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**CONVERSATION BETWEEN RFK AND CHANCELLOR JOHN D.
WILLIAMS, FRIDAY, OCT. 5, 1962 at 7:15 p.m.**

RFK: Hello, Chancellor, this is the Attorney General speaking. I am very concerned about the reports I received today and over the period of the last few days regarding the activities of the students at the University and the failure to take any action as far as disciplining the students who participated in these unfortunate incidents. The headlines today say that you announced these students we turned over to you without taking any action because we wanted to leave it in your hands -- as long as the Army didn't take any action against them --

WILLIAMS: That's not right.

RFK: The second thing -- today Mr. Meredith goes through the hallway of the campus and he is booed and hissed and obscenities shouted at him -- 40 or 50 students -- is anyone going to do anything --

WILLIAMS: We are going to, but Mr. Attorney General, you do not realize that we have thousands of people in Mississippi who will come here at the defense of these people at the first opportunity. We are going to take disciplinary action against the people who participated in the riots as soon as Mr. Katzenbach has furnished us with the report on each one of the students on what he did. We were in no position to do anything -- we had no one around here to take facts on these things. But the Marshals are here now, and the FBI --

RFK: Do you want to hold on? I want to read this newspaper story: The University of Mississippi plans to take no action against any of its students --

WILLIAMS: That is a false statement.

RFK: (Reading): University Chancellor J. D. Williams told reporters the university's attitude has been that if the authorities release a student that takes the matter out of our hands.

WILLIAMS:

No, they have inferred that -- that the policy has been in the case where students in the court -- we do not take any action against them until we have evidence. If the court clears them we feel they are cleared. We are proceeding at the present time working with Mr. Katzenbach and he has furnished us with information and they will be called before the judicial counsel --

RFK:

What about, for instance, today it reads terribly, that Meredith goes through the school hall and the students yelling obscenities --

WILLIAMS:

We're doing the best we can but we're being plagued with reporters and photographers who are inciting the students to do this kind of thing. I hope they will get off and let us get back to normal. All this week has been terrific. About 200 of them were swarming on us, coming in back doors, trying to get pictures of Meredith in the classroom. I would say the press has been most cooperative but you do have some who have orders to get certain things and they do things to get it. Things have been at a high pitch. We had a meeting this morning to get on the fraternities -- the sororities are all right. What we tried to do is to relax enough to let these individual students show their hand. If we put on a real tight hold on these people we wouldn't know our danger spots. We want to know who are the leaders. If we get enough evidence then we will go it for good and get the ones who are responsible.

RFK:

I appreciate that. It makes me feel far better on this. The story was unfortunate and then Mr. Katzenbach was asked frequently today -- and then what went on the ticker today. You know I had conversations last week -- which was not unfortunately given in full to Senator Eastland when I asked the University to take disciplinary action. He was told they wouldn't -- was told the university would be closed -- the cross burning on the university -- they couldn't punish people --

WILLIAMS:

The cross was put there by some citizens of Oxford.

RFK:

When this riot broke out I asked some officials to promulgate - - - I did ask for that and only part of it was reported in the Senate - - - we have not made any statement.

WILLIAMS:

I hope you won't because we tried to cooperate in any way we could -- trying to carry out the court orders and give out press releases that would help on the national and state level. You can imagine the tight spot we're in. We want to do what's right but we have a tremendous number of people in Mississippi who have to be let alone, that it won't be done in a short time.

RFK:

It does make me feel more comfortable that something will be done.

WILLIAMS:

We're doing everything we can. You take 4800 students who have come from homes and communities that are not in sympathy at all with that we are having to do. You can't handle people by the thousands when we can't get the support like we need. - - - The Marshals were doing their duty but the student body now have grown resentful. We have just set up a luncheon on Monday to build up something of a rapport between - - - Gen. Howe who is here is a remarkable person and he and the military have had a hard job to do and I think they have done an outstanding job -- I'm to report it to Senator Stennis and Secy McNamara. I regret everyone of these incidents and it's a matter of humiliation and embarrassment to me. The headline in the paper is a miscarriage of my intention and they have taken what I have said and have not followed through on what was said subsequently. The University is not for violence and this was brought out in the press conference. We are going to do everything we can to make these students respect the Federal Government. We are doing what measures we can to prevent any further incidents down here.

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I am happy to hear that. Thank you very much.

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CONVERSATION BETWEEN GOVERNOR BARNETT AND
BURKE MARSHALL, MONDAY, OCT. 1, 1962, at 4:15 p.m.

BARNETT: General?

MARSHALL: Governor, this is Burke Marshall.

BARNETT: Mr. Marshall, how are you?

MARSHALL: Mr. Kennedy isn't here -- he was up all night.

BARNETT: Mr. Marshall, let me ask you this. There are a lot of students at Ole Miss who want to go home and they are not permitted to leave the campus by the Federal authorities, you see. Can't you get us permission to let them go home -- those who want to? Their mothers are screaming -- they really want to go home.

MARSHALL: I'll look into it. I don't know the regulations here. Whatever they were they were established by the military people in view of the extremely unpleasant situation last night. I will look into ~~xx~~ it and let you know.

BARNETT: I would appreciate it. Why don't you encourage the Attorney General to take Meredith off the campus? He's already registered.

MARSHALL: He's entitled to stay there. The Attorney General has nothing to do with that. His duty is to enforce the court order. He doesn't have anything to do with that.

BARNETT: They would recognize him and they would comply with his request. It's just an intolerable situation, you know. You don't want that ~~gm~~ to go on.

MARSHALL: Governor, that kind of thing is up to Meredith. It's none of our business. But I will --

BARNETT:

Marshall, we have a plan in Mississippi where I think -- I am not sure -- but I think we could pay his expenses in another state, in another school and if he will agree to go to school somewhere else and our law permits it, we can do that, you see. He would be happier, everybody would be happy, and the whole problem would be solved.

MARSHALL:

Governor, he wanted to go to the university and the court gave him the order and there is nothing we can do about that. That's between the court and Meredith. Our only duty is to see that the court order is obeyed just like any other law.

BARNETT:

Is is all right with you if someone gets in touch with him about that?

MARSHALL:

That's up to you.

BARNETT:

Who should we call about that?

MARSHALL:

It's just nothing that we have anything to do with. You can make any sort of proposition to Meredith that you want, I suppose.

BARNETT:

Who is his lawyer down here? Do you remember? I don't remember.

MARSHALL:

I don't know his lawyer in Memphis. He has a lawyer in New York named Greenberg and another called Constance Motley. But that's between you and them. We don't have anything to do with that.

BARNETT:

The other is Motley. All right.

MARSHALL:

I will let you know about this other thing.

BARNETT:

Right away? My ~~the~~ telephone number here is Fl. 3-1811.

MARSHALL:

All right, Governor.

March 5, 1963

Dear Mr. Tubb:

Just a note to tell you that I saw your letter to Burke Marshall. Although we disagree on some of the points, I wanted to tell you how much I appreciate your understanding of our efforts. I know how difficult this situation must be for you and your colleagues and all I can do is express regret that events have forced all of us into these most unfortunate circumstances.

Sincerely,

Robert F. Kennedy

Mr. Thomas J. Tubb
West Point, Mississippi

Miss.

Mr. Henry Golsen, Chairman
Vanderbilt Divinity School
Student Council
Vanderbilt University
Nashville 3, Tennessee

Dear Mr. Golsen:

The expressions of support from you and the members of the Student Council were very much appreciated.

The federal government was not involved in the case, except for filing one memorandum at the request of the Court, until after the Supreme Court had ruled that Meredith's admission to the University of Mississippi could no longer be delayed. The rulings of the courts were based on precedents which long preceded the 1954 school cases. The only defense ever offered in the case was that the University did not discriminate on applications on the basis of race.

Once the court had ruled, the duty of every American citizen to see that the court's orders were followed became unquestionable. The Department of Justice entered the case only because Mississippi officials, and the Governor, stated publicly that they would interfere with the court's orders. The United States has a deep interest in seeing that the orders of the federal courts are obeyed and that the integrity of the courts is upheld.

Respect for the law and obedience to the law are the basis of our free society. In some countries there is no law at all. In others, law has become the instrument of despotism. Wherever the law is perverted or destroyed, tyranny takes over and society is demoralized. Yet, in the United States we often take the rule of law for granted and forget what a precious and hard won condition it is.

The law is the line which divides savagery from civilization. It enables men to live together, submitting their private desires, whims and prejudices to a larger conception of social progress and order.

In any legal case there are two points of view. Decisions, therefore, are not acceptable to both sides. But our whole system of law would be undermined if decisions unacceptable to one side should not, in fact, be accepted. If decisions of the highest court are disobeyed because they are unacceptable to one side, no right, no contract, no insurance policy, no pension, no will would be safe. Organized society would become impossible and the people would have to rely on private force to settle their disputes. Furthermore, if one man's legal rights are denied, the rights of all Americans are in danger.

That is what is at issue in the Meredith case. It does not mean that criticism is forbidden or disagreement barred. For these are the lifeblood of our free society. Laws must constantly be revised and court decisions reviewed. But, in the meantime, judicial decisions constitute the law of the land, and therefore, as in the case of the University of Mississippi, must be enforced.

The expressions of Southerners who support the action of the federal government are indeed welcome. To receive, in particular, such words of encouragement from your School mean much. Thank you again for your thoughtful letter.

Sincerely,

The Attorney General

*Miss
file*

October 19, 1962

Dear Mr. Bracken:

I appreciate very much your kind letter of October 9th as well as the letter copy attached. It means a good deal to me to be made aware of support in the Bar on this question, and I am most grateful for your thoughtfulness.

Sincerely,

Robert F. Kennedy

Mr. John P. Bracken
2107 Fidelity-Philadelphia
Trust Building
Philadelphia 9, Pennsylvania

BC: w/copy of incoming letter and enclosure
Mr. Burke Marshall
Civil Rights Division

JWS/chp *[Signature]*

t.8-3-63
BM:SJB:ew

August 5, 1963

LFO
file
Church
folder

MEMORANDUM FOR

Honorable Lee C. White
Assistant Special Counsel
to the President

This is in reference to your memorandum of August 1 asking my reaction to a suggestion made by J. Irwin Miller, President of the National Council of Churches, in his letter of July 23, 1963, that a small consulting group of religious leaders be designated by the President on the subject of race relations.

I believe that the President should designate a committee as suggested by Mr. Miller.

Attached is a suggested draft reply to the letter of J. Irwin Miller to the President. I am also attaching a suggested form of letter to the various members of the new committee.

I am returning Mr. Miller's letter to you.

L. F. O.

Louis F. Oberdorfer
Assistant Attorney General

cc: Records
Chron.
Mr. Marshall ✓
Mr. Oberdorfer
Mr. Barrett

Handwritten note:

You may want to check this with Ralph
Dungan.

L.F.O.

[Signature]
Louis P. Oberdorfer
Assistant Attorney General

St. John Barrett
Second Assistant
Civil Rights Division

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3 - [unclear] to 2
T. 8/2/63
BM: SJB:arg
religions groups
AUG 6 1963

Continuing contacts with religious leaders.

The purpose of this memorandum is to outline our present contacts with the various religious groups growing out of the White House Conference with religious leaders on civil rights in June, and to make certain recommendations.

To date representatives of this Department have been dealing primarily with the following groups:

1. Continuation Committee of the National Conference on Religion and Race.

The National Conference on Religion and Race was convened in Chicago in January of this year, composed of 70 nation-wide religious denominations and organizations from all of the three major faiths--Catholic, Jewish, and Protestant. The Conference designated a "Continuation Committee" to follow up some of the action of the Conference itself. The Committee was given specific authority to foster interracial-interfaith committees at the local level. The Committee was given no other authority for action, although it was apparently expected to continue as a point of contact and information exchange between the various religious groups on problems of race relations.

The Committee is presently budgeted for a one-year continuation through May 31, 1964. However, less than half of the budgetary support committed by the three major faiths has actually been paid. The Committee has a full-time Executive Director in New York and a part-time Field Secretary in Chicago. It is presently engaged through an interfaith subcommittee in organizing interfaith committees at the local level.

2. Emergency Commission on Religion and Race of the National Council of Churches.

The National Council of Churches is an inter-denominational Protestant organization, representing virtually all of the

cc: Records Chron. *✓* Mr. Marshall Mr. Barrett

3. Communities in which schools have not desegregated and are not subject to a court order but in which conditions are such that a minimum amount of affirmative community pressure could result in voluntary steps toward desegregation.

4. Identities of business enterprises which have changed from a policy of discrimination to one of non-discrimination but which are suffering economically because of white boycotts, harassment, etc. We have already provided this type of information to both the women's group and the religious group in a few instances to permit them to stimulate support at the local level for the desegregating business concerns.

5. Identities of communities in which we have had complaints of police misconduct. Dr. Spike does not wish to have the results of any investigation nor our evaluation of the complaints. The mere fact that there have been complaints would alert local church leaders to the need for frequent jail visitations, attendance at court proceedings, discussions with police officials, etc.

6. Threatened closing of governmentally-operated facilities, such as parks, libraries, swimming pools, golf courses, etc., in order to avoid desegregation.

7. Copies of press clippings regarding conduct by churches and churchmen in order that the national church leaders can write appropriate commendatory letters or take corrective action, as the case may be.

The information referred to in the above seven items has been obtained by this Department from governmental, public, and private sources. Some of it has been obtained in connection with our informal efforts to identify racial trouble spots and to avoid serious trouble by means of conciliation.

I think the information alluded to in items 1, 2, and 6 relating to bi-racial committees, desegregating schools and closing of governmental facilities can be furnished to the religious groups as a matter of course. Although our information is drawn partly from governmental and private sources, it

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is largely information that is a matter of public notice. It is not information which we have obtained in connection with any specific law enforcement function of the Department. I think we could stand ready to furnish this same information to any individual or organization having a legitimate interest in obtaining it.

Item 7, relating to press clippings of church events, is of minor importance, involves a slight amount of trouble on our part, and is information drawn exclusively from public sources. I think we can supply it.

Items 3 and 4, relating to communities in which schools are susceptible to voluntary desegregation and to business enterprises suffering economic reprisals, are more difficult. Information regarding the possibility of voluntary school desegregation necessarily involves a judgment by this Department as to which communities are susceptible and which are not. While we are in a pretty good position to form such a judgment I doubt whether we should furnish a judgment which will be the basis of action by private groups. It would be a different matter if the church groups made their own list of communities in which they might seek to induce school desegregation and then ask us for whatever specific information we might have bearing on this situation. In short, I think they should focus on the community and then consult us, rather than our directing their attention to communities which, in our judgment, are subject to influence.

Item 4, relating to economic reprisals against desegregating businesses, is also difficult. There seems no problem in our furnishing information from public sources, such as newspapers. Where the sources are not public, however, I suppose we would not be willing to furnish the same information to other groups who might desire it and who might have a less benign purpose than the church groups. Perhaps the furnishing of this information can best be left on an ad hoc basis. In many instances we can probably suggest that the businessmen directly contact the religious group either at the local or national level.

I believe that we cannot properly furnish the religious groups information described in item 5 regarding our receipt of police brutality complaints. These complaints are obtained or received by the Department in connection with our specific law enforcement function. However carefully we hedge our transmittal, giving the requested information to the religious groups would

amount to directing their attention to particular communities as places of possible police abuse. We can, of course, answer specific inquiries by the church groups regarding particular cases or complaints that have come to their attention from other sources.

B. Religious Group to which information should be provided.

I think there would be a number of advantages in directing any information which we provide as a matter of routine to the Continuation Committee of the National Conference on Race and Religion. First, the committee is a broader-based interfaith group so it could not be said we are being selective in whom we dealt with. Second, it would be convenient to service all the religious groups by a single transmittal and leave it to the committee to disseminate the information further. Third, it would insulate us at least one step from groups that are taking "direct action" over which we have no control and would possibly avoid the suspicion that the Department was actively "promoting demonstrations," etc. Fourth, the Chairman of the Committee is J. Irwin Miller, who is also President of the National Council of Churches and is the churchman to whom the President has looked for leadership in matters arising from the White House Conference.

The disadvantages of using the Continuation Committee as a conduit for information from this Department are several. First, its staff is both inadequate and is divided between Chicago and New York. Second, it has budget problems which threaten its continued existence. Third, Dr. Spike, who heads the Emergency Commission of the National Council of Churches and whose group is the one with the greatest capacity to get things done, opposes having any administrative "superstructure" which will insulate his commission from this Department.

I think it would be well to discuss with Mr. Miller the desirability of using the Continuation Committee for formal transmittals of information from this Department to the religious community. It may be that the committee itself can be beefed up and given a more adequate staff so that all of the faiths would be satisfied in its being used for this purpose. Our funneling routine transmittals through the committee would not, of course, preclude direct contact between the Department and staff members of the other religious groups regarding particular racial situations as they may arise.

C. Coordination between the religious groups and other of the White House groups.

With respect to those of the White House groups which intend an active program to promote better race relations and racial justice at the community level, there is a need for coordinating their activities. This coordination should relate to the following:

1. Procedure for exchange of information on key community leaders who could be contacted.
2. Priorities to be assigned to different communities for affirmative action.
3. Steps being taken for the formation of bi-racial committees at the community level.

Those attending the meeting should include, at the minimum, Mrs. Norton, from the Womens Group, Dr. Spike, Mr. Ahmann, Reverend Weaver, Mrs. Petersen, and someone from this Department. It should probably also include a representative of the Jewish faith - perhaps Rabbi Hiatt or Mr. Murray. I think that Mr. Ahmann's attendance (he is both Executive Director of the National Catholic Conference for Inter-racial Justice, and Field Secretary of the Continuation Committee of the National Conference on Race and Religion) will provide sufficient representation for the Catholics. However, if Rabbi Hiatt attends I suppose that Father Cronin should also be included.

I think it would be well if the representatives of the various groups at the meeting had prepared to bring with them:

- (1) Lists of local contacts in Southern states arranged by community.
- (2) A list of communities in which their group has either taken steps to form a bi-racial committee or has actually formed such a committee.
- (3) Its own priority list of communities for further action.
- (4) Its own priority list of subject matters for action, i.e., school desegregation, police brutality, public accommodations, employment, etc.

- 7 -

It seems to me that this Department and other agencies in the federal government should take as minimal a part as possible in the conduct of such inter-group meetings and the formulation of the plans of the private groups. To get things rolling, however, we might make a contact to arrange such a meeting and suggest at least a skeletal agenda.

RECOMMENDATIONS

I think the following steps should be taken at this time:

1. Discuss with Mr. Miller the feasibility and desirability of transmitting informational items intended for the religious groups through the Continuation Committee of the National Conference on Race and Religion.
2. Set up a meeting between the leaders of the Womens and religious groups to coordinate their activities.

Church-

144-23-0

OCT 1 1963

Mr. Furman L. Templeton
President, Presbyterian Interracial
Council
235 West 53rd Street
Chicago 9, Illinois

Dear Mr. Templeton:

I was very glad to receive your note about increased cooperation between and activity by the social action groups of the various religious denominations in the field of race relations.

We will keep your suggestion in mind.

Sincerely,

Attorney General

cc: Records
Chron
/ Mr. Marshall
Mr. Oberdorfer
Mr. Barrett
The Attorney General

Mr. William Moyers
Special Assistant to the President
The White House

December 9, 1963

LFO:ljp

L. F. O. Louis F. Oberdorfer
Assistant Attorney General
Department of Justice

National Council of Churches

The representatives of the National Council of Churches (NCC) scheduled to meet with President Johnson at 3:00 P. M. today are:

1. Bishop Reuben H. Mueller, Indianapolis, Indiana, Senior Bishop, Evangelical United Brethren Church, newly elected President, NCC.
2. Mr. J. Irwin Miller, Columbus, Indiana, immediate past President, NCC; designated by President Kennedy to serve as liaison with the group of religious leaders who met on June 17, 1963, to discuss civil rights.
3. Rev. Eugene Carson Blake, New York, New York, Stated Clerk, United Presbyterian Church; Vice Chairman, Commission on Religion and Race of NCC.
4. Bishop S. Julian Smith, Chicago, Illinois, Christian Methodist Episcopal Church; Vice Chairman, Commission on Religion and Race, NCC.
5. Rev. Robert Spike, New York, New York, Executive Director, Commission on Religion and Race, NCC.

As you requested, Rev. Spike has submitted for the group the following proposed agenda:

1. Express appreciation to President Johnson for his leadership in civil rights now and

as Senator and Vice President, particularly as Chairman of the President's Committee on Equal Employment Opportunity.

2. Brief report on National Council of Churches' activities in recent months including liaison with the White House and Department of Justice; support of community bi-racial committees, assistance in individual and community racial problems; desegregation of churches; and, most important, support for civil rights legislation. Will mention action of Triennial Assembly at Philadelphia on December 6, 1963, endorsing the pending legislation and urging support of the discharge petition.
3. Major programs through next summer:
 - a. Legislation
 - b. Job Opportunities - How can churches help?
 - c. Housing Discrimination - How can churches help?
4. Propose to discuss future liaison between the White House, Department of Justice and religious groups.

BCC: The Attorney General
Deputy Attorney General
AAG Marshall

24 December 1963

John M. Pratt, Esquire
Counsel to the Commission on
Religion and Race
475 Riverside Drive
New York 27, New York

Dear Jack:

Thank you so much for your very
full and informative letter on the
Church Peace Mission. It is beyond the
call of duty, took some work, and I
appreciate it.

Regards,

Burke Marshall
Assistant Attorney General
Civil Rights Division

July 14, 1961

Mr. Leslie W. Dunbar
Executive Director
Southern Regional Council, Inc.
5 Forsyth Street, N.W.
Atlanta 3, Georgia

Dear Les:

Many thanks for Ben Muse's report on Alabama. It is most helpful to receive this kind of basic data. I hope I will have a chance to see him again soon and further pick out his knowledge.

Best regards,

Burke Marshall
Assistant Attorney General
Civil Rights Division

SRC

August 16, 1961

Mr. Leslie W. Dunbar
Director of Research
Southern Regional Council, Inc.
5 Forsyth Street, N.W.
Atlanta 3, Georgia

Dear Leslie:

At the Taconic Foundation meeting in New York recently, you asked me about the status of a number of complaints relating to police brutality allegedly taking place in Birmingham and thereabouts over the last three years.

I have checked our records on each of the complaints which you gave me. In all but one of the cases, we have been required to close the investigations because of an inability to produce any evidence of a violation of federal law. In most of these instances the problem was that there was no way of establishing federal jurisdiction because there was no satisfactory evidence of participation by any persons acting under color of law. In other instances there was simply insufficient evidence disclosed by the full FBI investigation of any criminal violations by the police officers who were involved.

In one case, involving the complaint by Theotis Crymes, the matter was presented to a Federal Grand Jury and indictment was returned. Upon trial the defendant was acquitted. The trial was concluded December 13, 1960. The charge was under Section 242 of Title 18, based upon the assault and shooting of the victim by officers of the Helena Police Department. There was, of course, no further action which could be taken by the Federal Government.

One of the complaints is still under investigation. It does not appear at present, however, that

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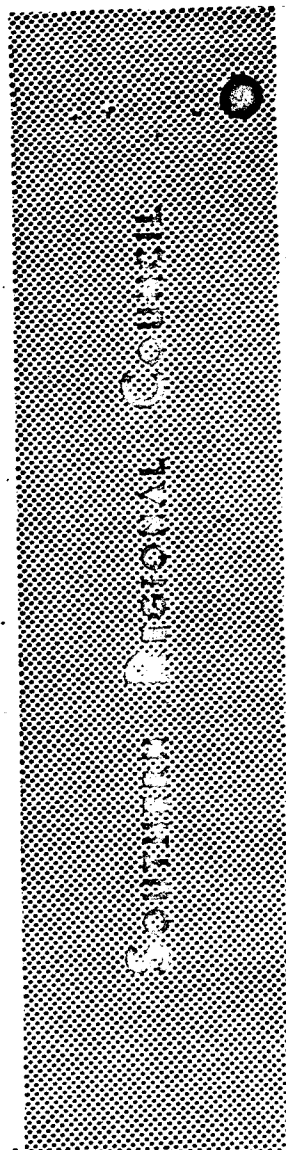
sufficient evidence will be obtained to justify presentation of that matter to a Federal Grand Jury.

There is no objection to your letting whoever made the inquiry of you know that the Department has fully investigated each of the complaints and, in the one case where the evidence which could be obtained justified it, presented the matter to the courts.

I am looking forward to seeing you again next week.

Sincerely yours,

Burke Marshall
Assistant Attorney General
Civil Rights Division



THIS ADDRESS is Dr. Thompson's side of a debate on integration with Attorney Felix LaPeyre of the Citizens Council of South Louisiana held in August, 1960, at St. Louis Cathedral School in New Orleans. College students of the school arranged the debate which attracted a big audience of both segregation and integration partisans and extensive publicity. The Southern Regional Council regards Dr. Thompson's "The Case for Integration" as a clear and explicit statement of Negro aims and an excellent expression by a man long and fervently attached to American ideals.

THE CASE FOR INTEGRATION

by

DANIEL C. THOMPSON

*Chairman of the Division of Social Sciences,
Dillard University, New Orleans, La.*

INTRODUCTION

THE FOUNDERS of our Republic attempted to translate the principles of personal freedom and equality, as enunciated by our Judaeo-Christian tradition, into practical, political reality. According to them the ultimate reason for the institution of a state is to secure the equal rights

of every citizen. They would have regarded as unChristian and undemocratic any attempt on the part of a government to guarantee any group of citizens rights and privileges withheld from any other group.

Because equal citizenship is the most essential element of our Republic

and the most sacred tradition in American society, leaders in American life have always recognized the fundamental importance of equal educational opportunities. This is so because it is a long established fact that whenever any group has access to superior educational opportunities, that group will also have the best opportunities to achieve high economic, social, and political status. Consequently, in order to keep a race or nation perpetually enslaved or oppressed, the oppressor must withhold from them educational equality. This is such a well known principle that Negro and white liberals have always argued that equal educational opportunities are absolutely essential if we are to achieve the democratic goals to which our nation is dedicated.

THE INTEGRATIONISTS' ARGUMENT

The segregationists use many arguments in order to rationalize the inequalities which have always existed in the educational opportunities in the United States. I shall point up several of their fallacies and attempt to give what seems to me to be the integrationists' point of view.

The Question of States Rights The main argument of the states rights is legalistic. According to them, the 10th Amendment to the Constitution of the United States upholds the right of every state to set up any educational system it sees fit or to abolish at will any system it has.

Several things about the state rights' argument reader it untenable. In the first place, segregationists who do most of the talking about states rights never mention them except when they try to find some legal justification for racial discrimination. The truth is, they are often precisely those who would depend heavily upon the federal government for economic support. They never invoke the states rights position when money is needed for highways, bridges, dams, price support, drought relief, or welfare.

Second, it overlooks entirely the fact that every American citizen, no matter in which state he resides, is first and foremost a citizen of the United States and as such is guaranteed by our federal government all the rights and privileges appertaining thereto. Moreover, the federal courts have persistently held that it is illegal for a local or state government to withhold from any citizen rights and privileges accorded by it to other citizens of equal qualification. This is a logical requirement, because the federal government recognizes equal citizenship responsibilities. Thus, during times of war or any other national crisis any citizen, in any state, may be called upon to perform whatever duty the federal government sees fit to impose upon him.

A third fallacy inherent in the states rights' argument is the tendency to overlook the fact that each state is an integral part of the union. This has

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been a well established legal fact since the adoption of the Constitution of the United States which required every commonwealth, or state, to give up its individual sovereignty to the federal government. Consequently, no state can make any law that is in contradiction to federal constitutional law. This principle was dramatically validated by our Civil War, bitterly fought to establish the facts that a state may not secede from the Union and that sovereignty in the United States is centered in the federal government. Recently, on March 20, 1961 the United States Supreme Court held that the "Doctrine of Interposition" is "without substance."

To deny the supremacy of the federal government is a shortsighted and dangerous teaching. It overlooks years of fruitful cooperation among the several states which has made the United States the most prosperous, powerful, and respected nation in the world. This could not have been done if every state had remained sovereign.

The Question of Southern Tradition A second frequently heard argument on the part of the segregationists is that racial integration will destroy "sacred southern traditions." It might be pointed out that all traditions are not necessarily sacred. One could hardly call scalping, cannibalism, slavery, lynching, the disfranchisement of women, polygamy, the lily-white primary, suiteism, and war "sacred"; yet each of these has been regarded as "sacred" at some time in history.

All thinking people know that when any tradition becomes outworn and inimical to the welfare of a race or nation, that tradition must be set aside and relegated to the memoirs of the passing generations and to the pages of history. Racial segregation is such a tradition. Respected Americans from every walk of life have borne testimony to the fact that racial segregation, as it exists in the United States, and particularly in the South, causes domestic disunity and endangers our international strength and prestige. This is so because throughout the world racism is a thoroughly discredited political ideology. Therefore, either the United States must give substance to its avowed belief in the principles of democracy or risk alienating its traditional allies and incurring the distrust of freedom-seeking emergent nations.

The Question of Time There are those who readily agree that segregation is an evil that sooner or later must be removed from our national life, but they insist that the time is not yet right.

First, some insist that Negroes are not yet ready for freedom and the responsibilities of full citizenship. Fair-minded people know that this is an overstatement; yet they will agree that no race, nation, or people can ever be altogether ready for freedom until they have first received freedom. The

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integrationists would like to remind the South that for almost 100 years the segregationists have argued that Negroes are not yet ready to receive the benefits of first-class citizenship. Yet these same segregationists have done everything in their power, legally, extra-legally, and often illegally, to prevent Negroes from attaining the education which they know to be the prerequisite of effective citizenship. Thus, even now in some southern states, such as Louisiana, Alabama, South Carolina, and Mississippi, there is not a single school in which Negro physicians, engineers or administrative experts may be trained. These are precisely the areas in which we will need a much larger number of highly trained persons, if we are to continue our leadership in the world of nations. There are in the whole South not more than 500 Negro engineers instead of the 30,000 or more this section of the United States should, in fact, produce.

Furthermore, it is regrettable that in the South where we have had recurring racial crisis for almost 100 years the political, economic and social leaders of the South flatly refuse, over and over again, to draw upon the leadership resources in the Negro community, even when the problem in question primarily affects Negroes. Thus, insofar as community, state and national affairs are concerned, segregationists would prevent Negroes from ever getting ready to participate fully in the citizenship process.

It must be pointed out, however, that despite limited opportunities and all kinds of legal barriers, Negro leaders are proud of the fact that among them some have managed to become as well prepared to assume even the most exacting demands of full citizenship as have any other people. Therefore, all but the blind, the misguided or the grossly uninformed must realize by now that unless Negroes are given the opportunity to enjoy equal freedom and assume responsibilities of citizenship incumbent upon every other citizen, our Republic "cannot long endure."

Are Negroes, then, ready for the integration for which they fight? The answer is twofold. Many are ready; many must be made ready. This is the real challenge to our educational system.

Second, some insist that white people are not yet ready. To some extent this could be true, because segregationists have done everything in their power to prevent white people from coming to know Negro people. They have confiscated books, ostracized leading citizens who dared to tell the truth about Negroes, passed numerous laws designed to prevent Negro and white people from getting to know one another and have brought pressure to bear upon all forms of mass media in an effort to prevent them from presenting Negroes in any role except that of servant or criminal. As a result, Negroes and whites tend to see each other in terms of stereotypes that foster suspicion, fear, distrust and hate. Therefore, whites, like Negroes, will never be ready for the

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assumption of full, responsible citizenship until they, too, are allowed freedom of human association unrestricted by laws and so-called "sacred" traditions.

The Question of Communist Inspiration One of the most objectionable suggestions made by segregationists is that the Negro's fight for freedom and equality is Communist inspired. They tend to overlook the fact that the very foundation of our government presupposes freedom and equality for all people. To deny this borders on treason, because every one of our legal documents, from the Mayflower Compact to the Bill of Rights of the Constitution of the United States, has as its central theme the essential equality of all citizens. Not only that, but America's defense of individual dignity and freedom has been the bulwark by which we have distinguished our country from every other nation in history. It would take hours, perhaps days, to quote all of the statements in defense of freedom and equality made by outstanding Americans from Thomas Jefferson to John F. Kennedy. The fact is, all leading American citizens, even the segregationists, have expressed a willingness to sacrifice everything on the altar of freedom and equality. Why then must an American citizen read Karl Marx or the speeches of Nikita Khrushchev in order to get the idea that freedom is a good thing and equality essential to human dignity!

The Question of Necessity Most segregationists would escape the challenge of a democratic education by pointing out that the only responsibility a society has is to provide "equal" education. They insist that this equality can take place on a segregated basis. They overlook the fact that even in 1896, when we were predominantly agrarian and when distance separated us from most other nations, there were leading Americans who said that the doctrine of "separate but equal" was undemocratic and an evil. Now that we are predominantly urban, and playing with intercontinental ballistic missiles with the same ease with which children play with toys, such a doctrine is not only unworkable domestically, but is unrealistic and dangerous in the world of nations.

There are many serious objections to the "separate but equal" doctrine. We need cite only three:

First, the South has made little or no attempt to make educational opportunities for Negroes equal to that provided for whites. The truth is, segregationists did not even give lip service to this doctrine until the May 17, 1954 Supreme Court decision was imminent.

Second, segregation, which presupposes inferiority, often has caused it, Negro children brought up in a segregated system of education have great

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difficulty in overcoming the "badge" of inferiority implied by such a system. Third, it gives a false sense of superiority to the segregating group. Psychologists and psychiatrists are still not sure which group of children is most damaged by the system of segregation perpetuated in the South. Where Negro children are likely to develop feelings of inferiority, white children are often infected with delusions of grandeur. This feeling gives rise to the unmodest, unreligious and undemocratic statements that otherwise intelligent white people frequently make when they say unashamedly that they belong to a "superior race."

The Question of Mental Ability It has never been proven that any one race is inherently superior to any other race. Of course, there have been many "logical" arguments for and against the superior race theory. Some segregationists still feign a belief in this pseudo-scientific racist "doctrine" in order to justify their prejudices and validate their anti-Negro, anti-democratic contentions. They have parroted this "doctrine" for so long and their arguments for white supremacy are worn so thin that they hardly convince even their most loyal and emotionally disturbed followers. In fact, the Negroes' achievements over the past two decades in many fields—including the most mentally exacting occupations—have been so notable that even the arch segregationist, Herman Talmadge of Georgia, admitted on a nationwide broadcast that he no longer believed that Negroes, as a race, are mentally inferior to whites.

It is generally agreed among reputable psychologists and sociologists that at the present time there is no "culture free" intelligence test in use. This means that "intelligence" tests measure not only "native" ability, but also learning. Examples of this are legion. The following are typical:

Rural children consistently make lower scores on "intelligence" tests than do children reared in cities.

Children selected at random from higher income or professional families as a rule make a considerably better showing on "intelligence" tests than do children who are economically and culturally deprived.

United States children, who have been trained to compete, always make higher scores than children from relatively non-competitive cultures such as we find in non-industrial societies.

Among twins, even identical twins, who are reared apart, we find that those reared in culturally "favorable" homes score much higher on "intelligence" tests than their counterparts who are reared in culturally "unfavorable" homes. Northern whites consistently make higher "intelligence" scores than do southern whites.

Northern Negroes have always done markedly better on "intelligence" tests than have southern Negroes.

Negro soldiers from New York made higher average scores on the Army Alpha test than did white soldiers from certain southern states.

Perhaps the soundest conclusion on this issue was that of Dr. Otto Klineberg of Columbia University, one of the most respected psychologists in the world. He says that "there can be no doubt that an improvement in environment, with everything that this implies, can do a great deal to raise the intelligence-test scores."

Negroes, then, who have the largest proportion of their people in impoverished social and cultural environments, can be expected to make considerably lower scores, as a group, than members of the white race. Yet in both races we have both idiots and geniuses.

The Question of Academic Standards Because the South has traditionally provided inferior academic opportunities for Negro children, some Negro children are behind white children in academic development. Nobody denies this. As a matter of fact, this is the main reason why segregated education must go. The great fallacy in the segregationists' argument is this: They insist that because some Negro children do not measure up to the level of achievement of some white children, Negro children must continue to be subjected to lower educational standards. This is, of course, circular reasoning. There will always be inferior academic products so long as we tolerate inferior or segregated educational systems.

The basic consideration should not be a question of race, but of academic planning, because Negro parents are as anxious as are white parents that their children receive the best education available. This might mean the setting up of three school systems: one for superior students, one for mediocre or average students and one for slow learners. Or it might mean three different groupings within a single grade within the same school. But, whatever the system, it should have nothing to do with race.

Evidence bears out one definite fact: segregationists are not primarily interested in preserving academic standards. For example, if that were so, then they would have no objections to the enrollment of the several Negro students now qualified for the Benjamin Franklin School for superior students in New Orleans.

The Question of Moral Standards Some segregationists attempt to frighten white parents by predicting that, when Negro children are permitted to attend schools with white children, moral standards will be lowered as a result. Negro leaders readily admit that juvenile delinquency is a serious problem in the Negro community, but they resent the suggestion that Negro youth have a monopoly in this regard. Every informed citizen knows that juvenile delinquency is a national problem of the first magnitude. It is not confined

to any one section of the United States or to any one race. "Blackboard jungles" are not peculiar to the Negro community.

The Question of Health Standards It is likely that children who are born and reared in impoverished homes may have, on the whole, more days of sickness than do children from more fortunate environments. If this is so, then the problem of health should not be confused with that of segregation, because illness is a ubiquitous problem not confined to any racial group.

No parent wants his child to be exposed to contagious diseases. When children become infected with contagious diseases, we must necessarily find some way to isolate them, whether they are Negro or white. It is just as unfair to allow a Negro student to become infected by a Negro student as it is to allow a white student to become infected by a Negro student. The problem is not one of race but of health regulations. These two issues must not be confused. Negro parents, therefore, join wholeheartedly with white parents in encouraging school officials to take every necessary precaution to prevent any child, regardless of race, from needless exposure to contagious diseases.

The Question of Negro-White Student Ratio One vocal member of the Orleans Parish School Board insists that, if integration of the public schools of New Orleans becomes a reality, every school in the city will eventually have more Negro students than white students enrolled. This statement is obviously intended to frighten white parents into believing that eventually they will have to send their children to "Negro schools."

I am sure that this distinguished citizen knows that this is a gross exaggeration. However, if this eventuality does become a reality, integrationists insist that the principle of equal educational opportunities not be compromised, and that white students who attend a school where the majority are Negroes not suffer academically. Besides, there is every reason to believe that white students have as much ability to adjust to new social situations as do Negro students. And, over the years, Negro students have attended, without noticeable ill effects, schools where they have often been outnumbered by white students a thousand to one. So, if we sincerely desire to equalize educational opportunities for our youth, it will make little difference whether the majority in a given school is made up of whites or Negroes.

The Question of Violence Segregationists seem to delight in frightening parents into believing that racial integration in our schools must necessarily lead to violence. This has been their most unfair and demagogic argument. This argument has been used to discourage desegregation in interstate transportation, street cars and buses, recreational facilities and even professional

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societies. *The truth is, violence has never occurred except when a few white segregationists have deliberately inspired it.* This was certainly the case when public schools were desegregated in New Orleans on November 14, 1960.

In the first place, five- and six-year olds hardly feel so strongly about "sacred" southern traditions that they are willing to become bloody about them.

In the second place, this argument is unfair to the ethical and moral teachings of our churches and parents. It suggests that little real effort has been made to instill in our youth the love for fellow men and the impracticality of violence which Jesus Christ demonstrated in both His teachings and death.

A third indication that this argument is fallacious is that one of the most heroic pages in the history of our country is the story of the bravery, courage and tolerance manifested by Negro children in their fight for freedom during the last six years. Some of them have been spit upon, insulted, beaten and jailed, but they did not retaliate. There is reason to believe that there is the same potential courage, tolerance and morality among white youth.

The Question of the Legality of the May 17, 1954 United States Supreme Court Decision On May 17, 1954 the United States Supreme Court in *Brown v. Topeka* unanimously decided that segregation in public education deprives Negroes of the equal protection of the laws guaranteed by the 14th Amendment. Furthermore, the Justices quoted with approval a lower court holding:

Segregation of white and colored children in public schools has a detrimental effect upon the colored children. The impact is greater when it has the sanction of the law; for the policy of separating the races is usually interpreted as denoting the inferiority of the Negro group. A sense of inferiority affects the motivation of a child to learn. Segregation with the sanction of law, therefore, has a tendency to [retard] the education and mental development of Negro children and to deprive them of some of the benefits they would receive in a [racially] integrated school system.

Segregationists are loud in denunciation of this decision. Most of them insist that it is not the "Law of the Land." Some even advocate open defiance. Public officials have been known to encourage white people to defy all court orders designed to implement this decision. They have lauded the "character and courage" of those who participate in riots calculated to frustrate federal court integration orders. Even the most "liberal" elected officials representing the South advocate the use of all "legal" means to circumvent this decision. Indeed, this was the intent of the "Southern Manifesto," signed by 96 southern congressmen, and has been the theme, in recent years, in all southern legislatures, where hundreds of anti-integration laws have been passed.

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Segregationists give many reasons for defying the 1954 decision. Some of their denunciations are pretty farfetched. They claim that the 14th Amendment itself is unconstitutional because it has not been properly ratified; that *Brown v. Topeka* was a "political decision"; that it was more legislative than judicial; that it was Communist-inspired and, above all, that psychological and sociological interpretations overshadowed strictly legal precedents.

The integrationists do not minimize the "psychological and sociological" overtones of this decision. Indeed, they contend that *all* laws should be based upon such facts, that when any law is devoid of humanistic and scientific considerations it is likely to be unjust or, at best, sterile. All laws in a democratic society should reflect the enlightened national social consciousness. Only in this way can a government ensure the psychic health of individual citizens and the general welfare. This is precisely the basis upon which new laws are justified and old laws are modified or repealed. This is the genius of the flexible constitution under which our government operates: Orderly changes can be made when they are deemed necessary and right without total revolution.

The cardinal principle of Americanism is this: *Laws in themselves are not sacred, but are designed to protect sacred principles—freedom, equality and individual dignity.* Therefore, laws may be repealed when necessary, but these principles must be preserved at all costs.

Although segregationists deny the propriety of the court's consideration of psychological and sociological principles when civil rights of Negroes are concerned, they quickly invoke them when their own privileges are challenged. For example, in each of the questions raised in this paper, except the question of "states rights," the basic arguments against racial integration presented by the white supremacists are inherently psychological and sociological. The segregationists are caught in a strange dilemma, dramatically highlighted in a statement made by Attorney Wade Heaton. In his argument begging the U. S. Fifth Circuit Court of Appeals to preserve segregation in the public schools of East Baton Rouge and St. Helena Parishes and in the six Louisiana trade schools, he pleaded that the court should "take into consideration psychological and sociological" factors.

The Question of Interracial Marriage It is not easy to understand or analyze the emotional content which the concept of interracial marriage has for white supremacists. There are, however, some suggestive explanations:

1. Some scholars hold that there are white people who actually believe in the myths of "racial purity" and "racial superiority." These beliefs persist despite the fact that racial "mixing" has been going on for thousands of years, and all races are "mixed." There is no "pure" race. Furthermore, there is no

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scientific evidence that biological or cultural ill effects have accrued from it.

2. Another plausible explanation is that white supremacists have ironically "over-advertised" the virility of the Negro man. Their own fabricated image of a super-sexed Negro male has been so thoroughly propagandized that, like a Frankenstein monster, it functions to threaten the security of its white creators. Thus, it is not uncommon for apparently logical white men to fall victims to an obviously illogical system of contradictions. On the one hand, they argue that the "big, black, burly Negro" is little more than a "beast," and completely undesirable. On the other hand, they hold, just as strongly, that if white women are allowed to come into social contact with Negro men, a dangerously large number of them will willingly choose Negro mates in preference to white mates.

3. Because southern white men have historically exploited the Negro female, some scholars have suggested that white males have developed an unconscious sense of guilt. They reason that this guilt feeling has become the center of a fear complex in which some white men actually imagine that somehow the Negro male will get revenge by marrying their daughters.

Whatever may be the explanation, white supremacists tend to react violently and illogically when interracial marriage is discussed. All of the unfounded fears associated with race relations come to focus in this concept. Their avowed fear that there will be wholesale marriages between Negro men and white women is so real to them that it is used to defend the most drastic measures to keep Negroes in their so-called "place." It is the basis upon which they justify economic discrimination, inadequate housing, the barring of Negroes from public-supported facilities, discrimination in public transportation, inequalities in educational opportunities, disfranchisement and the withholding of the right to equal communication facilities.

Perhaps the basic fact overlooked is this: according to Western tradition, particularly in the United States, every individual is free to choose his own mate. Therefore, when an individual is willing to risk the inconveniences and social ostracism that may be attendant upon interracial marriage, he has the right to do so. Nevertheless, this fact is clear: So long as race is regarded as an important value, as it is today in our society, there will continue to be very little cause for alarm over the number of interracial marriages that will take place. Conversely, when race ceases to have this enhanced social value or to carry special privileges and special disadvantages, then it will really make little difference whether one marries a Negro or white person of his own choosing.

WHAT, THEREFORE, IS THE CASE FOR INTEGRATION? Stated simply, it is this: *No people, regardless of race, can develop their fullest potentials in social isolation.* All great civilizations, all rich cultures and all

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truly great men have achieved their greatness as a result of maximum exposure to the cultures and achievements of other peoples and individuals. They have developed at the "crossroads" of history, where varied traditions, customs and ideas are blended.

The system of racial segregation in American society is specifically designed to isolate Negroes from contacts with other racial groups. This racial apartheid restricts the social, cultural and psychological development of Negroes. Yet even a superficial knowledge of southern history reveals that white people also suffer. Their humanistic outlook and psychological development have been blunted by the doctrine and practices of social separation. This is convincingly evidenced by southern traditions that condone oppressive legislation, differential administration of justice and outright mob rule.

CONCLUSION

The Negro realizes that if he is to develop to full measure his several talents, it is necessary that he, like members of other racial groups, have an opportunity to grow in all directions, unrestricted by so-called "sacred" southern traditions, "black codes" or psychological restraints. In other words, he must be able to enter the main stream of world culture with the same protection, opportunities and incentives as other free individuals with whom he must inevitably compete. He knows full well that with the transcendence of geographical barriers, he is, whether he desires it or not, a citizen of the world. He claims, therefore, the heritage bequeathed to men everywhere—the right to "LIFE, LIBERTY, AND THE PURSUIT OF HAPPINESS." Not only does the Negro need freedom in order to develop his fullest potential, but his talents are desperately needed by our country today in its struggle for political, economic and ideological leadership in the world of nations. The fact was given focus in 1954 when the Supreme Court of the United States unanimously held that education "is required in the performance of our most basic public responsibilities, even service in the Armed Forces It is the very foundation of good citizenship."

When, therefore, is the time to end oppression, degradation, segregation, discrimination and the withholding of inalienable rights? History, sound government and conscience all testify that *THE TIME IS NOW*. Justice is not a commodity whose attainment can be postponed. Right cannot be silenced by expediency. Evil cannot be given the sanction of legitimacy. And, finally, one sure fact of history should guide the United States and each individual citizen in whatever deliberations are undertaken: "Righteousness exalteth a nation, but sin is a reproach to any people."

Report L-29
December 4, 1961

Southern Regional Council
5 Forsyth Street, N.W.
Atlanta 3, Georgia

(In Report L-8 of this series, issued August 10, 1959, there was reproduced a statement on the subject of race and intelligence, prepared by 18 of the country's leading psychologists and anthropologists. The Southern Regional Council believes that the statement now reproduced below ought to be made available to a wide audience. The statement includes a resolution passed at the recent annual meeting of the American Anthropological Association held at the Benjamin Franklin Hotel in Philadelphia, Pennsylvania during the week of November 13, 1961.)

Association re-affirms its position on race.

At the meeting of the Council of the Association, which included nearly all of the professional Fellows of the Association in attendance at the meeting, the following resolution was adopted unanimously by a vote of 192 to 0:

"The American Anthropological Association repudiates statements now appearing in the United States that Negroes are biologically and in innate mental ability inferior to whites, and reaffirms the fact that there is no scientifically established evidence to justify the exclusion of any race from the rights guaranteed by the Constitution of the United States. The basic principles of equality of opportunity and equality before the law are compatible with all that is known about human biology. All races possess the abilities needed to participate fully in the democratic way of life and in modern technological civilization."

The statement was interpreted by those present as a strong reaffirmation of positions which have been taken on the subject of race differences by qualified scientific societies for many years. In introducing the resolution to the Council, President Gordon R. Willey of Harvard University (Boston papers) stated that "the concern which I wish to lay before you is I think a grave one--one worthy of careful thought and strategic action. It arises from recent press statements

and certain publications on race and racial differences as a basis for social and political action. Many of you have seen such statements. Some of you have called these to our attention. The Board deliberated on this matter which concerns use of the name 'anthropology' and 'anthropological science' in a way we believe to be false and misrepresentative of our profession by persons who are not recognized by the American Anthropological Association as professional anthropologists." The statement on the racial issue concluded with this warning by Dr. Willey: "Clearly we do not consider this statement as the only thing we as anthropologists can and should do in this matter, but we look upon it as a basic statement of position and a resource which our officers and all of us may draw upon in the future. For be assured that the several items in the press and elsewhere which have come to your attention...are but the beginning. We must be prepared to persevere in what we believe to be the truth."

*Voter registration
file*

Henry Putzel, Jr., Chief
Voting and Elections Section
Civil Rights Division

September 18, 1961

Burke Marshall
Assistant Attorney General
Civil Rights Division

Voter registration drives

Thank you. I would appreciate it if you would turn your full imagination on the ways in which the federal government and federal employees - or federal property if possible - can encourage voter registration in general, and particularly by minority groups. In this connection, the White House has asked all departments and a number of agencies to respond by October 13 to the following:

Please consider and propose possible measures which your department or agency could appropriately take to support a voter registration drive designed to encourage people to exercise their right to vote, particularly under-registered groups in our society.

July 18, 1961

Mr. W. H. Ferry
The Fund for the Republic, Inc.
Box 4068
Santa Barbara, California

Dear Ping:

I am delighted to hear from you and to learn of your interest in the Highlander Folk School case.

Myles Horton and the School of course have my sympathy. Whether they can dredge a substantial federal question out of their lawsuit is another matter. Covington & Burling are trying to help and the possibility of a Justice Department brief is being given most thorough consideration. It is, however, a very tough case, and we may not have enough to go on.

Please give my warm and affectionate regards to Buchanan and your other colleagues.

With best wishes,

Burke Marshall
Assistant Attorney General
Civil Rights Division

July 18, 1961

Professor Theodore Brameld
School of Education
Boston University
332 Bay State Road
Boston 15, Massachusetts

Dear Professor Brameld:

Thank you for your letter and the expression of interest in the Highlander Folk School matter. The case is receiving our thorough consideration to see if a federal question is presented upon which the Department of Justice could appropriately comment in a brief. If none is, the Department of course can take no action, whatever the value of the work done by the School in the past.

Very truly yours,

Burke Marshall
Assistant Attorney General
Civil Rights Division

(Highlander)

BN:jlc
146-1-70-32

July 19, 1961

Mr. William H. Baldwin
Public Relations Counsel
60 East 42nd Street
New York 17, New York

Dear Mr. Baldwin:

The Attorney General has asked me to reply to your letter of July 11 on the Highlander Folk School case.

The Department is presently studying the record and opinions in this case to determine whether a federal question is presented upon which the United States might appropriately comment to the Supreme Court. If none is presented, there is of course no action that the Department can take. I have personally had considerable discussions with Mr. Horton's lawyers on the matter.

We appreciate your expression of interest and of support for Mr. Horton's conduct of the School's activities.

Very truly yours,

Durke Marshall
Assistant Attorney General
Civil Rights Division

cc: Records
Chrono
Attorney General
Mr. Marshall

Highlander

BM:jla
146-1-70-32

July 19, 1961

Mr. James G. Patton
President, National
Farmers Union
1575 Sherman Street
Denver 1, Colorado

Dear Mr. Patton:

The Attorney General has asked me to
reply to your letter of July 14 on the Highlander
Folk School case.

The Department is presently studying
the record and opinions in this case to determine
whether a federal question is presented upon which
the United States might appropriately comment to
the Supreme Court. If none is presented, there is
of course no action that the Department can take.
I have personally had considerable discussions
with Mr. Norton's lawyers on the matter.

We appreciate your expression of interest
and of support for Mr. Norton's conduct of the
School's activities.

Very truly yours,

Burke Marshall
Assistant Attorney General
Civil Rights Division

cc: Records
Chrono
Attorney General
Mr. Marshall

BM:jle
146-1-70-32

July 19, 1961

Miss Linda Bastian
The Public Spirit
1 Pearl Street
Ayer, Massachusetts

Dear Miss Bastian:

I am pleased to reply to your letter of July 17 on the Highlander Folk School case.

The Department is presently studying the record and opinions in this case to determine whether a federal question is presented upon which the United States might appropriately comment to the Supreme Court. If none is presented, there is of course no action that the Department can take. I have personally had considerable discussions with Mr. Horton's lawyers on the matter.

I appreciate your expression of interest and of support for Mr. Horton's conduct of the School's activities.

Very truly yours,

Burke Marshall
Assistant Attorney General
Civil Rights Division

cc: Records
Chrono
~Mr. Marshall

Highlander

BM:jia
146-1-70-32

July 19, 1961

Lloyd K. Garrison, Esq.
Paul, Weiss, Rifkind
Wharton & Garrison
575 Madison Avenue
New York 22, New York

Dear Mr. Garrison:

I am also looking forward to meeting you on July 28. I have great hopes for the ultimate results of that meeting.

The Department is presently studying the record and opinions in the Highlander Folk School case to determine whether a federal question is presented upon which the United States might appropriately comment to the Supreme Court. If none is presented, there is of course no action that the Department can take. I have personally had considerable discussions with Mr. Horton's lawyers on the matter.

We appreciate your expression of interest and of support for Mr. Horton's conduct of the School's activities.

Very truly yours,

Burke Marshall
Assistant Attorney General
Civil Rights Division

cc: Records
Chrono
Mr. Marshall

Highlander

July 19, 1961

Mr. Walter Johnson
Department of History
The University of Chicago
Chicago 37, Illinois

Dear Mr. Johnson:

Nick Katzenbach has asked me to reply to your letter of July 13 on the Highlander Folk School case.

The Department is presently studying the record and opinions in this case to determine whether a federal question is presented upon which the United States might appropriately comment to the Supreme Court. If none is presented, there is of course no action that the Department can take. I have personally had considerable discussions with Mr. Horton's lawyers on the matter.

We appreciate your expression of interest and of support for Mr. Horton's conduct of the School's activities.

Very truly yours,

Burke Marshall
Assistant Attorney General
Civil Rights Division

cc: Records
Chrono
Mr. Katzenbach
✓ Mr. Marshall

0' Highland
July 25, 1961

Miss Wilma van Dusseldorp
Pine Hills Farm
P. O. Box 144
Roswell, Georgia

Dear Miss van Dusseldorp:

I am pleased to reply to your letter of July 22, 1961, on the Highlander Folk School case.

The Department is presently studying the record and opinions in this case to determine whether a Federal question is presented upon which the United States might appropriately comment to the Supreme Court. If none is presented, there is of course no action that the Department can take.

I appreciate your expression of interest in the matter.

Very truly yours,

Burke Marshall
Assistant Attorney General
Civil Rights Division

Highlander

BN:jls
146-1-70-32

July 28, 1961

Mr. James M. Dabbs, President
Southern Regional Council, Inc.
Rip Raps Plantation
Mayesville, South Carolina

Dear Mr. Dabbs:

The Attorney General has asked me to
reply to your letter of July 23 on the Highlander
Folk School case.

The Department is presently studying
the record and opinions in this case to determine
whether a federal question is presented upon which
the United States might appropriately comment to
the Supreme Court. If none is presented, there is
of course no action that the Department can take.
I have personally had considerable discussions
with Mr. Horton's lawyers on the matter.

We appreciate your expression of interest
and support.

Very truly yours,

Burke Marshall
Assistant Attorney General
Civil Rights Division

cc: Records
Chrono
Attorney General
✓ Mr. Marshall

BN:jle
146-1-70-32

AUG 3 1961

Cecil D. Branstetter, Esq.
Crowover, Branstetter & Polk
216 Third Avenue, North
Nashville 3, Tennessee

Re: Highlander Folk School v.
State of Tennessee ex rel.
A. F. Sloan

Dear Cecil:

We have given very thorough and earnest consideration to the request that the United States support by way of an amicus brief the petition for certiorari which you intend to file in the above case this week. I am sure that it is unnecessary to state that the consideration has been sympathetic and that we have given full weight to every factor which would support the United States in taking such action.

We have concluded that there is no sound basis on which the United States could file an amicus brief in this case. In part this is due to the very great difficulties which exist in establishing the existence of any federal question at all. I know that you are as aware of this difficulty as I am. An additional obstacle, however, which we found it impossible to overcome is in not finding a general question in the case of interest to the United States, or any general question which could be put to the Supreme Court in terms which affected other matters of legal interest to the United States.

In the course of our consideration of this matter, I have discussed it fully with the Solicitor General. We both independently and in conference arrived at the same conclusion.

cc: Records
Chrono
✓ Mr. Marshall

- 2 -

I realize that this decision will be a disappointment to Mr. Horton. I hope that you will nevertheless let me express my best wishes for success in your efforts on his behalf.

Very truly yours,

Burke Marshall
Assistant Attorney General
Civil Rights Division

bcc: Mr. Charles A. Morsky

March 27, 1962

Mr. Charles F. McDew
Student Nonviolent Coordinating Committee
197 1/2 Auburn Avenue, N. E.
Atlanta 3, Georgia

Dear Mr. McDew:

In answer to your kind letter of March 13, I regret that I will be unable to accept your invitation to address the Student Nonviolent Coordinating Committee Conference April 28. My schedule for the spring months has been unusually heavily outlined since my return from abroad and the plans for April leave me no room for further commitments. I am sorry that I must decline your offer and hope that you will convey my regrets to the members of the committee.

Sincerely,

Attorney General

BKM:n

cc: Burke Marshall