps to

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resolve the tensions and conflict incident to the racially-integrated operation of the Trumbull Park housing project in Chicago. After the admission of a few Negro families neighborhood violence broke out requiring police protection for the residents. The Administrator announced that he had asked for a conference with interested public and private leaders in an effort to bring an end to the abnormal conditions prevailing at the project (See Hampton Institute address of Albert M. Cole, HHFA Administrator, October 29, 1954). It must be stated, however, that the conference has not yet been held because of differences of opinion as to its proper scope.



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