

S. A. Andretta
Administrative Assistant Attorney
General

November 13, 1961

Burke Marshall
Assistant Attorney General
Civil Rights Division

In reply to yours of November 6, attaching the memorandum from Fred Dutton, the only interdepartmental group on which an employee of this Division participates is the Subcabinet Group on Civil Rights which meets monthly at the White House.

cc: Marshall

DEPARTMENT OF JUSTICE

ROUTIN LIP

NAME		BUILDING AND ROOM	
1.	Mr. Holleran		
2.	Mr. Marshall		
3.			
4.			
5.			

<input type="checkbox"/> SIGNATURE	<input type="checkbox"/> COMMENT	<input type="checkbox"/> PER CONVERSATION
<input type="checkbox"/> APPROVAL	<input type="checkbox"/> NECESSARY ACTION	<input type="checkbox"/> AS REQUESTED
<input type="checkbox"/> SEE ME	<input type="checkbox"/> NOTE AND RETURN	<input type="checkbox"/> NOTE AND FILE
<input type="checkbox"/> RECOMMENDATION	<input type="checkbox"/> CALL ME	<input type="checkbox"/> YOUR INFORMATION
<input type="checkbox"/> ANSWER OR ACKNOWLEDGE ON OR BEFORE _____		
<input type="checkbox"/> PREPARE REPLY FOR THE SIGNATURE OF _____		

REMARKS

Do we have any of these?

Burke —————

None now- unless you can include your Little Cabinet civil rights meetings. We used to be represented on the Interdepartmental Committee on Youth and Children by Parkin, but I am told that Jay Flamm of Prisons is now the Dept. representative.

FROM

NAME	BUILDING, ROOM, EXT.	DATE
<i>Burke</i> Burke Marshall		

5/6 meeting notes
file

July 6, 1961

MEMORANDUM TO JOHN FEILD

John Seigenthaler and I think that it would be helpful if copies of the President's Committee newsletter Information were sent to groups of Negro leaders, including student leaders such as Diane Nash, Rev. James Lawson, Tim Jenkins, Charlie Jones, Lonnie King etc. Is this being done, or is there any way of having it done? I think that the idea and the use of the newsletter are both good.

Burke Marshall

cc: Harris Wofford

From
ASSISTANT ATTORNEY GENERAL
CIVIL RIGHTS DIVISION
to

Official indicated below by check mark

The Attorney General (Mr. Seigenthaler)	<input checked="" type="checkbox"/>
The Deputy Attorney General	<input type="checkbox"/>
The Solicitor General	<input type="checkbox"/>
Assistant Attorney General, Antitrust	<input type="checkbox"/>
Assistant Attorney General, Tax	<input type="checkbox"/>
Assistant Attorney General, Civil	<input type="checkbox"/>
Assistant Attorney General, Lands	<input type="checkbox"/>
Assistant Attorney General, Criminal	<input type="checkbox"/>
Assistant Attorney General, Legal Counsel	<input type="checkbox"/>
Assistant Attorney General, Alien Property	<input type="checkbox"/>
Assistant Attorney General, Internal Security	<input type="checkbox"/>
Administrative Assistant Attorney General	<input type="checkbox"/>
Director, F.B.I.	<input type="checkbox"/>
Director, Bureau of Prisons	<input type="checkbox"/>
Commissioner, Immig. and Naturalization	<input type="checkbox"/>
Pardon Attorney	<input type="checkbox"/>
Parole Board	<input type="checkbox"/>
Board of Immigration Appeals	<input type="checkbox"/>
Executive Assistant to the Attorney General	<input type="checkbox"/>
Director, Public Information	<input type="checkbox"/>
Records Administration Branch	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>

MEMORANDUM

June 30, 1961

For your information. If you think Bob would be interested, please show to him. Please return when finished.

Burke

*Burke -
I think the
"information" of paper
should be sent to
people like Deane Rader,
Mr. James Tamm, Tim
Gardner, etc.
John S.*

CIVIL RIGHTS SUBCABINET GROUP

Notes on Meeting of June 16, 1961

It was reported that upon the recommendation of Mr. Reeves' subcommittee the President has requested the Department of Agriculture to make surplus food available to those in need of it in Haywood and Fayette counties, Tennessee.

Freedom Rides and the Law

Burke Marshall, Assistant Attorney General for Civil Rights, reviewed Justice Department action and the law with respect to Freedom Rides in interstate bus, train, and air terminals. He expressed this concern: Most of the Freedom Riders believe that the segregation which exists, even in places like department stores, is something which is in the power of the members of this Subcabinet Group to stop. The legal limitations of the Federal system are not understood by the civil rights leaders. The effect of that lack of understanding on their part and a corresponding lack of ability to act effectively and immediately on our part is going to create a series of problems over a long period of time until the segregation is eliminated. In all this the Federal government must try to be as imaginative and foresighted as possible.

Mr. Conway, Deputy Administrator of the HHFA, said that the idea of non-violent direct action against segregation has caught fire among the young generation. The pace of progress would now have to be increased. Mr. Murphy, Assistant Postmaster General, said that the movement was going to grow. Counsels of caution or efforts to "cool off" the situation were seen as futile.

It was predicted that direct action techniques would be utilized in fields other than interstate travel. If federal agencies would take the initiative and use to the full their authority to protect constitutional rights and promote the policy of equal opportunity, the necessity for outside pressure -- or for Justice Department moves such as the petition to the I.C.C. -- might be removed.

The Right to Vote

Mr. Marshall reported that he and the Attorney General are encouraging vigorous voting registration efforts. It would be valuable if some of the present energy were channeled into this vital work. But, he said, registration drives in some places may engender reprisals against Negro

citizens as in Haywood and Fayette Counties. Federal agencies might be called upon to provide protection in the form of economic assistance, particularly in counties with sharecrop economies where Negroes are in a state of almost complete dependency.

Employment Opportunity

Mr. Dutton presented a chart showing Negro employment in some of the major Federal agencies in Grades 12 and above.

Mr. Feild, Executive Director, President's Committee on Equal Employment Opportunity, commented on a preliminary survey of his Committee, results now having been tabulated for about 1,000,000 Federal employees or about 50 per cent of those in the Federal Government. He noted that in Grades 12 and above and in Grades 8 to 12, there is a relatively low proportion of Negro employment while in Grades 1 to 7, the proportion is much higher. The troublesome nature of this disproportion is reflected in the fact that most of the 200 complaints filed thus far allege failure to promote. Comparing Government with private industry, Mr. Feild said that Government has a higher rate of over-all Negro employment (13% as against 3-1/2%) but that private industry is doing as well or better with executive personnel. He said that geographic and regional problems will be reflected in another survey.

Mr. Feild indicated that his Committee will be starting consultations with the employment policy and personnel people of various departments and agencies on a national and regional level. A representative of his Committee will be available to work with any agency.

Recruitment

Mr. Macy, Chairman, Civil Service Commission, reported that recruiting efforts involving 25 Negro colleges in the South had been successful and had resulted in a marked increase in the number of Negro students taking and passing Government exams. He said this made it important that a positive placement effort be pursued and that eligibles be placed soon.

Joint Action by Area

Mr. Conway said that in some cities it would be helpful if several departments moved to increase Negro employment at the same time. Mr. Macy suggested that consultations be held in the cities selected to indicate to local Federal personnel how the problem will be met. It was agreed that this was a promising approach and that Atlanta, Memphis and Nashville were likely places to begin. Mr. Feild will coordinate these plans.

beginning probably with joint action by Treasury, HHFA, Labor, VA, FAA and other agencies in Atlanta, where a meeting will be arranged soon.

Government Contracts

Mr. Yarmolinsky, Special Assistant to the Secretary and Under Secretary of Defense, reported on an effort in his Department to develop a positive compliance program in the field of Government contracts. The Air Force has entered into a contract with the Potomac Institute which will prepare a program of training and educational materials for Air Force contract personnel. He noted the possible usefulness of this for other agencies.

Other Matters

Other matters discussed included:

- (1) The need for a uniform Government policy statement on dealings with employee representatives which discriminate. It was suggested that there is a need to spell out affirmative steps which will be required of unions in order to remove discrimination. Mr. Macy reported that appropriate steps would be taken soon.
- (2) A suggestion that, as a follow-up to the announced policy of barring Government participation in discriminatory recreational programs, other positive measures be considered in an attempt to desegregate recreational facilities in Virginia and Maryland.
- (3) A suggestion that new steps be considered to alleviate the housing problem for foreign visitors, including the possibility of imposing requirements on Federal employees that they not discriminate in the sale or leasing of their houses.

CIVIL RIGHTS SUBCABINET GROUP
White House Meeting
April 14, 1961

The President has requested a regular meeting of officers at the Assistant Secretary level responsible for civil rights matters in their respective departments and agencies. At the first meeting on April 14, the following were present:

<u>Department or Agency</u>	<u>Name</u>	<u>Title</u>
Agriculture	Jospeh M. Robertson	Administrative Assistant Secretary
Atomic Energy Commission	Harry S. Traynor	Assistant General Manager for Administration
Civil Rights Commission	Berl Bernhard	Staff Director
Civil Service Commission	John Macy, Jr.	Chairman
Commerce	Hyman Bookbinder	Special Assistant to the Secretary
Defense	Carlisle P. Runge	Assistant Secretary of Defense (Manpower)
Federal Aviation Agency	Fordyce Luikart	Assistant Administrator for Personnel and Training
General Services Administration	Herbert Angel	Director of Administration
Health, Education, and Welfare	James M. Guigley	Assistant Secretary

2.

Housing and Home Finance Agency	Jack T. Conway	Deputy Administrator
Interior	John Carver	Assistant Secretary for Public Land
Justice	John Doar	First Assistant, Civil Rights Division
Labor	James Reynolds	Assistant Secretary of Labor for Labor Management Relations
Post Office	Richard Murphy	Assistant Postmaster General, Bureau of Personnel
State	Herman Pollack	Deputy Assistant Secretary for Personnel
Treasury	Robert Wallace	Special Assistant to the Secretary
Veterans Administration	Al Monk	Associate Deputy Administrator
White House	Frederick Dutton	Special Assistant to the President
White House	Harris Wofford	"
White House	Frank Reeves	"

Purpose: In convening the meeting, Mr. Dutton explained that this was but the first of several subcabinet groups which the President is organizing for problems which cut across departmental and agency lines.

In his memorandum calling the meeting, Mr. Dutton said the purpose would be "to survey civil rights aspects of public programs the agencies have underway in their respective fields, and co-ordinate these on a government-wide basis."

3.

Mr. Dutton stressed that the subcabinet group's work would not duplicate or in any way conflict with the work of the main civil rights agencies of the government -- the Committee for Equal Employment Opportunity, the Civil Rights Commission, and the Civil Rights Division of the Department of Justice. Instead, the subcabinet group would seek to assist and reinforce these existing civil rights agencies, particularly on matters calling for interdepartmental cooperation. The group would be available as a forum for officers of those civil rights agencies to use as they deem appropriate.

Mr. Wofford said the purpose of White House coordination in this area is to encourage initiative and responsibility throughout the Executive Branch. Chairman Hannah of the Civil Rights Commission told the President that the lack of such White House coordination -- the feeling that civil rights was in the basement at the White House -- has been a major missing ingredient in an effective Federal civil rights program.

Illustration 1: As an example of a problem on which much of the sub-cabinet group should work, Mr. Dutton asked Mr. Reeves to describe the situation in Fayette and Haywood counties, Tennessee, where the work of the Civil Rights Commission and Division has resulted in a substantial number of Negroes registering to vote for the first time, but where local white employers, landlords, lenders and store owners had taken punitive measures, evicting Negro tenants and refusing to lend or deal with Negroes who had registered. Despite vigorous court action to stop this, a number of Negroes are living in a tent city, subsisting on food sent by private organizations outside the counties. This story, with vivid photographs, is being used against the United States in the rest of the world.

Justice Department representatives responsible for presenting these facts to the court have reported that Negroes in these counties need Federal assistance beyond what the court may eventually do. The situation is both a short-term problem of getting these Negroes into homes, onto jobs and out of the "Tent City", and a long-term job of facilitating the readjustment of Negroes displaced by the modernization of farming underway.

Mr. Reeves was asked to serve as chairman of a subcommittee to consider effective Federal help on this. The subcommittee consists of representatives of Agriculture, Hew, Commerce, Justice, Civil Rights Commission, and Labor.

4.

Discussion: Each member of the group reported briefly. From the discussion the following points emerged for consideration or action:

1. The group is concerned with discrimination not only against Negroes but other minority groups, including particularly Puerto Ricans, Mexican-Americans, Asian-Americans, and American Indians.
2. Expertise on racial relations and questions of discrimination is going to be needed in most of the major departments and agencies. Although racial relations services in recent years have often been badly staffed and ineffective in the absence of Presidential or departmental support, there is a real need for such services. Subcabinet representatives responsible for civil rights problems might well consider the need for full-time assistance on such problems by at least one person with understanding and experience in the field.
3. The membership of advisory bodies and committees and commissions of all kinds set up by or through the various departments should be brought in line with the President's policy.
4. Chairman Macy of the Civil Service Commission is making arrangements to provide assistance and advice for department and agency personnel officers who are actively seeking to recruit or promote qualified members of minority groups.
5. A list of highly qualified minority leaders skilled in various fields is available through Frank Reeves.
6. No one should be employed just because he is a member of a minority group. If the policy of fair employment is to succeed, all persons appointed must be well qualified for the work they are to do.
7. As a way of encouraging people to know that a new policy is in effect and that new opportunities are in fact open, the employment of minority group personnel in the front offices--and especially in the offices of the top department officers -- was urged.

5.

8. Recognition should be given to those Department officers who take effective affirmative action in employing minority group members, particularly to reinforce them in relation to the pressures within their departments against such moves.

9. In order for the minority-group public to respond to the new policy and make use of the new opportunities, full information on progress taken should be made available to the Negro and other minority-group press.

10. Private and public efforts to prepare minority-group members for specialized exams -- such as for the Foreign Service or for admission to particular armed service academics -- should be encouraged. One way that wealthy but not academically-distinguished young men used to secure admission to the Foreign Service was through special intensive preparatory courses. The academic deficiencies of capable minority-group members resulting from the disadvantages of segregation might in part be overcome by some such special assistance. A private foundation might develop this approach.

Meetings of the whole subcabinet group will be held on the third Friday of each month.

Monthly reports from each participating department or agency should be submitted (with five copies) to Mr. Wofford's office by the second Friday of each month. Mr. Dutton said that Mr. Wofford would coordinate staff work and would be working closely with him and Mr. Reeves. Reports should specify civil rights progress in the respective department or agency and raise any pending questions or problems which affect other parts of the government or on which advice is wanted. Mr. Wofford will give copies of these reports, whenever relevant, to officers of the Equal Employment Opportunity Committee, Civil Rights Commission, and Civil Rights Division for their study and appraisal.

The first report will be due on June 9. Since the employment survey of the Employment Opportunity Commission is the most pressing matter this month, department work in May will be limited to that.

6.

First project. Mr. Dutton asked for written summaries of "steps already being taken by each Department to assure participation by minority groups in the Department's public programs and use of Departmental resources to cope with civil rights problems within the agency's field of responsibilities." This particularly applies to grants-in-aid of the various agencies.

The request was made in line with the President's statement to the Committee for Equal Employment Opportunity on April 11, that: -

"All of us agree that Federal money should not be spent in any way which encourages discrimination, but rather should be spent in such a way that it encourages the national goal of equal opportunity."

The next meeting will be on Friday, May 19, at 9:30 A.M. in the cabinet room at the White House.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6
UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Burke Marshall
Assistant Attorney General
Civil Rights Division

DATE: April 18, 1961

FROM : *To* John Doar
First Assistant

JD:ma

SUBJECT:

Here is a summary of the notes which I took at the Sub-Cabinet Committee meeting on Friday.

Meetings will be held on the third Friday of each month at 9:30 a.m. at the White House.

Each Department of the Government is required to submit a monthly report on the second Friday of the month. The report should review questions being considered by the Department; progress being made; and the problems which arise.

Special reports will also be required. Next month the report will be on employment problems within the Department. This is the same report which will be sent to the President's Committee on Equal Employment Opportunity.

On June 9th a report will be due covering an analysis of the grant and aid programs administered by the various Departments.

This Committee is a good idea. It will give us an opportunity to meet people in other Departments of Government to whom we can refer problems that are directed to us, i.e., the problems about Fairfield, Alabama, housing and Birmingham surplus food can be referred to the member of the Committee representing the Department which handles such programs.

I have instructed my secretary to institute a filing system which will permit us to keep track of the work of the Committee, as well as the complaints which we refer to the various members of the Committee.

April 14 --- Meeting of Civil Rights Sub-Cabinet Committee

A. Background

The President has directed that three sub-cabinet groups be organized:

1. Civil Rights
2. Small Business
3. Depressed Areas.

The purpose of such Committee is to consider whether federal money is being spent to encourage discrimination or to advance the goal of equal opportunity. Meeting will be once per month. Third Friday. Next meeting will be on May 19, 1961.

B. Assignments

1. Each Department and agency will submit a monthly report on the second Friday of each month. The report should review questions being considered by the Department; progress being made; and problems that arise. The report (4 copies) to go to secretary Harris Wofford.
2. Also special reports will be due. Next month the report will be on internal employment problems. (Same report which goes to President's Committee on Equal Employment Opportunity.) June 9 - a report covering analysis of the grant and aid program administered by the Department. Discussion of whether it encourages discrimination - and the degree, scale and location of the discrimination. Discussion of whether legally agency has power to take action to eliminate discrimination. Recommendation on policy.
3. Advise Wofford of all actions taken in civil rights field.

C. Membership

1. The White House:

Fred G. Dutton - Secretary to the Cabinet
Bill Taylor - *Assistant Secretary*
Frank Reeves - Special Assistant to the President

Harris L. Wofford - Special Assistant

2. Civil Rights Commission
3. Labor - Jim Keynolds - *Mr. Wise*
4. Veterans - Al Monk
5. Treasury - Robert Wallace
6. State - Herman Pollack
7. Post Office - Richard Murphy
8. G. S. A. - Herbert Angel
9. F. A. A.
10. Agriculture - Joseph M. Robertson
11. Commerce - *Hyman Bookbinder*
12. H. H. F. A. - Jack T. Conway
13. H.F.W. - *James Quigley*
14. A.E.C. - Harry S. Traynor
15. Interior - John A. Carver
16. Civil Service -
17. Defense -

2. Discussion of Current Problems - Fayette Haywood County

1. Must get tents down. Image overcast.
2. Need help from Agriculture and HEW (retraining).

I. Report by various Departments and Agencies:

1. Defense

Fort Hood, Texas - Highly literate Negro, able - went off base into department store - restaurant - tried to be served. Proprietor didn't do anything. Called authorities. Proprietor said take him out. Military police came and took lad back to base to keep him from getting involved. Defense thereby enforcing mores of community. Finally commanding general told lads that if they didn't desist, ultimately he would have to use his power. Question is: What should be the position of military authorities with regard to helping soldiers assert their rights?

2. Treasury

Highest employee - GS-6. Just hired a GS-16 and will hire 3 Negro economists. Discusses problem of finding qualified applicants. (Louie Norton has a long list of qualified Negroes. Considering what Treasury can do in its regulation of banks. Study being made as to what Treasury can do about bank employment practices.

3. State Department

Areas where he will be concerned (little public funds)

- (a) Diplomats. Harris Wofford contrasts the attitude of this Administration with the last. Says President took him aside and said are we going to do this and this and this. (As to diplomats, lots of organized house and apartment hunting going on. Walter Tobriner is meeting with real estate leaders - seeking voluntary cooperation. Fred Dutton says do like we did in San Francisco - form a committee and put tax and appraisal people on the matter.)

(b) Problem of image overseas.

(c) Employment.

As to employment, long term problem is to get qualified Negro. Need a program to enable Negro to pass examination. Discussion of cram schools.

4. G.S. Administration

Few public programs but will be concerned with contractors.

5. F. H. A.

Problem is gigantic.

(1) Employment

(2) Problem is with our relationship with other people.

(a) Congress - new legislative program

(b) Intricate network of relationship with local public bodies

(c) Relationship with private contractors under various loan programs. Our record is fairly good on employment policies of contractors

(d) Financial institutions - we are reviewing this - considering whether there is a legal basis for change

(e) Recipients of action - home dweller.

6. Post Office

(2) Survey on employment completed

14.6% Negro (82,000)

13 earn over \$10,000

Not a single Negro postmaster

Just appointed a Negro, Chris Scott -

Deputy Assistant Postmaster General in Charge of Transportation.

7. HEW

Problems - Land grants
Hill Burton
future farmer

Employment - We would probably score quite high on a superficial test. But we need an active recruitment drive.

8. AFC

9. Interior

Problem of Indians. Indians are not permitted to vote.

10. FAA

Safety Program - Discusses with Justice. Proceed on theory of Boynton case.

11. Commerce

Get some Negroes on various per diem committees. No Negro on Business Advisory Council.

Summary of Administrative Accomplishments

in the

Field of Civil Rights and Civil Liberties

I. The Nation's Capital

- 5/6
Marty
1. In October 1953, the District Board of Commissioners ordered anti-bias clauses in all contracts let by the nation's capital.
 2. In September 1953, the National Capital Housing Authority ended segregation in 2,000 public housing units, making 87 per cent of all District public housing interracial.
 3. In 1954, segregation was ordered eliminated in the Fire Department of Washington, D. C.
 4. In 1953, District Board of Commissioners ordered end of segregation in the District's public schools. (Of the Commissioners, had been appointed by this administration.
 5. Downtown theatres, movies and restaurants which heretofore had barred Negroes as patrons now admit them without restriction. In addition, Negroes are no longer discriminated against in bowling alleys, hotels, public housing projects, and other public accommodations. An important factor in accomplishing these changes was the Department of Justice's position in arguing the Thompson Restaurant case which upheld the validity of the "lost law" of the Reconstruction Era which had prohibited discrimination in public accommodations.

II Private Employment

- 1. A Committee on Government Contract Compliance was established by Executive order 10308. (December, 1951)
- 2. Executive order 10479 (attached) (August, 1953) established contract committee with Vice President as Chairman.
- 3. Executive order 10557 (attached) (September, 1954) approved the present nondiscrimination provision and required all contracting agencies to insert in all contracts executed by them.
- 4. The present Committee has handled 888 complaints. It has

-2-

sponsored 22 meetings attended by 3675 persons. It has instituted during each of the past three years compliance surveys of government contractors to insure that their practices are in compliance with the nondiscrimination clauses. In 1957 the Vice President announced the firmer compliance policy, instructing all heads of contracting agencies to consider the past conduct of a contractor with respect to complying with the clauses in determining whether to award him a government contract.

5. Some of the companies which have changed their policy because of the activities of the Committee are: The Capital Transit Company, Washington, D. C.; Chesapeake and Potomac Telephone Company, Washington, D. C. and Baltimore, Maryland; E. I. DuPont Company, Savannah River, Aiken, South Carolina; Douglas Aircraft Company, Tulsa, Oklahoma; Mallinckrodt Chemical Works, St. Louis, Missouri; Union Carbide, Paducah, Kentucky; Hayes Aircraft, Birmingham, Alabama; Western Electric, Winston-Salem, North Carolina; Lockheed Aircraft, Marietta, Georgia; Southwestern Bell Company, Kansas City, Kansas; and the Oil Refinery Industry in the Southwest.

6. In February, 1957, Housing and Home Finance Agency barred Federal mortgage aid to builders violating New York State's law discrimination in publicly-assisted housing.

III. Federal Civil Service

1. In January 1955, the President created the Committee on Government Employment Policy (E.O. 10590) (attached), replacing Civil Service Commission's Fair Employment Board and making heads of Government departments responsible for preventing job discrimination in their agencies.

2. In December 1955, the Director of General Service Administration ordered removal of partitions separating white and Negro maintenance workers in Government buildings.

3. In February 1957, the U. S. Civil Service Commission eliminated racial designation of employees from personnel forms.

-3- SC 781 2-11-48

IV. Armed Forces

1. The Administration has vigorously pursued, and carried to successful completion, the policy of complete integration in the Armed Forces.
2. In October, 1954, the Veterans Administration announced an end of segregation in all VA hospitals.
3. In October, 1954, the Army declared "agreement has been reached to permit no segregated classes, university extension or otherwise, on any military post."
4. In February, 1957, the Army announced that racial designations had been dropped on all orders for assignment or movement of personnel.
5. In the Fall of 1957, the Department of Defense announced that Negro military personnel qualified for duty with U. S. Military Missions and Military Assistance Advisory Groups would not be discriminated against because of race.

V. Desegregation in Federal Facilities

The remaining islands of segregation within the facilities of the Federal establishment have been completely abolished. The remaining vestige of segregation has been eliminated in such establishments as the Navy Yards at Charleston, South Carolina and Norfolk, Virginia, and the Veterans Administration Hospitals in the South.

VI. Public Transportation

1. The Interstate Commerce Commission, under this Administration, has issued appropriate orders to bar segregation in interstate travel as well as terminals affecting interstate commerce.
2. In February 1955, the Interstate Commerce Commission ruled the Greyhound Corporation guilty of unlawful discrimination in forcing a Negro patron to take a rear bus seat in Texas.
3. In November 1955, the Interstate Commerce Commission banned

segregation in interstate transportation and waiting rooms.

4. In May, 1956, the Civil Aeronautics Administration banned the use of Federal funds for construction of segregated rest rooms, dining rooms and other facilities at airports.

VIII. School Desegregation

1. At the direction of this Administration the Solicitor General, on behalf of the Department of Justice, filed with the Supreme Court a brief in the case of Brown v. Board of Education, supporting the proposition that enforced segregation in public schools violates the United States Constitution. On May 17, 1954, the Supreme Court rendered its decision sustaining this view.

2. In a case arising from integration of the public schools in Little Rock, Arkansas, the Attorney General filed a brief as amicus curiae in the Court of Appeals for the Eighth Circuit, arguing the right of the school officials to enjoin persons interfering with the integration of the schools.

3. In the case involving integration of the High School at Clinton, Tennessee, the Attorney General prosecuted John Kasper, and others, for violating an injunction restraining them from interfering with the court's order directing school integration.

VIII. Civil Rights Act of 1957

1. The Civil Rights Act of 1957 was a direct result of the Administration's Civil Rights program submitted to the Congress.

2. The Department of Justice has received 22 complaints, has filed 4 suits in 20 states and 6 additional complaints are still open.

IX. Additional Activity

1. In October 1954, the Department of Justice asked Inter-state Commerce Commission to ban segregation on interstate railroads.

2. In March, 1956, the Federal Bureau of Investigation inaugurated civil rights training courses, in cooperation with state and local police, for the nation's 200,000 law enforcement officers.

3. In 1954, the Department prosecuted members of the Ku Klux Klan, resulting in the conviction of nine Klansmen under the Lindbergh kidnapping law.

4. On three separate occasions the Department prosecuted and obtained convictions of state prison officials for flogging prisoners in their custody. (1953, 1954 and 1956) (The number may now be greater; civil rights is checking.) (only)

5. In 1953 the Department for the first time prosecuted and obtained a conviction of a federal employee for brutal treatment of a member of a minority race.

6. Last year the Administration proposed a 7 point Civil Rights Program now pending before the Congress dealing with school desegregation and voting and acts of violence.

7. The U. S. I. conducted a full-scale investigation in the lynching case of Mack Charles Parker. Federal grand jury proceedings are now under way.

Addendum to VII. (School Desegregation)

4. In connection with a school integration suit in Nashville, Tennessee, the Department of Justice joined as amicus curiae in successfully petitioning for an injunction against Kasper and other persons to restrain them from interfering with integration of the Nashville schools.

3. In connection with the integration of Little Rock Central High School, the Attorney General sought and obtained an injunction from the federal court restraining the Government of Arkansas from using the Arkansas National Guard to prevent Negro children from attending the high school.

Addendum to IX (Additional Activity)

Paragraph 4 should read:

On at least eight separate occasions, the Department prosecuted and obtained convictions for brutality of state police prison officials. (1953 (1), 1954 (1), 1956 (1), 1958 (2), 1955 (2)). There are presently four more indictments in sub cases pending and four additions, such cases awaiting presentation to grand juries.

From:

CIVIL RIGHTS DIVISION

Date 6/2

From: Mr. St. J. Barrett

To: Mr. Dear

Noted.

SJB

Remarks:

Report today
7/7 The defendant does not have to
make a report on the
J.O

Sub. Cab. on Civil Rights

February 23, 1962

MEMORANDUM FOR HARRIS WOFFORD

This is in response to your memorandum of January 30, 1962.

1. You request that we send to Dr. Clinchy a statement of the positions which will be open in the Department within the next year for which outside recruiting appears to be needed. We would welcome Dr. Clinchy's help in general, but there is no way of predicting how many vacancies will appear during the next year. We are almost always in need of a few lawyers. Our basic recruiting of lawyers, however, is from the law schools, and we do that ourselves. The FBI has so many applicants that it does not do recruiting in the normal sense of the word. The Bureau of Prisons will probably need some guards, and Immigration and Naturalization Service will need some investigators.

I hope that Dr. Clinchy sets up his service, but I think that its greatest use to the Department would be in calling on him when particular jobs are being sought to be filled.

2. I have already replied to Mr. Kelleher's letter. The Department has no offices which are suitable for the distribution of the voting posters or information. None of the Department's offices are widely used by the public.

Burke Marshall
Assistant Attorney General
Civil Rights Division

15 November 1963

Mr. Irwin A. Eckhauser
Chairman
The City of Mount Vernon
Commission on Human Relations
City Hall
Mount Vernon, New York

Dear Mr. Eckhauser:

The Attorney General has asked me to acknowledge your letter of November 4, 1963, concerning appointments to the Civil Rights Commission, which I have referred to the appropriate persons. We appreciate your interest in this.

Very truly yours,

BURKE MARSHALL
Assistant Attorney General
Civil Rights Division

referred to R lph Dungan at the White House 11/15/63

November 18, 1963

MEMORANDUM FOR LEE C. WHITE
Assistant Special Counsel
to the President

Weisenburg is outstanding. My only reservation is that nothing and no one associated with the Commission will ever gain any credence in Mississippi. We might thus be throwing away one of the few links between Mississippi, sanity, and this century. They might better try to find someone at the University than someone in political life. I doubt Weisenburg could accept.

Burke Marshall
Assistant Attorney General
Civil Rights Division

A member for Louisiana
University is out there.
The only — reservation is that
nothing and no one associated with
the Commission will ~~also~~ ^{again}
anywhere in Mississippi, his
might thus be thrown away.
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culture. They might ~~be~~ ^{not}
found at the University. ^{There}
someone in ~~the~~ political life of
South Louisiana would accept.
Jm

8 November 1963

MEMORANDUM FOR THE ATTORNEY GENERAL

Re: Civil Rights Commission

There are two existing vacancies, one created by the resignation of Dean Storey and the other by the resignation of Spottwood Robinson.

To replace Robinson, the best suggestion personally known to me is John Wheeler of Durham, North Carolina. He is a banker, very highly regarded, and a man of great integrity and intelligence and sense. He is presently a member of the President's Committee on Equal Employment Opportunity.

Another suggestion which should be considered is Mrs. Frankie Freeman of St. Louis, Missouri. This is Louis Martin's suggestion. He says that she is well-known and well-thought of, and that her appointment would be helpful, particularly in that part of the country. Louis says that she has the support of both Senators.

To replace Dean Storey, Ramsey Clark recommends Dr. Luther Holcomb of Dallas. I do not know Dr. Holcomb well, but have talked with him and corresponded with him. He is a church leader who was very active at the time of the school desegregation in Dallas. He is well-known in that state.

With respect to the Staff Director, some people at the White House (I think Ralph Dungan and Dan Fenn, at least) recommend Bill Delano, presently General Counsel of the Peace Corps. Sarge Shriver says that

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Delano would be good, but that he is not pressing his appointment. The White House recommendation, to the extent there is one, may be as a solution to a problem concerning Delano's proposed appointment as General Counsel of the Air Force. I understand that this has been recommended by the Defense Department but that there is opposition because of Delano's political-alignments in New York. Lenny O'Donnell would know about that. There are others interested in that job. One person who would be very good is Harold Fleming, but I have no idea of whether he is interested or not.

BN

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D. Robert Owen, Frank Dunbaugh,
Carl Gabel and John Rosenberg
Attorneys, Civil Rights Division

28

August 19, 1963

JJ:lvw

John Dear
First Assistant

Civil Rights Commission Draft Chapter on
Voting

I hate to do this but it is necessary:

The Civil Rights Commission has a draft of a chapter on voting which I will have to ask you to read for comment particularly about accuracy.

My reaction to it is that as a report of what has happened it is inaccurate, unfair and reads as if the writer is dueling with the Department of Justice. I may, however, be too sensitive.

I do not think it is proper for me to write the Commission's report but on the other hand Berl Bernhard is not a bad guy and I told him I would have lunch with him tomorrow and go over it with him. Will you, therefore, give me your comments? I have these:

Page 2 - Paragraph 1 - The sentence with respect to appointment of federal referees does not fairly set forth the law.

Page 2 - Paragraph 3 - The institution of a suit accomplishes nothing. I have some doubt about the 29 registration programs in the 100 counties.

Page 2 - Paragraph 4 - I do not know what the author means by the high cost of litigation. Certainly a fair comment would be that we need more people.

Page 3 - Discrimination - Terrell County, Georgia. Terrell County is not necessarily a fair illustration of what has happened in the 100 counties, particularly in those counties outside of Mississippi.

Page 4 - If there is a Registrar's Report to the Secretary of State in Terrell County we should have it.

Page 4 - Paragraph 2 is really unfair.

Page 5 - Line 1 - Ten suits have been instituted.

Page 5 - Line 3 - I do not know where the five registration drives are. There is one in Jefferson, one in Dallas and one in Montgomery.

Page 5 - Line 5 - The registration statistics in the 13 counties are inaccurate. Carl Gabel please make those accurate.

Page 5 - Paragraph 1 - The information about Jefferson County does not stress the work that the Department put into Jefferson County before the suit nor the boost that our suit gave to the voter registration drive when we asked that 2,000 persons be placed on the roll. The way this fellow writes you would think that 2,000 names came out of the trees.

Page 6 - Georgia - I do not have any information on that. John Rosenberg, please check the accuracy of the figures.

Page 7 - Louisiana - Frank, please write out a fair picture of what has happened.

Page 8 - Mississippi - Bob, please write out a fair picture of what has happened. You will note that this fellow is not even accurate about Theron Lynd.

Page 9 - Get from Nick what has happened in Williamsburg.

Page 10 - Note the last sentence for a real gem.

Page 12 - There is no real appreciation with respect to enforcement. Obviously, there are difficulties in enforcement, but what are the alternatives. Furthermore, there is no accurate description of the referee problem.

- 3 -

Frank should write a paragraph on Judge Dawkins' handling of the referee problem in East Carroll Parish which we have never resolved and Carl should point out that in Alabama Judge Johnson deliberately does not utilize referees although the referee provisions have already been triggered. Carl should also summarize what has happened in Perry County on the referee problem.

Each of you should check the statistics in each of the states. I will try to write an up-to-date status report tonight on each of the counties where we have information.

*Donna
file*

8 April 1963

MEMORANDUM TO THE PRESIDENT

Re: Civil Rights Commission Resolution

The following are the specific events in Mississippi referred to by the Commission, together with a report on what action has been taken:

1. "Citizens of the United States have been shot. . . ." This probably refers to a shooting in Leflore County on February 23rd of a registration worker named Travis. The FBI commenced an immediate full investigation. So did local authorities. Two men and a 17-year old boy have been arrested and charged under state law. The matter will be presented to a state grand jury in May. If the state does not take effective action, federal charges will be presented, although the only federal crime involved is intimidating a person in connection with the exercise of the franchise, and that is simply a misdemeanor.

There has been in the past six months one other incident in which injuries were sustained. The Bureau has made a full investigation but has not discovered who did that. It is obviously very difficult to find out who fires shots into a house at night. There have also been shots fired without injury to anyone. Again the Bureau on each occasion has been asked to make every effort to determine the persons responsible. There is no suggestion that any local or state official of Mississippi is involved in any of these matters.

2. "...set upon by vicious dogs...." This refers to the use of a police dog in Greenwood last week. The dog bit a minister in the leg. This is one of the incidents upon which we based a lawsuit which was filed two days later against the Greenwood police. As that matter rests, the Greenwood police have ceased interference with registration activity, and in fact, on Friday, transported Negro applicants to and from the Courthouse in city buses.

The use of police dogs is not a prohibited police activity. They are used in the District of Columbia, among other places.

3. "...beaten and otherwise terrorized because they sought to vote...." I do not know what specific incidents are referred to. There were some incidents in southern Mississippi in the summer of 1961, in one of which a Negro registration worker was pistol-whipped by the registrar of Walthall County. We brought a successful case in that instance and attempt to act as promptly as possible on any incident involving voting when we can find out who is responsible.

4. "Since the postponement of the Commission's October hearing, students have been fired upon, ministers have been assaulted and the home of the Vice-Chairman of the State Advisory Committee to this Commission has been bombed." The first two matters are discussed in paragraphs numbered 1 and 2 above. It has not been possible to find out who was responsible for the bombing, which took place last October. The FBI has pursued every possibility. Again, there is no suggestion that state or local officials were involved.

5. "Another member and his wife were jailed on trumped-up charges after his home had been defiled." This matter was thoroughly investigated both by the Commission and by the Department of Justice. The Department agreed to undertake the defense of the man in state court. This proved unnecessary because the charges were dropped by the state authorities after

investigation by the local prosecuting attorney. We are still investigating the possibility of bringing federal charges against those responsible for the false accusation.

6. "Even children, at the brink of starvation, have been deprived of assistance by the callous and discriminatory acts of Mississippi officials administering federal funds." Late last year the officials of Leflore County decided not to undertake surplus food distribution on a large-scale basis this winter, as had been done in the past. The charge was made that this decision was connected with voter registration work. Four lawyers from the Department of Justice were sent to determine whether there was a large-scale need for food, particularly among Negro families. Their investigation, which consisted of a survey including interviews with a large number of families, showed deplorable conditions and inadequate diet. As a result, the Department of Agriculture informed the County that unless the County resumed food distribution itself, the federal government would do so directly. The County resumed the distribution of food week before last. It is now being done at federal expense.

The charge has been made also that the school lunch program is being administered in a fashion which discriminates against Negro school children. The staff of the Commission itself is undertaking an investigation to find out if this is true. The Department of Justice has no facts on this charge at present.

7. Federal funds.

There is another memorandum as to what area of discretion exists on the items listed.

The existing airport in Jackson was desegregated after we informed the city that we would otherwise

bring suit. If Jackson did have segregated facilities in a new airport, we would immediately take the same action. The FAA has informed us that they have no reason to believe that the new airport will have segregated facilities. To the extent they know, their information is to the contrary. None of the grants made by the FAA are for terminal facilities, however.

BN

cc: The Attorney General