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THE POLITICS OF CIVIL RIGHTS IN THE
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DISSERTATION

Presented in Partial Fulfillment of the Requirements for
the Degree Doctor of Philosophy in the Graduate
School of The Ohio State University

By

William Carl Berman, B. A., M. A.

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The Ohio State University
1963

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INTRODUCTION

During the 1930's large numbers of Negro voters joined the Democratic party to support Franklin Roosevelt's New Deal. Their presence in the party sparked some Northern Democratic liberals to fight for the passage of civil rights legislation, a move which was bitterly resented, and actively opposed, by Congressmen from the South; thereafter, the intra-party conflict between advocates and opponents of civil rights legislation grew in intensity. President Roosevelt, who was afraid of offending powerful Southern Congressmen, tried to side-step the issue. But in June 1941 grassroots Negro pressure compelled Roosevelt to issue an executive order creating a Federal Fair Employment Practices Committee. The President's action signified that a new political situation had developed—the Negro voter was now capable of playing an influential role in national politics.

President Harry Truman inherited the unresolved civil rights issue from the Roosevelt Administration, without, however, inheriting the immense good will and

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affection most Negroes felt for his predecessor. To gain their support, Truman would have to identify himself with the cause of civil rights, even at the risk of dividing his own party. This dissertation attempts to reconstruct the historic situation which made it necessary for Truman to seek Negro support during the years he served as President of the United States, and to analyze the methods he used to extend and secure the civil rights of American Negroes.
CHAPTER I
THE EMERGENCE OF A NEW POLITICAL PROBLEM

For almost two generations following the Civil War, Negro voters remembered that Abraham Lincoln and the Republican Reconstruction Congresses had been their benefactors. The first apparent break in Negro voting habits did not occur until 1928, at which time more than a few urban Negroes endorsed New York Governor Al Smith's Presidential bid. ¹ Still, most Negroes cast their ballots for the Republican candidate Herbert Hoover. Not even the depression shook traditional loyalties of a majority of Negroes; they voted once more for Hoover in 1932. ² Yet it was a reduced majority which rallied to the standard of the Republican incumbent. Even though Franklin Roosevelt received less than a quarter of the Negro votes in Chicago and Cleveland, he, nonetheless, carried Negro wards in Manhattan, Pittsburgh, Detroit, and Kansas City (Missouri). ³ In the election of 1936 Negroes deserted the Republican party to vote en masse for Roosevelt; and Wendell Wilkie's efforts notwithstanding, a majority of Negroes stayed

²Ibid.
³Ibid.
with Roosevelt in 1940.\(^4\) (Gunnar Myrdal examined the 1940 election returns from fifteen Negro wards located in nine different cities and discovered that Roosevelt had won fourteen; whereas he took only nine in 1936 and four in 1932.)\(^5\)

Negroes had good cause to vote for Roosevelt in 1936 and 1940. Their economic suffering, stemming from unemployment and discrimination, had been mitigated because New Deal agencies, such as the Works Project Administration and the Farm Security Administration, provided them with work and relief. Although the favorable treatment accorded Negroes by these agencies was an exception rather than the rule, it was enough to convince most Negroes that Roosevelt's reforms were also meant for them.\(^6\)

Perhaps the most important action taken by the Roosevelt Administration in the field of civil rights prior to the period of defense mobilization was initiated by Attorney General Frank Murphy. On February 3, 1939, he authorized the

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\(^5\)Ibid.

\(^6\)"The most important contribution of the Roosevelt Administration to the age-old color line problem in America has been its doctrine that Negroes are a part of the country as a whole. The inevitable discrimination notwithstanding, this thought has been driven home in thousands of communities by a thousand specific acts. For the first time in their lives government has taken on meaning and substance for the Negro masses." *The Crisis*, XLVII, (November, 1940), 18.
establishment of a Civil Rights Section within the Justice Department as a means of defending the civil rights of all citizens:

In a democracy, an important function of the law enforcement branch of government is the aggressive protection of fundamental rights inherent in a free people.

In America these guarantees are contained in expressed provisions of the Constitution and in acts of Congress. It is the purpose of the Department of Justice to pursue a program of vigilant action in the prosecution of infringement of these rights.

It must be borne in mind that the authority of the Federal Government in this field is somewhat limited by the fact that many of the constitutional guarantees are guarantees against the abuses by the Federal Government itself or by the State Government, and are not guarantees against infringement by individuals or groups of individuals. To carry out this mandate, the Justice Department instituted suits in the Federal courts to expand the Federal Government's jurisdiction in the field of civil rights. For example, it petitioned the Supreme Court to declare unconstitutional those statutory provisions which denied Negroes the right to vote in Southern primaries. Though such moves were time-consuming, they placed the moral authority and political power of the United States Government behind attempts to modify or nullify laws which sanctioned discrimination, particularly as they applied to voting rights.

Though Murphy's order was scrupulously divorced from politics, President Roosevelt's Executive Order 8802, which created a Federal Fair Employment Practices Committee, hereafter known as FEPC, was the product of much political controversy. Roosevelt issued his unprecedented order on June 25, 1941, in the period of defense mobilization to placate A. Philip Randolph, leader of the March on Washington Movement, who had threatened to bring 100,000 Negroes to Washington to agitate for an FEPC. The fact that Roosevelt released this executive order had a two-fold significance: one, Negroes now demonstrated that they could function as an effective pressure group; two, the government gave notice to the country that Negro labor would be utilized in defense production.

Once Northern Negroes obtained jobs in defense plants, Southern Negroes began to migrate to the North and West in order to find similar employment. Between 1941 and 1946 over a million Southern Negroes settled in such cities as Chicago, Detroit, Cleveland and Los Angeles, thereby increasing both numerical strength and political influence of Northern Negroes, who, according to the 1940 census figures, had already comprised no less than four to five per cent of all potential

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voters in such major industrial states as New York, New Jersey, Pennsylvania, Ohio, Michigan, and Illinois. It was an important development, the long range implications of which did not escape John Temple Graves, a Southern journalist:

It means from now on the Democratic party will be competing for what has heretofore belonged to the Republicans. And because the vote represents something near a balance of power in balance-of-power states, it means also that Northern Negroes may become more important than Southern whites in the party of the white South's long allegiance.

Despite the creation of the Civil Rights Section and the establishment of FEPC, President Roosevelt rarely supported or endorsed any civil rights legislation. Nor was he willing to attack rhetorically the manifold forms of discrimination which pervaded American society. Roosevelt pursued this policy of non-involvement in order to avoid open political conflict with the majority of Congressional Southern Democrats, whose votes he needed to assure the success of his economic program. Because Roosevelt's political alliances in Congress made it tactically impossible for

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12 Moon, p. 22.

13 There was an exception, however; on the day of his death, April 12, 1945, he endorsed a permanent Fair Employment Practice Committee Bill. See Louis Ruchames, Race, Jobs, & Politics, (New York: Columbia University Press, 1953), p. 126.

14 Again, there was an exception; at a press conference on February 13, 1942, he attacked the poll tax. See Samuel Rosenman (ed.), The Public Papers and Addresses of Franklin Roosevelt, (New York: Random House, 1952), p. 96.
him to become the spokesman for, let alone the initiator of, a federally sponsored civil rights campaign, he capitulated to what he construed to be the politics of necessity long before the conservative coalition had been organized to thwart his New Deal program.\(^{15}\)

One member of the United States Senate who generally supported that New Deal program in the 1930's was Harry Truman, the junior Senator from Missouri. Unlike President Roosevelt, Senator Truman could not eschew an active interest in civil rights legislation because a peculiar political configuration in his home state made it imperative for him to be committed to the defense of civil rights. Why it could not be otherwise Truman explained to a Southern Senator in 1938, during a period when the Senate was debating an antilynching measure. "You know I am against this bill, but if it comes to a vote I'll have to be for it. All my sympathies are with you but the Negro vote in Kansas City and St. Louis is too important."\(^{16}\)

That Negro vote, which Truman could not ignore, represented approximately 130,000 ballots and was strategically concentrated in the two largest cities in Missouri, St. Louis and Kansas City.\(^{17}\) In the latter city, the Negro wards were intimately associated with the Pendergast machine, thus making


\(^{17}\)Myrdal, p. 488.
them a potent force in local Democratic party politics. In other words, candidates for public office in Jackson County, as well as the state at large, would be politically handicapped if they failed to obtain Negro support.

Appreciating the political endorsement which the Negro electorate gave him in his successful Senatorial campaign of 1934, and wishing to retain it for future elections, Senator Truman joined the liberal bloc whenever a civil rights bill was considered by the Upper House. But he never had the opportunity to vote directly on any specific civil rights legislation—since Southern filibusters frustrated all attempts to bring such bills to a roll call vote. Nevertheless, on two occasions during the Seventy-Fifth Congress, Truman signed cloture petitions and endorsed motions to close debate on H.R. 1507, the Antilynching bill, and thus indirectly put himself on record as favoring such legislation.18 (Both motions were defeated on January 27, 1938, and February 16, 1938, respectively.)19 During the Seventy-Sixth Congress, in 1940, he supported an amendment to Selective Service Act to prevent discrimination against members of minority groups who wished to volunteer for service in the armed forces.20

18 Stephen Spingarn File, Harry S. Truman Library.
19 Ibid.
This, then, was the extent to which Truman was able to create a civil rights voting record while serving his first term in the Senate.

Combining that slight civil rights record with a strong endorsement of New Deal economic legislation, Harry Truman appeared ready in 1940 to seek re-election; but, he first had to win renomination in the Democratic primary. His chances were not particularly good because Tom Pendergast—the man most responsible for his success in politics—had lost control of Jackson County, the county which had provided Truman with his margin of victory in 1934. (Pendergast had been indicted and convicted in 1939 by the Federal Government for falsifying his income tax returns, thus bringing an end to his political power in Kansas City.) Truman also failed to obtain the endorsement of President Roosevelt, who privately supported Governor Lloyd Stark's senatorial aspirations. It was rumored that the President, thinking Truman's party position was weak, offered him a federal sinecure as an inducement to withdraw quietly from the race.22

Thus faced with bleak prospects, Truman entered the fray knowing that his future rested on whatever decision the voters made in the primary. He campaigned tirelessly and

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endlessly throughout the state, entered into and withdrew from alliances in an attempt to build a working coalition to defeat Governor Stark and the other candidate, Maurice Milligan, and defended his record with the vigor and salty humor for which he was to become famous eight years later. Finally, with the assistance of Robert Hannegan, who organized the St. Louis vote, Truman managed to eke out a tight primary victory over his two opponents—the plurality of which was 7,000 votes. In the general election Truman won by a 44,000 plurality.

In light of later developments, one of the more significant civil rights pronouncements Truman made during that election year was delivered on June 15, 1940, at Sedalia, Missouri:

I believe in the brotherhood of man; not merely the brotherhood of white men; but the brotherhood of all men before the law. I believe in the Constitution and the Declaration of Independence. In giving to the Negroes the rights that are theirs, we are only acting in accord with ideas of a true democracy. If any class or race can be permanently set apart from, or pushed down below the rest in political and civil rights, so may any class or race when it shall incur the displeasure of its more powerful associates, and we may say farewell to the principles on which we commit our safety.

By limiting his speech to a discussion of the principle of equality, he avoided making any programmatic commitment which might have threatened the Jim Crow structure of his native

23 Ibid., p. 156.
24 Senatorial Speech File, Harry S. Truman Library.
state. Still, in its own way, the Sedalia address was a quiet affirmation of his belief in and devotion to the cause of political democracy.

Perhaps a fuller exposition of his civil rights views was contained in a speech he gave to the National Colored Democratic Association in Chicago on July 14, 1940.

I wish to make it clear that I am not appealing for social equality of the Negro. The Negro himself knows better than that, and the highest types of Negro leaders say quite frankly that they prefer the society of their own people. Negroes want justice, not social relations.

We all know the Negro is here to stay and in no way can be removed from our political and economic life and we should recognize his inalienable rights as specified in our Constitution. Can any man claim protection of our laws if he denies that protection to others?25

This speech, when measured against typical southern utterances on civil rights, is a model of restraint and decency. At least Truman recognized that there was serious disparity between the professed beliefs of the American people and their actual behavior. Moreover, he understood that an adequate solution of the problem required the steady application of the judicial principle of equal justice under the law. Again, as at Sedalia, he neglected to offer any concrete recommendations to implement such a principle.

During his second term in office Truman became nationally prominent through his chairmanship of the Senate's Special Committee Investigating the National Defense Program.

25 Ibid.
While serving his second term Truman gave his unqualified support to all legislation designed to finance the activities of the FEPC. He also voted, both in 1942 and 1944, for cloture to terminate debate on poll tax filibusters.26

The 1944 Democratic convention was doubtless the turning point of Senator Truman's career. He attended that convention to rally support for James Byrnes's Vice Presidential candidacy. But Byrnes stood little chance of winning the nomination because his racist views were totally unacceptable to the strong liberal bloc, which was still committed to Henry Wallace. Wallace's position as front runner for the nomination had been undermined by the big city bosses, particularly Ed Flynn of New York City, and presumably by the Southern Bourbons as well. They had convinced Roosevelt, before the convention, that his election chances would be jeopardised if Wallace remained on the ticket. Thus Roosevelt had to find a suitable replacement for Wallace, one who would not antagonize the liberals, and yet could calm southern fears about the race question. That candidate, as it turned out, was Harry Truman;27

Truman was entirely acceptable to the South, not because he shared its racial attitudes, but because he appeared to value

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26 Ibid.

party harmony more than civil rights. Truman, it must be understood, was a New Dealer by necessity, and a political moderate by inclination. This dual character guaranteed his success, for he seemed to be the only available candidate who could reconcile both wings of the Democratic party. As Lubell suggests, it was the nomination of Truman, or someone like him, which may have prevented the dissolution of the Democratic party into two permanently warring factions.28

On the other hand, Wallace's reputation as a militant defender of civil rights played a major role in his defeat in 1944. He had not equivocated on this issue when he spoke to the convention:

The future belongs to those who go down the line unswervingly for the liberal principles of both political democracy and economic democracy regardless of race, color, or religion. In a political, educational and economic sense there must be no inferior races. The poll tax must go. Equal educational opportunities must come. The future must bring equal wages for equal work regardless of sex and race.29

Such strong opinion had further intensified the South's hatred for him, thus making his political demise that much more predictable once the roll call of the states began.

In order to avoid alienating Negro voters, who might have resented Wallace's convention defeat, Truman, during the last stages of the campaign, championed the cause of civil rights. Speaking at a Liberal party rally in New York

28Lubell, p. 21.

29Shannon, p. 474.
on October 31, 1944, he affirmed that "in supporting the President in these broad programs for human liberty and tolerance, no man in the United States Senate has a more consistent voting record than myself." Next, Truman stated he had voted for a federal antilynching law, supported federal legislation to outlaw the poll tax, and had endorsed FEPC appropriations.

Of significant interest in this election was the role played by those Negro voters to whom Truman, ostensibly speaking for Roosevelt, had appealed. A number of Negro newspapers, such as the Pittsburgh Courier, The Baltimore Afro-American, and The New York Amsterdam News, had endorsed Thomas E. Dewey, the Republican Presidential candidate. Nevertheless, many Negroes, including such prominent spokesmen and leaders as W. E. B. DuBois, Channing Tobias, William Hastie and Charles Johnson, sided with Roosevelt, even though they were upset by his failure to support Wallace for renomination, and his reluctance to press for more than a token civil rights plank in the 1944 Democratic platform. In addition to these men, hundreds of thousands of other Negroes also voted for Roosevelt and gave him the margin he needed for victory. However, if there had been a shift of 303,414 votes in fifteen non-southern states, Dewey would have captured the 175 electoral votes needed for election. In eight of those fifteen

30 Senatorial Speech File, Harry S. Truman Library.
31 Ibid.
32 Moon, p. 34.
states it was the Negro vote which placed them in the victory column of the Democratic party.\textsuperscript{33}

Following the death of Franklin Roosevelt on April 12, 1945, Harry S. Truman became President, and thus inherited the many unresolved international and domestic problems, not the least of which was civil rights. At his first Presidential press conference on April 17, 1945, he was queried about his civil rights position. Truman's answer was characteristically brief and to the point: "I will give you some advice. All you need to do is read the Senate record of one Harry S. Truman."\textsuperscript{34} A significant aspect of that record, which has been indicated, was his endorsement of FEPC, one of the most controversial of federal wartime agencies.

FEPC had been created by Executive Orders 8802 in 1941 and 9346 in 1943, and was financed until 1944 out of the President's Emergency Fund.\textsuperscript{35} The President's authority to grant funds to specific executive agencies without Congressional approval had been curtailed, however, with the attachment of the Russell Amendment of 1944 to the Independent Offices Appropriation Act of 1945.\textsuperscript{36} This amendment was

\textsuperscript{33}\textit{Ibid.}, p. 35.

\textsuperscript{34}\textit{Press Conference, April 17, 1945, White House Press File, Harry S. Truman Library.}


\textsuperscript{36}\textit{Ibid.}, p. 173.
designed deliberately to destroy the executive autonomy of
FEPC, as well as other governmental agencies created by
Executive Order, since it required the President to seek
Congressional appropriations for all executive expenditures.
Therefore, unless the President could wheedle funds from
a recalcitrant Congress to support such agencies as FEPC,
they soon would be faced with extinction. Congress, after
much debate, did appropriate $500,000 for the FEPC in 1944,
but in 1945 the agency's future was seriously threatened
when the House Appropriations Committee deleted from the
Wartime Agencies Appropriations Bill of 1946 all funds which
President Roosevelt had asked for it. 37 Only after a series
of House and Senate compromises—which drastically altered
the Roosevelt request--did the FEPC receive the token sum of
$250,000 to continue its work for no longer than one additional
year, since the bill, which became law on July 13, 1945,
stipulated "that in no case shall this fund be available for
expenditure beyond June 30, 1946." 38 Hence, Congress had
sounded the death knell for the wartime FEPC by passing the
Wartime Agencies Appropriations Bill of 1946.

President Truman acquiesced in this Congressional
action, i.e., he never challenged Congress' decision to termi­
nate it. On the other hand, Truman did endorse all Congression­
al efforts to create a permanent FEPC; his views on this matter

37 Ibid., p. 122.
38 Ibid., p. 129.
were contained in a letter of June, 1945, sent to Congressman Adolph Sabath, Chairman of the House Rules Committee, and a friend of FEPC. The President declared: "... To abandon at this time the fundamental principle upon which the FEPC committee was established is unthinkable .... The principle and policy of fair employment practice should be established permanently as a part of our national law." 39

On the same day Truman also wrote to Senator Dennis Chavez, the leader of the FEPC bloc in the Senate, informing him that "as soon as it becomes appropriate in the Senate, let me know and I shall send you a similar letter." 40 Yet, in spite of the Presidential espousal of a permanent FEPC, there was little likelihood that the House would give statutory authority to FEPC once the House Rules Committee by a tie vote had succeeded in blocking, on June 12, 1945, all attempts to obtain a floor vote on Congresswoman Mary Norton's bill. 41

Although Congress had blocked action on a permanent FEPC bill, the President stood to gain additional political support from liberals who had been favorably impressed with his June 5th letter to Congressman Sabath; and according to a White House mail analysis, the several thousand messages

39 Harry S. Truman to Adolph Sabath, June 5, 1945, Truman Papers, Harry S. Truman Library.

40 Ibid.

41 Ruchames, p. 126.
which he received in reference to the letter indicated that it "had established him as a liberal in the eyes of liberals. Prior to the letter, letter writers asked him to follow in President Roosevelt's footsteps. Afterward, they praised him for his independent and courageous stand."\(^4\)

Whether Truman deserved the plaudits of liberals "for his independent and courageous stand" is another question. Louis Ruchames, a historian of FEPC suggests otherwise:

In passing, it may be mentioned that although the President's letter was acclaimed as an important contribution to the struggle for an FEPC appropriation and for the creation of a permanent FEPC, the hosannas which greeted it were not entirely merited. Although it did urge passage of permanent FEPC legislation, it made no request for an appropriation for the existing FEPC which was then fighting for its life. One wonders whether it was the President's intention to speak out on behalf of a bill which had little chance of passing and at the same time do nothing to secure the funds for the existing FEPC, which would have been materially aided by his efforts. Was it perhaps an attempt to curry favor with liberal groups in and out of Congress while at the same time not antagonizing those who opposed FEPC?\(^4\)

This hypothesis points up Truman's dilemma vis-à-vis FEPC in the last half of 1945. The President possibly could have mustered the requisite votes to increase the appropriation for the wartime agency, but if he had resolutely battled the foes of FEPC, in all likelihood his moderately inclined friends in Congress would have deserted him. Yet, if he had

\(^4\)Analysis of Presidential Mail on FEPC, Truman Papers, OF 40, Harry S. Truman Library.

\(^4\)Ruchames, p. 126.
ignored the issue of a permanent FEPC bill, his uneasy friendship with the liberal bloc in Congress would have been threatened. Given his predilection for the politics of stalemate, Truman had no choice but to dodge all firm commitments that might have taken him off dead center. For some time to come, he would do nothing to upset the precarious political equilibrium which had helped to elevate him to the White House.

On September 6, 1945, President Truman submitted his famous 21 point message to Congress to provide it with guidelines for action on pressing social and economic matters.\(^4^4\) This 21 point program was designed specifically to facilitate America's transition from a wartime to a consumer-based economy. Included in the various proposals was another suggestion that Congress create a permanent FEPC:

In the reconversion period and thereafter, we should make every effort to continue this American ideal. It is one of the fundamentals of our political philosophy, and it should be an integral part of our economy.

The FEPC is continuing during the transition period. I have already requested that legislation be enacted placing the FEPC on a permanent basis. I repeat that recommendation.\(^4^5\)

Obtaining passage of such a bill required more than an expression of fine sentiments from the White House. "Unless


the President takes a hand in mobilizing the Administrative forces in the House and Senate behind these bills," wrote A. Philip Randolph on October 10, 1945, to Matthew Connelly, "the opposition, as in the past through filibuster and power politics and other devious tactics, will make a farce out of this whole thing." Representing a loyal FEPC contingent, which included Bishop G. Bromley Oxnam, William Green, and Rabbi Stephen J. Wise, Randolph had sought during October 1945 to arrange an appointment with the President in order to discuss with him the need for prompt Presidential action on behalf of the stalled FEPC legislation. He met with no success, for Truman refused to speak with the Randolph delegation about such a ticklish political matter. The President was reluctant to embrace a cause that might have destroyed him, unless the potential political return for such a step promised to be as great, if not greater, than the risks involved. At this stage of his Presidential career a civil rights campaign on the grand scale obviously had not yet become a politically profitable investment.

Caution and prudence marked the President's every step on questions involving race relations in 1945. Even

46A. Philip Randolph to Matthew J. Connelly, October 10, 1945, OF 40, Truman Papers, Harry S. Truman Library. Randolph was International President of the Brotherhood of Sleeping Car Porters & Co-Chairman of the National Committee For a Permanent FEPC. Matthew Connelly was the President's appointment secretary.

47OF 40, Truman Papers, Harry S. Truman Library.
when the President had an opportunity to challenge existing patterns of racial discrimination in areas which did not need Congressional authorization, he refused to sponsor or sanction anything out of the ordinary. His handling of the Capital Transit Company strike illustrates this point.

Members of the Amalgamated Association of Street, Electric, Railway and Motor Coach Employees of America, Division 639, in November 1945, had called a strike against the Capital Transit Company of Washington, D. C. According to the President, the strike was not authorized since it violated a written contract between the union and the employer, which was not due to expire until June 30, 1946.48 Hence, on November 21, 1945, Truman, operating under still existing wartime authority, seized the company to restore transportation facilities for commuters in the District of Columbia. On November 23, 1945, the FEPC, under the chairmanship of Malcolm Ross, decided to issue a decision directing the company "to cease and desist from practices and policies which have resulted in the denial of employment to Negroes, because of race, as conductors, motormen, bus operators, and traffic checkers."49 On the same day the President received a telegram from Walter White, the executive secretary of the National Association for the Advancement of Colored People,

48Capital Transit Company, OF 272, Truman Papers, Harry S. Truman Library.

49Ibid.
asking him to put into immediate practice the "stated policy of hiring qualified Negroes." Despite the request, on November 24, 1945, the President ordered the committee not to issue its directive.

This action so angered Charles Houston, a member of FEPC, that he resigned from the committee on December 3, 1945. In his letter of resignation to the President, Houston asserted that as long as the Company was under governmental control "the Federal Manager of the Capital Transit system is not only empowered to, but must enforce the national policy of non-discrimination in employment." Furthermore, he suggested that there was more at stake in this case than the question of fair employment of Negroes by the Capital Transit Company: "The failure of the Government to enforce democratic practices and to protect minorities in its own capital makes its expressed concern for national minorities abroad somewhat specious, and its interference in the domestic affairs of other countries very premature." On December 7, 1945, the President in accepting Houston's resignation wrote:

"The law requires that when the Government seizes a property under such wartime circumstances it shall be operated under the terms and conditions of employment...

50Telegram from Walter White to Harry S. Truman, November 23, 1945; OF 272, Truman Papers, Harry S. Truman Library.

51Capital Transit Company, OF 272, Truman Papers, Harry S. Truman Library.

52OP 40, Truman Papers, Harry S. Truman Library.

53Ibid.
which were in effect at the time possession of such plant, mine, or facility was so taken.

... The property was not seized for the purpose of enforcing the aims of the FEPC, laudable as these aims are, but to guarantee transportation for the citizens of Washington and vicinity.

As anxious as I am for Congress to pass legislation for a permanent FEPC, I cannot contravene an Act of Congress in order to carry out the present Committee's aims.54

On December 20, 1945, President Truman issued an executive order which reduced the operating authority of the FEPC.55 This Executive Order 9664, which had been drafted by Attorney General Tom Clark and sent to the President on November 29, 1945, stated:

As part of its duties the Committee shall investigate, make findings and recommendations, and report to the President, with respect to discrimination in industries engaged in work contributing to the production of military supplies or to the effective transition to a peacetime economy.56

Thus operating under a new directive, the FEPC was no longer empowered to release "cease and desist" proclamations: the

54 Ibid.; also see Charles Houston's private memorandum rebutting the points made in Truman's reply, Ruchames, p. 233.

55 Ruchames, p. 130; also see Final Report, Washington, United States Government Printing Office, 1946, p. 102 for the following: "On December 18, 1945, two days before Truman issued Executive Order 9664, he instructed the heads of all governmental departments, agencies, and independent establishments to bring their hiring practices and procedures in accord with national law, and policy, in order to assure all qualified workers holding temporary wartime jobs, that they would be considered for regular appointment without distinction because of race, color or national origin." This directive was never taken seriously by the governmental bureaucracy because the President failed to press for its implementation during the first year of his administration.

56 Of 40, Truman Papers, Harry S. Truman Library.
Truman's order had effectively reduced it to a mere fact-finding agency. By issuing this order the President not only changed the functions of the FEPC, but undermined the ideal of a permanent agency. Truman may have sacrificed FEPC in order to secure the cooperation of the South's support for the rest of his domestic program. One thing was certain: no longer was Truman's New Deal civil rights record an accurate guide for predicting his future course of action, even though he tried to reconcile the liberal principles espoused in the years when he was still a Senator from Missouri with the more complex political realities that confronted him as President.

Certainly one of the stark political realities of the Seventy-Ninth Congress was the power and authority of the conservative coalition which had effectively throttled most of Truman's legislative program. His 21 point program had been drafted to cope with possible economic contingencies of the early postwar period. By the winter of 1946, however, the country was plagued by intense labor-management conflict, conflict which the Truman Administration hoped to resolve with positive Congressional action. When Congress adamantly opposed and rejected Truman's recommendations, the President went to the people via radio, on January 3, 1946, to explain to them why these "grave problems" were not being adequately addressed.

57Harry S. Truman, p. 485.
handled. One of the problems singled out by the President for discussion was FEPC. He suggested, in his talk, that "a small handful of Congressmen in the Rules Committee of the House" had prevented the Norton FEPC bill from reaching a vote by the Congress.\(^58\)

In his State of the Union message of January 21, 1946, Truman once more referred to the need for a permanent FEPC.\(^59\) He received a somewhat negative response to this proposal from unexpected quarters. On January 24, 1946, The New York Times in commenting on the Truman message, editorialized: "If the bill would actually accomplish what its proponents believe it will, we would have no hesitation in urging that it become law with the least possible delay. . . . It is not a pleasant duty to express doubt as to the wisdom and probable efficacy of the Chavez measure."\(^60\)

Truman continued to endorse the bill whenever it was politic to do so. For example, in a letter to A. Philip Randolph, published in part in The New York Times of February 18, 1946, Truman re-affirmed his commitment to the principle of a permanent FEPC. "I want you to know," wrote


\(^{59}\)Ibid., January 22, 1946, p. 17.

the President, "that I regard FEPC legislation as an integral part of my re-conversion program and shall contribute my efforts to give the Congress a chance to vote on it." On February 28, 1946, a Truman spokesman, Louis Schwellenbach, Secretary of Labor, appeared before a huge FEPC rally at Madison Square Garden to endorse, along with Eleanor Roosevelt, Fiorello La Guardia and others, the Norton and Chavez bills, which were then tied up in their respective Congressional committees.

In spite of his many public commitments to FEPC, the President rarely pressured Congress to act on this legislation. Throughout January and February 1946, only once did Truman indirectly criticize the Senate filibuster which made it impossible to obtain a floor vote on a permanent FEPC bill that had successfully cleared committee. And, more important, he failed to rally support for the projected cloture vote sponsored by the proponents of FEPC to terminate the debate on this issue: cloture was denied on February 9, 1946, by a vote of 48 yeas to 36 nays. (Interestingly enough, the February 18, 1946,

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61 Ibid., February 18, 1946, p. 15.
62 Ibid., March 1, 1946, p. 23.
Truman letter to A. Philip Randolph, in which he promised to contribute "efforts" to obtain a vote on FEPC, was sent after the vote had already been taken. Truman simply refused to climb into the political arena to take up the cudgels for such a provocative cause, preferring instead the role of the benevolent spectator who would occasionally verbalize support for civil rights.

It was this penchant for oratory that distinguished him from his predecessor, Franklin Roosevelt; Truman never hesitated to pronounce his steadfast loyalty to the ideas of justice and equality. For instance, speaking spontaneously to a group of Negro newspaper editors at the White House on March 1, 1946, the President remarked:

There are things that are necessary today of course— it is a pity that they have to be done— but there are certain things that are necessary to be done to give us the Bill of Rights as it is written in the Constitution of the United States. We want to see equal opportunity for everybody, regardless of race, creed or color. 66

Because of political pressure or personal whim, Truman sometimes failed to re-affirm a stand which he had taken as a Senator, as is indicated by his remarks about poll tax legislation. Discussing the matter on April 6, 1946, in Chicago, he suggested that poll tax legislation

was a question of state presumption. However, at a White House press conference on April 11, 1946, Truman, attempting to blunt possible public criticism of his April 6 comment, modified his earlier remark by suggesting that there was a legitimate need for both state and federal action on the problem of the poll tax and FEPC—as far as he was concerned, state and federal action complemented one another.

Given the prevailing political conditions, the Truman Administration refused to rescue FEPC from oblivion. This organization, surely one of the uniquely successful creations of the wartime period, finally had to be terminated. President Truman, on May 18, 1946, informed Malcolm Ross, the committee's chairman, that funds were no longer available to sustain further activity. Consequently, on June 28, 1946, Ross and his fellow committee members submitted their resignations to the President. Accompanying this letter was a report, Final Report, which summarized and analyzed the committee's activity subsequent to the period of its first published statement of 1943.

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67OF 465B, Truman Papers, Harry S. Truman Library.

68Ibid., Truman Papers, Harry S. Truman Library; also see Baltimore Afro-American, April 13, 1946, and April 20, 1946.


70OF 40, Truman Papers, Harry S. Truman Library.

71Ibid.
The committee's letter, published as the preface to its survey, Final Report, declared that "in the majority of cases discriminatory practices by employers and unions can be reduced or eliminated by simple negotiation when the work of the negotiator is backed up by firm and explicit national policy."72 "However," the letter continued, "executive authority is not enough to insure compliance in the face of stubborn opposition. Only legislative authority will insure compliance in the small number of cases in which employers or unions or both refuse after negotiation to abide by the national policy of non-discrimination."73

Moreover, the committee's findings indicated that in the period following VJ Day the wartime gains of Negro, Mexican-American and Jewish workers "are being dissipated through an unchecked revival of discriminatory practices." Again, only federal legislation, in the committee's opinion, would prevent a complete collapse of those humane employment standards which were established because of the emergency.74 The Chief Executive, in accepting the committee's letter and report, stated: ". . . the degree of effectiveness which FEPC was able to attain has shown once

73 ibid., p. vi.
74 ibid.
and for all that it is possible to equalize job opportunity by governmental action, and thus eventually to eliminate the influence of prejudice in the field of employment."75

Following the demise of FEPC, the President felt that, "in the absence of a FEPC statute, ... steps should be taken to insure compliance with this policy of non-discrimination in Federal service and by government contractors."76 On July 22, 1946, in an attempt to initiate some action on this matter, Truman authorized David Niles, his administrative assistant on minority problems, not only to prod the various federal agencies into investigating all alleged charges of discrimination, but also to rectify all legitimate grievances.77 There is no record to indicate that the President's instructions were implemented, nor is there any evidence to suggest that Truman himself inquired why a report from Niles was not forthcoming. It can be assumed that owing to the indifference of his assistant, Mr. Niles, or to his own lack of concern, Truman failed to challenge discriminatory employment practices carried on by the government.78

75 Memorandum from Harry S. Truman to David K. Niles, July 22, 1946, Philleo Nash Files, Box 21, Harry S. Truman Library.
76 Memorandum from Harry S. Truman to David K. Niles, July 22, 1946, Philleo Nash Files, Box 21, Harry S. Truman Library.
77 Ibid.
Still, Truman scored a civil rights triumph of sorts with his successful "purge" of Representative Roger Slaughter of Missouri's Fifth Congressional district, i.e., Kansas City and environs. As a member of the House Rules Committee, Slaughter had broken a tie vote on the Norton FEPC bill by voting with the opposition, thus preventing the bill from reaching a floor vote.\(^7^9\) Apparently this act so incensed the President that on July 18, 1946, at a White House press conference, he proclaimed his opposition to Slaughter's re-nomination in the Democratic primary. "If Slaughter is right, then I am wrong," said the irate President, who then announced that he and James Pendergast, the heir to Tom Pendergast's political estate, would support Enos A. Axtell, a complete political unknown, for the Democratic nomination.\(^8^0\) The third candidate, Jerome Walsh, an avowed liberal, evidently did not appeal to Truman; (Walsh had lost the Democratic party nomination in 1944 by a mere 1105 votes because of the support James Pendergast had given to his opponent, Roger Slaughter.)\(^8^1\) Axtell, thanks to the public support of the President and the efforts of Pendergast, won the primary by 2300 votes; his victory, however, was sullied by evidence of voter irregularities and

\(^7^9\) *The Crisis*, September 1946, p. 265.


\(^8^1\) *Ibid.*, August 6, 1946, p. 15.
fraud stemming from the unscrupulous activity of the Pendergast machine working in his behalf. He was defeated by his Republican opponent, A. L. Reeves, in the November general election.82

Truman's willingness to challenge Slaughter was the first indication that he was not only a verbal supporter of civil rights, but, if the situation was right, could become politically engaged as well. Throughout his first year in office, President Truman, according to an editorial in the Pittsburgh Courier, had manifested "friendship for the Negro people" but "had produced but little in racial advancement."83 Other than to nominate William Hastie as the Governor of the Virgin Islands,84 occasionally proclaim his support of FEPC legislation, and attack in muted tones the Southern filibusters directed against civil rights legislation, Truman evinced no willingness to fight for the principles he espoused. With the exception of the Slaughter case, which really had local rather than national significance, he avoided, with political skill and verbal dexterity, any direct confrontation with civil rights issues construed as political problems.

82 Milligan, p. 258.
83 Pittsburgh Courier, April 27, 1946, p. 1.
84 President Truman had nominated Hastie on January 5, 1946, see The New York Times, January 6, 1946, p. 10; his nomination was approved by the Senate on May 1, 1946, The New York Times, May 12, 1946, VI, p. 50.
Nevertheless, there was a burgeoning social crisis gripping America. 85 Responsible and politically conscious Negro leaders were beginning to ask in the spring and summer of 1946 how long the President of the United States would refuse to take cognizance of the quickly deteriorating racial situation, North and South, as indicated by the fresh outbreak of lynching and other forms of violence. 86

President Truman was to answer this question with a surprising display of executive initiative and moral courage. Suddenly, because of the complex interaction of international with domestic pressures, the White House had been touched by one of the great currents of the Twentieth Century: "the revolution of rising expectations."

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85 Carey McWilliams, Brothers Under the Skin, (Boston: Little Brown, 1951), p. 29.

CHAPTER II
TRUMAN CREATES A COMMITTEE

In the months following World War II the southern social scene was marked by heightened racial conflict which had been partly precipitated by the Negro's efforts to obtain the franchise in states where he had not voted for decades.¹ In Mississippi, Negroes—though not in large numbers—sought to register; in Georgia, too, thousands of registered Negroes actually managed to vote against Governor "Gene" Talmadge, the high priest of racism of that state.²

These efforts to achieve some sort of political breakthrough in the South were endorsed by President Truman in a message of June 26, 1946, to the annual convention of the National Association for the Advancement of Colored People (hereafter known as NAACP): "The ballot is both a

¹Carey McWilliams, Brothers Under the Skin, (Boston: Little Brown, 1951), p. 29; apparently the impetus for this drive for greater enfranchisement had been provided by the landmark decision of the Supreme Court in the Smith v. Allwright case of 1944. The Court rule in this case that the white primary—a key institutional prop of the Jim Crow social system—no longer could be constitutionally justified, thereby removing one of the major legal obstacles that prevented Negroes from voting in primary elections: For a discussion of the political implications of this case, see V. O. Key, Jr., Southern Politics, (New York: Random House, Carayelle Edition, 1962), pp. 624–626.

²McWilliams, p. 31.
right and a privilege. The right to use it must be protected and its use by everyone must be encouraged. Lastly, every veteran and every citizen, whatever his origin, must be protected from all forms of organized terrorism." 3 Whether he had the courage to do more than condemn "organized terrorism" would soon be determined by the events occurring only a month after his message had been transmitted to the NAACP meeting.

On July 20, 1946, two Negro couples were murdered by a mob of whites as they were driving out of Monroe, Georgia. 4 This act of vigilante violence produced a shock which reverberated throughout the nation. 5 The White House soon became involved, for Negro and white organizations besieged the President with demands that he authorize the Department of Justice to arrest and indict the individuals responsible for the Monroe murders. 6 In addition, he was asked by the Negro Newspapers Publishers Association to seek Congressional action on antilynching legislation so as "to restore and preserve law and order in America." 7 Finally, to

6 Ibid., July 31, 1946, p. 28.
7 Ibid., July 28, 1946, p. 12.
dramatize the seriousness of the situation as far as Negroes were concerned, fifty women from the NAACP, on July 30, 1946, picketed the White House while carrying banners which read: "Speak! Speak! Mr. President!" and "Where is Democracy?"  

Responding to the pressure of liberal and labor elements, President Truman, on July 30, 1946, released a statement through the office of Attorney General Tom Clark, which informed the country that he was horrified by the Monroe murders, and that he had instructed the Justice Department to investigate "this or any other crime of oppression, and to ascertain if any Federal statute can be applied to the apprehension and prosecution of the criminals."  

The President added emphasis to his July 30th statement when he remarked at his press conference of August 1, 1946, that as a Senator he always voted for antilynching legislation every time it came up; and when questioned once more about the Monroe case at his August 9th press conference, Truman indicated that the Justice Department investigation was moving ahead "with all possible energy.

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8 Ibid., July 31, 1946, p. 48.
9 Ibid., July 31, 1946, p. 48.
11 Truman, p. 409.
Despite the Administration's willingness to prosecute the Monroe murderers, the Justice Department was handicapped because it lacked a proper legal base from which to operate. The Criminal Code, Title 18, as it existed in 1946, contained only three sections, 51, 52, and 444, which provided the Federal Government with the necessary, though restricted, authority to function as a defender and protector of individual civil rights.\textsuperscript{12}

Section 51 generally protected civil rights created specifically by federal statute, for example, social security and labor's right to organize for collective bargaining. It did not provide the proper statutory authority with which to protect those civil rights embodied in the Fourteenth Amendment, civil rights which the Supreme Court had ruled in the Slaughterhouse case of 1873 to come under state rather than federal jurisdiction. Section 52 could only be utilized to prosecute federal or state officials who willfully misused their power or office to deprive individuals of rights guaranteed by the Bill of Rights and the Fourteenth Amendment. It was difficult, though, for the federal government to prove that a federal or state official had willfully

impinged upon the rights of private citizens since the courts rarely permitted Section 52 to be applied.\textsuperscript{13} (In fact, until 1940 there were only two reported cases based on Section 52.)\textsuperscript{14} Section 444 was limited to antipeonage cases.

The Administration's attempts to solve the Monroe murders were frustrated by existing law, nor could legal weapons be readily applied to prevent a repetition of another such incident. Still, the growing political strength of Northern Negroes required that something be done to cope with the probability of further violence in the South.

It is not likely that the President would find a suitable solution in the Seventy-Ninth Congress, then preparing for its pre-election adjournment. For the vote on the bill to extend FEPC demonstrated that this Congress was not disposed to favor civil rights legislation. Perhaps Truman could have requested Congress to consider such action in order to enhance America's standing within the world community. He was unwilling to do so, since the political sensibilities of Southern Democrats, whose support he needed

\textsuperscript{13}\textit{Ibid.}, p. 118.

\textsuperscript{14}\textit{Ibid.}, p. 118; to compound the Justice Department's difficulties, the Supreme Court's ruling in \textit{Screws v. United States} in 1945 further narrowed the legal grounds on which alleged violators could be prosecuted. In the \textit{Screws} case the Court said that a person could not be prosecuted under Section 52 unless there was evidence that he knew of the existence of a specific federal right and willfully intended to deprive his victim of that right. See \textit{United States Commission on Civil Rights}, Report \#5 \textit{Justice}, (Washington, United States Government Printing Office, 1961), pp. 45-51.
in the upcoming Eightieth Congress, would have been offended. Yet, Truman, presumably looking forward to the 1948 Presidential election, realized that his national constituency was of a different character than the one which sent James O. Eastland of Mississippi or Eugene Cox of Georgia to the Congress. Faced with a profound political dilemma whether or not to act on civil rights legislation, Truman bided his time while waiting for the opportune moment to placate the liberals without giving umbrage to the South.

The President met at the White House on September 19, 1946, with the National Emergency Council Against Mob Violence, whose chief spokesman was Walter White, the executive secretary of the NAACP. The committee delivered to the President a petition which requested that he call a special session of Congress to pass laws against mob violence, concentrate efforts to apprehend lynchers, and to "rouse the American people by radio, press and other media to oppose actively every form of violence." In addition, members of the committee, including Dr. Channing Tobias of the Phelps-Stokes Fund and James Carey of the CIO, apprized the President of the details of racial violence occurring in the South, and informed him that hate literature of all sorts was inundating the country. At the conclusion of the committee's recapitulation of these recent events, the President exclaimed,

"My God! I had no idea that it was as terrible as that! We have to do something. . . everyone seems to believe that the President by himself can do anything he wishes on such matters as this, but the President is helpless unless he is backed by public opinion."¹⁶ David K. Miles, Truman's administrative assistant, then suggested that a committee be created to investigate the problem and to recommend a program of corrective action. When Walter White remarked that Congress might bottle-up such a proposal, the President replied that he would create the committee by executive order and finance it out of the President's contingent fund.¹⁷

Walter White and his associates must have been pleased with the President's offer to create a civil rights committee. Actually the President and David Miles, his assistant, had planned beforehand to introduce this proposal at a propitious moment of the September meeting.¹⁸ By promising to create such a committee, Truman hoped that men of high standing in America's liberal community would see him as one who shared their moral frame of reference. At the same time, the President was doubtless aware that such

¹⁶Ibid., pp. 330-331.
¹⁷Ibid.
¹⁸Interview with Philleo Nash in Washington, D.C., on June 29, 1962; the idea for the committee had been originally suggested by former Secretary of the Interior Harold Ickes, and former Attorney General Francis Biddle in 1942.
an executive order could provide him with a two-way resolution of a political dilemma: first, he could manifest his commitment to liberal values, and thus strengthen his position with Northern liberals; second, since the order would not commit him to sponsor a program calling for political action, he need not fear that it would unnecessarily alienate the Southern Democrats.

The President's unwillingness to antagonize the South was revealed in a discussion he had with representatives of the National Conference on Lynching on September 23, 1946.19 When Paul Robeson, the committee's spokesman, requested that the Chief Executive issue a formal statement protesting lynching, and also support a definite legislative and educational program to end mob violence, Truman indicated that the political situation made it difficult to issue a statement of his views at that time. In order to obtain passage of an antilynching law, suggested the President, political timing was important.20 (Truman might have felt that he had no political base from which to move even if he had wanted to--the situation in Congress would have to change before such a step could be warranted.)

19The New York Times, September 24, 1946, p. 60; the delegation presented a letter from Albert Einstein to the President which contained the following statement: "Security against lynching is one of the most urgent tasks of our generation." See Fiske University publication, Race Relations, October, 1946, p. 78.

Despite Truman's reluctance to initiate legislative action on civil rights, he still publicized his verbal commitment to the principle of equal justice under the law. In a message sent on September 24, 1946, to an Urban League convention, then being held in St. Louis, the President stated that "if the civil rights of even one citizen are abused, government has failed to discharge one of its primary responsibilities."21 He further declared that "we as a people must not, and I say to you we shall not, remain indifferent in the face of acts of intimidation and violence in our American communities."22

The first sign that the Administration was taking its primary "responsibilities" more seriously following the Truman message to the Urban League appeared in a letter sent from Attorney General Tom Clark to the President on October 11, 1946. He suggested that Truman issue an executive order entitled "Establishing the President's Committee on Civil Rights," and emphasized that "the work of the proposed committee would, in my opinion, be of utmost value in the task of preserving and implementing our civil rights."23 On December 5, 1946, subsequent to the defeat suffered by the Democratic party in the 1946 Congressional

21Ibid., September 25, 1946, p. 38.
22Ibid., p. 38.
23Tom C. Clark to Harry S. Truman, October 11, 1946, OF 596A, Truman Papers, Harry S. Truman Library.
elections, the President issued Executive Order 9808 creating a Presidential Civil Rights Committee. The order authorized the committee "to inquire into and to determine whether and in what respect current law-enforcement measures and the authority and means possessed by federal, state, and local governments may be strengthened and improved to safeguard the civil rights of the people." The committee was also directed to include in its written report "recommendations with respect to the adoption or establishment, by legislation or otherwise, of more adequate and effective means and procedures for the protection of civil rights. . . ." (The committee's make-up resembled a "Noah's Ark," since its fifteen members had been selected by the White House to represent industry, labor, the legal profession, higher education, the South, the American Negro community, and minority religious denominations; Charles Wilson, then President of General Electric, was made its chairman. Later, the committee, upon the recommendation of the Justice Department, appointed Professor Robert Carr of Dartmouth College as its Executive Secretary.)

24 To Secure These Rights, pp. vii–ix.
25 Ibid.
26 Ibid.
Political considerations which have already been mentioned compelled the President to issue his order; but there were other reasons which entered into his decision.

I took this action because of the repeated anti-minority incidents immediately after the war in which homes were invaded, property was destroyed, and a number of innocent lives were taken. I wanted to get the facts behind these incidents of disregard for individual and group rights which were reported in the news with alarming regularity, and to see that the law was strengthened, if necessary, so as to offer adequate protection and fair treatment to all our citizens.\[^{28}\]

He undoubtedly wanted to see "fair treatment" extended to all citizens. There is no evidence to suggest that he wished to upset his working relations with the South in December 1946 to support such an objective. Yet, by establishing a civil rights committee, Truman pushed open a door leading to political conflict further than he might have intended. Thus he built up the pressure that would make it impossible for him to close that door again without risking the loss of support from the urban minorities.

President Truman presented his State of the Union Address to the Eightieth Congress on January 6, 1947, at which time he made several references to the racial conflict which beset the country in 1946.\[^{29}\] After pointing out that citizens had been deprived of their constitutional rights,

\[^{28}\text{Harry S. Truman, Years of Trial and Hope, (New York: Doubleday, 1956), p. 180.}\]

\[^{29}\text{The New York Times, January 7, 1947, p. 6.}\]
specifically, their right to vote and to engage in lawful callings, Truman declared that "the will to fight these crimes should be in the heart of everyone of us." Next, he stated that the Justice Department was doing its best to protect civil rights "to the full extent of the powers conferred upon it," but that lack of proper legal authority made its tasks all the more difficult. Perhaps existing laws could be amended, Truman speculated, to extend "the limit of federal power to protect the civil rights of the American people." He then announced that a Civil Rights Committee had been created "to study and report on the problem of federally secured civil rights, with a view to making recommendations to Congress." 30

Apparently the President's remarks on civil rights made little impression on Congress; the South had no reason to be alarmed since he had not offered a concrete legislative program. 31 Two days later, Truman sent his economic message to Congress; it contained a specific proposal calling for the enactment of FEPC legislation:

We must end discrimination in employment or wages against certain classes of workers regardless of their individual abilities. Discrimination against certain racial or religious groups, against men in late middle age and against women, not only is repugnant to the principles of our democracy,

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30 Ibid., p. 6.
31 Ibid., January 9, 1947, p. 15.
but often creates "artificial labor shortages" in the midst of labor surplus. Employers and unions both need to re-examine and revise practices resulting in discrimination. I recommend that, at this session, the Congress provide permanent Federal legislation dealing with this problem.32

This recommendation "seemed to dispel the relief among Southern Democrats that was manifest after delivery of the State of the Union message."33 In light of the news that some Republicans in the Senate had already introduced resolutions to halt the filibuster, "the indicated intention of Mr. Truman to continue to press for a FEPC appeared to receive a more serious note from the South than usual."34 In all likelihood, his plea for an FEPC was designed to challenge the Republicans who now controlled Congress, rather than to offend the South.

The sincerity of the Administration's sponsorship of FEPC was called into question by Thomas Richardson, Vice President of the CIO United Public Workers, who disclosed on January 10, 1947, that nine federal agencies within the Administration refused to hire Negroes.35 Richardson also revealed that he had previously discussed the matter with David Niles of the White House, who not only confirmed

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33 Ibid., p. 15.
34 Ibid.
the truth of his charges, but informed him that his union would be contacted about them; according to Richardson, nothing had been heard from Niles since that meeting.\textsuperscript{36}

Though the President did not answer Richardson's charges, he was distressed by the deteriorating situation in race relations in the country. Speaking to the members of his Civil Rights Committee, who were holding their organizational meeting at the White House on January 15, 1947,\textsuperscript{37} Truman stated that the country might be threatened with a period of racial and religious hysteria similar to the decade of the 1920's. "I don't want to see any race discrimination. I don't want to see any religious bigotry break out in this country as it did then," exclaimed the President.\textsuperscript{38} Since Truman thought "there are certain rights under the Constitution which . . . the Federal Government has a right to protect," he hoped the committee would be able to inform him "just exactly how far the Attorney General can go legally" in protecting the civil rights of citizens in the event of a breakdown of local law enforcement.\textsuperscript{39}

The remarks which Truman made during his meeting with the Civil Rights Committee suggest that he viewed the problem

\textsuperscript{36}Ibid., p. 7.
\textsuperscript{37}Truman, \textit{Years of Trial and Hope}, p. 181.
\textsuperscript{39}Ibid.
of civil rights as something more than a political issue; it was, as far as he was concerned, a constitutional issue as well. \(^{40}\) Truman firmly believed that as President of the United States he was obligated to defend the Constitution by not only upholding the laws of the land, but by strengthening them as well. He understood that it was necessary to protect civil rights, if only to preserve the integrity of the law. Though he would be attacked in the South and elsewhere as a dangerous innovator for his verbal disregard of local customs, Truman was actually a traditionalist who decried acts of injustice because they violated what he thought constituted the American heritage of political liberty and equal opportunity. \(^{41}\)

On April 9, 1947, Walter White invited the President to address an NAACP rally scheduled to be held in front of the Lincoln Memorial in late June, and Truman accepted his invitation. \(^{42}\) He was willing to speak because: one, it would provide him with a dramatic setting in which to proclaim, to the world in general and to the American people in particular, his commitment to the principles of democracy and freedom; two, it would allow him to seize the propaganda initiative from the Republican-controlled Eightieth Congress, which was also preparing to make a strong appeal to the

\(^{40}\) Truman, *Years of Trial and Hope*, p. 180.


\(^{42}\) White, p. 347.
minority bloc voters; three, such a speech would further convince skeptical-minded liberals that he was in earnest about such matters; and four, his relations with the Congressional Southern Democrats would not be seriously undermined by a speech which lacked specific proposals to end discrimination.  

Now that the President was committed to talk, the question remained, what would he say? Truman could have accepted advice such as that of David Niles who suggested that "the closing paragraph of the speech, not to exceed one minute, should be devoted to civil rights." For the reasons already mentioned, Truman decided to use the occasion to make a forthright statement about civil rights, and thus had Robert Carr and Milton Stewart of the President's Civil Rights Committee staff draft most of the speech he was to read. When the President delivered his speech on June 29, 1947, he spoke not only to an actual audience of 10,000, including Eleanor Roosevelt, Senator Wayne Morse and Walter White, but also to a nationwide audience over the combined facilities.

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43 Apparently some Southern Democrats in Congress were disturbed about the possible recommendations of Truman's civil rights committee; see John Redding, Inside the Democratic Party, (Indianapolis: Bobbs-Merrill Company, Inc., 1958), p. 104.


45 The President's Civil Rights Committee Papers, Box 10, Harry S. Truman Library.
of the major radio networks. In addition, his speech was carried by short wave to all parts of the world.

A major theme of the President's speech dealt with the new role he envisioned for the Federal Government in the defense of civil rights.

We must keep moving forward with new concepts of civil rights to safeguard our heritage. The extension of civil rights today means, not protection of the people against the government, but protection of the people by the government. We must make the Federal Government a friendly, vigilant defender of the rights and equalities of all Americans. And again I mean all Americans. . . . There is much that state and local governments can do in providing positive safeguards for civil rights. But we cannot, any longer, await the growth of a will to action in the slowest state or the most backward community.

Our national government must show the way. This is a difficult and complex undertaking. Federal laws and Administrative machinery must be improved and expanded. We must provide the government with better tools to do the job. . . .

Our immediate task is to remove the last remnants of the barriers which stand between millions of our citizens and their birthright. . . . We cannot wait another decade or another generation to remedy these evils. We must work, as never before, to cure them now. The aftermath of the war and the desire to keep faith with our Nation's historic principles makes the need a pressing one. . . . Every man should have the right to a decent home, the right to an education, the right to adequate medical care, the right to a worthwhile job, the right to an equal share in making public decisions through the ballot, and the right to a fair trial in a fair court. We must [guarantee] that these rights on equal terms—are enjoyed by every citizen.

\[46\] White, pp. 330-331.

\[47\] Ibid.

\[48\] OF 413, Truman Papers, Harry S. Truman Library.
The President also alluded to the growing cold war conflict between the United States and the Soviet Union, and declared that it was necessary to realize the promise of American life in order to strengthen the cause of democracy in a world convulsed with crisis and change.

The support of desperate populations of battle ravaged countries must be won for the free way of life. We must have them as allies in our continuing struggle for the peaceful solution of the world's problems. They may surrender to the false security offered so temptingly by totalitarian regimes unless we can prove the superiority of democracy. Our case for democracy should be as strong as we can make it. It should rest on practical evidence that we have been able to put our own house in order.

Following his speech, the President turned to Walter White and remarked: "I mean every word of it—and I am going to prove that I do mean it." Aside from his future intentions, Truman had provided the country with a searching look into the current situation in race relations. He pointed to the barriers of discrimination, and challenged the American people to surmount them as quickly as possible, so that they could cope successfully not only with the military but political and moral exigencies of the cold war. Truman made a remarkable speech: It was the first time in the Twentieth Century that an American President saw fit to discuss the problem of racial discrimination with such frankness and humanity.

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Ibid.

White, pp. 330-331.
This speech undoubtedly improved Truman's political standing with many Negroes, who now felt that he meant business. A number of Negro newspapers and magazines praised him for his candid approach. The Kansas City Call, for example, wrote on July 4, 1947, that "Truman so strongly denounced race prejudice and discrimination based upon race, creed, color, and national origin that even his enemies were convinced that the Missourian in the White House had left behind him Missouri's tradition of second-class citizenship for Negroes." The Pittsburgh Courier said on July 12, 1947, that Truman's words and deeds vis à vis civil rights were more impressive than those of his predecessor, Franklin Roosevelt, "who enjoyed a far greater degree the affection of colored Americans."

We cannot recall when the gentleman who now sleeps at Hyde Park made such a forthright statement against racial discrimination. . . . Here we have a President saying that a revolution in American mores must be worked here and now, and this is more remarkable when one considers Mr. Truman's origin and antecedents as contrasted with those of Mr. Roosevelt. . . . President Truman . . . where colored Americans are concerned, is looming, on the record, to greater stature than his predecessor. . . . Mr. Truman deserves high praise for his sincerity and forthrightness after a long era of double talk and political expediency. 54

52 See newspaper editorials contained in the Civil Rights Committee Papers, Box 4, Harry S. Truman Library.
53 Ibid.
54 Ibid.
The August 1947 issue of the *Crisis*, the monthly journal of the NAACP, referred to the speech itself as "the most comprehensive and forthright statement on the rights of minorities in a democracy and the duty of the government to secure safeguards that has ever been made by a President of the United States."55

A moderate white Southern response to Truman's speech appeared in Little Rock's *Arkansas Gazette* of July 1, 1947. "...is it in the power of any government to wipe out prejudice? Enforcement of laws against 'discrimination' in fields where the government had not previously entered might only make prejudice more active."56 Typical, perhaps, of a number of newspapers outside of Dixie was the response of the *St. Louis Star Times* of June 30, 1947. It agreed with the President's support of freedom and justice for all citizens, but questioned Truman's advocacy of FEPC contained in his earlier economic message to Congress.57

Though the President's June 29th speech had impressed the American Negro community, the leaders of the NAACP waited impatiently for him to do something about the situation which he described with such clarity and conviction. Perhaps to compel Truman to take a stronger political stand against

55Ibid.
56Ibid.
57Ibid.
discrimination, the NAACP turned to the forum of the United Nations to promote its campaign for equality and justice for the Negro citizens of the United States. It submitted a petition of grievances, drafted in part by the historian W. E. B. DuBois, to the world body on October 23, 1947, in order to call attention to the long history of cultural deprivation suffered by the Negro in the United States. 58

The petition was prefaced by a statement written by Du Bois.

This protest is a frank and earnest appeal to all the world for elemental justice against the treatment which the United States has visited upon us for three centuries. . . . It is to induce the nations of the world to persuade this nation to be just to its own people, that we have prepared and now present to you this document . . . and we firmly believe that the situation pictured here is as much your concern as ours. 59

(The United Nations Commission on Human Rights meeting in Geneva, Switzerland on December 4, 1947, rejected a Soviet proposal to investigate the charges which the NAACP had placed before it.) 60

The NAACP action received extensive news coverage from not only the American press, but also from the foreign press; India, in particular, was deeply concerned. 61 The American government was apparently embarrassed by the adverse publicity it received from the NAACP petition.

58 The Crisis, LIV, (December, 1947), 362-364.
59 Ibid.
60 McWilliams, p. 38.
61 Fiske University, Race Relations, V, (December, 1947, January, 1948), 75.
Attorney General Tom Clark, speaking in Boston on October 27, remarked that he was "humiliated" because a group of Americans could not find equitable treatment at home. He then declared that his department would move "with as great vigor and force as is permitted under the law where States through negligence, or for whatever reason, fail... to protect the life and liberties of the individual." 

The NAACP's claim that widespread discrimination was indeed a basic fact of life in America was reinforced by the report To Secure These Rights which the Civil Rights Committee submitted to President Truman on October 30, 1947. Based upon the testimony submitted by forty witnesses, correspondence with nearly 250 private organizations and individuals, as well as information supplied by twenty-five government agencies and numerous state and local public agencies, the report had been carefully drafted in order to make it a thoroughly reliable study of the shortcomings and failures of American democracy.

The report itself was divided into four parts: (1) The American Heritage: Promise of Freedom and Equality; (2) The Record: Short of the Goal; (3) Government Responsibility: Securing These Rights; (4) A Program: The Committee's Recommendations.

62McWilliams, p. 38.
63Ibid.
65Ibid. To Secure These Rights, p. 178.
The first part contained a brief discussion of the four essential rights which the committee determined to be characteristic of a free society, that is a society which was open and democratic. They were respectively: the right to safety and security of the person; the right to freedom of conscience and expression; the right to equality; and the right to citizenship and its privileges. When put together, they provided the committee with a yardstick with which to measure America's current inadequacies against its revolutionary heritage of freedom and justice for all men.

Part Two emphasized those aspects of American life which, in the committee's judgment, violated the principles of a free society discussed in Part One. For example, the report pointed to the lynchings of 1946 and 1947, the constant police brutality directed at Negroes and other minority groups, the failure of the judiciary to uphold the principle of equal justice under the law, and the infringement of the physical freedom of Japanese-Americans during World War II. The denial of the ballot to Negroes and Indians and the existence of segregated armed forces indicated to the committee that citizenship rights were not yet adequately protected. The lack of equal opportunity in the fields of employment, public and private education, housing, medical care, public services and accommodations was discussed in

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66 Ibid., pp. 3-10.
detail. The committee criticized the separate but equal doctrine, declaring it to be incompatible with the values of a free society. The last section of Part Two dealt with the widespread existence of segregation and discrimination in Washington, D.C.: a situation which the committee called a "graphic illustration of the failure of democracy."\(^{67}\)

The third part of the report stressed the role which the Federal Government would have to play if civil rights were to become something more than the dream of the dispossessed. According to the committee, justification for federal involvement in the defense of civil rights was to be found in the stated and implied powers delegated to Congress by the Constitution and sanctioned by the Supreme Court, especially in its civil rights decisions of the 1930's and 1940's. The committee also suggested that precedent for further and stronger federal executive action had been established with the creation of a Civil Rights Section in the Justice Department in 1939. The preparation of civil rights litigation and the investigation of violations of existing civil rights statutes, limited as they were, had represented a novel experiment by the Federal Executive to safeguard civil rights. But without stronger statutory authority, the committee observed, the Federal Government would remain severely

\(^{67}\)Ibid., pp. 13-95.
handicapped in its efforts to provide protection for citizens whose rights were either threatened or still non-existent.  

In the last section of the report, the committee presented its program designed to strengthen the government's authority in combatting discrimination. Even before the committee revealed the contents of that program, it declared that a host of moral, economic, and diplomatic reasons compelled the Federal Government to assume greater responsibility for the protection of minority group rights in American society. Then came the committee's recommendations, of which only the most important are listed. First, to improve the machinery for the protection of civil rights, it was necessary to elevate the Civil Rights Section of the Justice Department, to establish a permanent Commission of Civil Rights in the Executive Office of the President, preferably by an act of Congress, and to create a Joint Standing Committee on Civil Rights in Congress. Second, to strengthen the right to safety and security of the person, the committee advised that Congress enact new legislation to supplement Section 51 of Title 18 of the United States Code, which would make it easier for the Justice Department to prosecute individual violators of citizen's rights; that Congress revise the amendment of Section 52, increasing the maximum penalties that may be imposed under it from a $1000 fine and a year in

68Ibid., 99-135.
prison to a $5000 fine and ten years in prison; that Congress enact a new statute to supplement Section 52, specifically directed at police brutality and related crimes; and that Congress enact an antilynching act. Third, to strengthen the right to citizenship and its privileges, the committee counseled that Congress or the states abolish the poll tax; that Congress enact a statute protecting the right of qualified persons to participate in federal primaries and elections against interference by public officers and private persons; that Congress grant local self-determination and the right to participate in Presidential elections to the District of Columbia; that Congress grant citizenship to Samoa and Guam; and that Congress enact legislation, followed by administrative action, to end immediately all discrimination and segregation in the organization and activities of all branches of the armed services. Fourth, to strengthen the right to equality, the committee advised that Congress distribute federal funds only to those public and private agencies which did not practice discrimination or segregation; that Congress enact an FEPC law containing legal sanctions; that the President not only issue a mandate against discrimination in government employment, but create adequate machinery to enforce it; that the Justice Department renew the court attack upon restrictive housing covenants; that Congress prohibit discrimination and segregation in the rendering of all public services by the national government; and that Congress enact
a law prohibiting discrimination and segregation in interstate transportation. Lastly, the committee requested that Congress remove the blight of segregation and discrimination from both the District of Columbia and the Canal Zone. 69

When President Truman received his copy of the report, he remarked that "this committee has given us an American charter of human freedom . . . and a guide for action." 70 How much of a guide for action it would be could not yet be determined, but there was no question that it would become a source of controversy in and out of Congress. Senator Scott Lucas (D., Ill.), for instance, stated that "the President's Committee has dealt courageously with some fundamentals that the people of this country have got to recognize sooner or later and the sooner the better." 71 Representative Chet Holifield (D., Calif.), said: "Everything I saw in it was all right. . . . It is the most valuable and complete report that has been published in the field." 72 Representative Charles Eaton (R., N.J.), disparaged the work of the committee by suggesting that "No legislation can change human nature. That has to be done by religion and thought." 73

69 Ibid., pp. 139-173.
70 OF 1862, Truman Papers, Harry S. Truman Library.
72 Ibid.
73 Ibid.
That the report's demand for the abolition of the Jim Crown system had antagonized the South is indicated by the response of many Southern newspapers. The Nashville Banner of November 1, 1947, felt that this report "originated in the left wing of imported politics"; the Charlotte News of October 29 viewed it as a "bombastic demand for upheaval." The Mobile Register of October 30 suggested that it was "unwarranted and impractical." On November 1, the Anderson Independent (Anderson, South Carolina) declared that "if the report's proposals were made law they will need an army to enforce them."

Not all Southern newspapers were so hostile to the report. The Richmond Times Dispatch (October 31, 1947) stated that "it is impossible for any sincere American to disagree with many of the general principles laid down in the report..." The Greensboro News declared on October 31 that "there is much in the report... which is wise and timely." And the Birmingham News on November 2 stated: "While disagreeing with important recommendations of this

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75 Ibid.
76 Ibid.
77 Ibid.
78 Ibid.
79 Ibid.
committee, we not only approve strongly many of its proposals, but admire the unquestionable courage and devotion with which it has carried out its ... assignment. It has performed a notable service."

President Truman was aware that To Secure These Rights was a political bombshell which had to be either detonated or defused; the choice was his alone. It was relatively easy for him to assert that the report "will take its place among the great papers of freedom." Such rhetoric was no substitute for a hard political decision that would require him to upset the political equilibrium within the Democratic party which he had used to his advantage since taking office in April 1945. The choice was either to side with the urban liberals by sending the report to Congress, or support the South by ignoring its recommendations entirely. Either way, his decision would be irrevocable and would profoundly affect his 1948 Presidential aspirations.

Truman's unwillingness to discuss the political implications of the report was manifested at a Presidential press conference on November 6, 1947.

Q: What happens to the big report of the Civil Rights Committee? Does it stay here, or do you send that to Congress?
A: That report is made to me, and that report can be used as a basis for a part of the message on the State of the Union, which of course in the long run will be sent to Congress.

80 Ibid.
Q: In other words, you will use it as a part of your message?
A: I did not say that. I said that it could be used as a foundation for part of the message—some of it maybe. I have not read it carefully.
Q: What do you think of it, Mr. President?
A: I think it is a good report.82

During the rest of November and early December 1947, the President discussed with officials of his Administration what policy he should pursue vis-à-vis the report.83 Truman received conflicting advice about the matter from his political associates, whose views were probably shaped by their own environmental background and political predilections.84 Finally, on December 9th, the President, in an attempt to resolve the problem, asked Clark Clifford, his special counsel, to confer with Attorney General Tom Clark before submitting a recommendation to him.85 (Interestingly enough, Clark had announced on November 23 to a gathering of the National Bar Association in Washington, D. C., that he was planning to ask Congress to create a Civil Rights Division within the Justice Department, a division which would be staffed by trained personnel and headed by an Assistant

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82White House Press File, November 6, 1947, Harry S. Truman Library.
83Interview with Oscar Chapman, June 25, 1962, in Washington, D. C.
84Ibid.
85Personal Memo of Clark Clifford, December 9, 1947, Clark Clifford File, Harry S. Truman Library.
Such a move had been strongly recommended in the Civil Rights report.)

Even before Truman had sought Clifford's advice on what policy he should adopt, his Administration was already actively committed on another civil rights front. On December 6, 1947, the Justice Department, through its Solicitor General, Philip Perlman, filed an *amicus curiae* brief with the Supreme Court in the case of *Shelly v. Kramer*.

The Justice Department's brief, drafted jointly by Tom Clark and Philip Perlman, requested that the Supreme Court review this case in order to determine whether racially restrictive housing covenants were legally binding. It also stressed the point that these housing covenants merely served to perpetuate "an artificial quarantine of minority groups," and therefore should be declared null and void. (The Court later accepted review, but, according to Charles Abrams, it might have refused to adjudicate the case if the government had not intervened.)

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87 *To Secure These Rights*, p. 154.


89 Ibid.

90 Ibid.

The Justice Department's action in regard to Shelly v. Kramer could be construed as a fresh move by the President to convince Negroes that he was determined to champion their rights. But Truman would be required to make even more dramatic and far reaching moves in the field of civil rights if he was to counter a serious challenge to his liberal flank, which developed in the last days of 1947. That challenge came from Henry Wallace, who declared on December 29, 1947, that he would be the presidential candidate of the newly formed Progressive party. In announcing his candidacy, Wallace reaffirmed the strong position he had taken on civil rights at the 1944 Democratic nation convention. "In speeches in the North and in the South at non-segregated meetings I have stated the simple truth that segregation and discrimination of any kind or character have no place in America." And to emphasize the political impact created by the news of Wallace's candidacy, the Associated Negro Press reported from Los Angeles that "thousands of Negro voters here began lining up behind Henry A. Wallace the day after he announced that he would run for the Presidency." This demonstration of sympathy for Wallace, occurring in one of America's major urban centers, indicated that

93 Ibid.
civil rights would play an important role in determining who was going to win the 1948 election.

Long before Henry Wallace entered the Presidential sweepstakes, Harry S. Truman was doing all he could—short of compromising himself in the South—to cultivate the Negro voters. From August 1946 to January 1948 he tried to win their support primarily through acts of oratory and token executive action. That is, he publicly condemned discrimination but refused to engage in an overt political struggle to end it. Thus it would appear that he followed a policy which was consistent with the one he pursued in his first year in office.

Yet Truman's position in this later period did not exactly conform to the one he had adopted earlier. He was now more strongly committed to a defense of civil rights because the domestic and international situations required him to act in a more forceful manner. Following the defeat of the Democratic party in the 1946 election, Truman realized that he would need the votes of the many Negroes who lived in the key industrial states of the North and the West in order to win the 1948 Presidential election. And to improve his political standing with them, he created the Civil Rights Committee and condemned discrimination in his speech to the NAACP rally in June 1947. Such action, limited as it was, did move Truman beyond his earlier, more passive position of
1945-46, and prepared the way for more daring innovations in 1948.

That Truman acted at all was due to not only the changing domestic situation, but to the cold war, which transformed civil rights into a problem possessing international significance. Truman realized that Soviet propaganda on this subject had to be challenged by words, if not deeds, in order to protect America's interests in the United Nations and around the world. The treatment henceforth accorded to millions of underprivileged and abused Negroes would more than indirectly affect the outcome of the great power struggle between the United States and the Soviet Union.95

These then were the major reasons why Truman advocated the cause of equality and justice in 1947. And as the election year approached, Truman made plans to take an even more decisive stand on civil rights. He was aware that "the party that wins the Negro vote in 1948 will be the one that offers some concrete evidence that it intends at least to help him get a square deal."96 Fully aware of the dangers which confronted him, Truman headed into the 1948 campaign determined to make the most of his opportunities.

95To Secure These Rights, pp. 146-148.
CHAPTER III
THE PRESIDENTIAL POLITICS OF CIVIL RIGHTS

Following the defeat of the Democratic Party in the 1946 Congressional election, Oscar Ewing, acting chairman of the Democratic National Committee, believed the party had suffered its loss because President Truman "had not yet caught on with the voters."\(^1\) If Truman was to win in 1948, felt Ewing, he would have to appear as "the champion of various groups."\(^2\) Accordingly, Ewing brought together in December 1946 a group of liberal Democrats to discuss how the President's sagging political fortunes might be repaired in time for the 1948 campaign. Included in this policy group, which met informally in Washington, D. C., were Charles Brannan, Leon Keyserling, and Clark Clifford, who later became President Truman's special counsel and most trusted advisor on domestic politics.\(^3\) At this meeting many topics were discussed, including civil rights. Clifford was apparently impressed with the arguments that Truman would


\(^{2}\) Ibid.

\(^{3}\) Interview with Oscar Ewing on June 27, 1962, in Chapel Hill, North Carolina.
have to identify himself with labor and the minority
groups in order to improve his chances in the Presidential
election. Such a campaign strategy worked for Roosevelt
in 1940, asked Ewing, why could it not be successfully re-
peated in 1948? Thus, the political tactics formulated by
this liberal group not only influenced Clark Clifford, but,
more important, were eventually transmitted to the President
through him.\(^4\)

Clifford did not have to remind Truman of the impor-
tance of the Negro vote; Truman recognized its importance
long before the start of the 1948 campaign. (Negroes, after
all, constituted at least four per cent of all potential
voters in such key states as New York, New Jersey, Pennsyl-
vanian, Ohio, Michigan, and Illinois.\(^5\) But it was Clifford

\(^4\)Ibid. In February, 1959, Clifford acknowledged
Ewing's important work preparatory to the 1948 campaign in a
letter which he sent to him in honor of his seventieth birth-
day. "If I had selected the outstanding service you have
rendered in your notable career, I would choose the contribu-
tion you made to the Truman Administration as the organizer
and leader of the policy group that played such an important
part in those exciting years. The influence you had on the
men around President Truman was of inestimable value to him
and will be remembered always by all of us."

\(^5\)Jasper B. Shannon, "Political Obstacles to Civil
Rights Legislation," The Annals of the American Academy of
Political & Social Science, CCCLXXV (May, 1951), 53-60; Shan-
non also noted: "As the sweeping majorities of early New
Deal days began to contract, the political center of gravity
more and more appeared to be located in the great industrial
and urban communities of the populous states of New York,
Pennsylvania, Illinois, Michigan, Ohio and California. These
states were strategically and statistically necessary to
maintain Democratic control of executive power. The two
parties were so closely balanced in these states that any
minority group potentially casting 4\% of the total vote not
who persuaded Truman to seize the initiative for the forthcoming political battle by submitting a Presidential message on civil rights to Congress. That the President had decided to carry out Clifford's recommendation was indicated by remarks contained in his State of the Union Address on January 7, 1948. "The recent report of the President's Civil Rights Committee points the way to corrective action by the Federal Government and by state and local governments. Because of the need for effective Federal action, I shall send a special message to Congress on this important subject." 7

Work commenced on that "special message" a week after the President addressed the Congress. Clark Clifford delegated to his assistant George Elsey the task of writing the first draft. 8 Elsey in turn asked Professor Robert Carr of Dartmouth College (the former executive secretary of the President's Civil Rights Committee) to assist him. 9 After numerous consultations with Clifford, Elsey and Carr finished the draft and sent it to Clifford's office in the

only could not be ignored but must be assiduously cultivated. Negroes were in this position in most of these states, where the lodestone of industrial jobs was attracting vast numbers of them from the South." 6

8 Interview with George Elsey on June 28, 1962, in Washington, D. C.
9 Ibid.
White House, where, according to Elsey, minor changes were
effected. At the same time, other members of the White
House staff were organizing a different but related project:
the creation of an Omnibus Civil Rights bill. Stephen J.
Spingarn was chiefly responsible for drafting the proposed
legislation which was designed to effectuate the various
measures the President would advance in his message.

Before the Administration completed preparations to
send its civil rights message and legislative recommendations
to Congress, civil rights became a topic of importance on
other political fronts. For instance, Henry Wallace released
a 74 point program on January 18, 1948, which included de-
mands for anti-poll tax, antilynching and FEPC legislation.

Two days later, Governor Fielding J. Wright announced in his
inaugural address in Jackson, Mississippi, that he would not
tolerate any federal action "aimed to wreck the South and
our institutions." As far as he was concerned, "Vital
principles and eternal truths transcend party lines, and
the day is now at hand when determined action must be
taken."

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10 Ibid.
13 Times Picayune (New Orleans), January 21, 1948,
cited in V. O. Key, Southern Politics, (New York: Alfred A.
Mindful of Wallace's potential strength with Negro voters and not intimidated by Governor Wright's oratory, President Truman dispatched his message to Congress on February 2, 1948, without having previously consulted Senate minority leader Alben Barkley about either its contents or the designated date for its delivery. Stylistically similar to Truman's earlier NAACP speech, this message was not written to inflame passions; its language was dignified and responsible.

After introducing his theme that the American heritage guaranteed equal rights to all citizens, the President pointed out "there is a serious gap between our ideals and some of our practices," and declared "that this gap must be closed." If the states and local governments were incapable of rectifying the situation, the President felt that "the Federal government has a clear duty to see that constitutional guarantees of individual liberties and of equal protection under the law are not denied or abridged anywhere in America." Thus it was imperative, emphasized the President, that Congress provide the Federal Executive with the statutory authority necessary to protect those rights. At this point in the message he presented a ten

point program to the Congress:

1. Establishing a permanent Commission of Civil Rights, a joint Congressional Committee on Civil Rights, and a Civil Rights Division in the Department of Justice.
2. Strengthening existing civil rights statutes.
3. Providing Federal protection against lynching.
4. Protecting more adequately the right to vote.
5. Establishing a Fair Employment Practice Commission to prevent unfair discrimination in employment.
6. Prohibiting discrimination in interstate transportation facilities.
7. Providing home rule and suffrage in Presidential elections for the residents of the District of Columbia.
8. Providing statehood for Hawaii and Alaska and a greater measure of self-government for our island possessions.
9. Equalizing the opportunities for residents of the United States to become naturalized citizens.
10. Settling the evacuation claims of Japanese-Americans.

Following his explanation of why these specific points were contained in his message, the President announced that he was going to release an executive order "containing a comprehensive restatement of the federal non-discrimination policy, together with appropriate measures to insure compliance." Truman also informed the Congress that the Secretary of Defense had received instructions to have "the remaining instances of discrimination in the armed services eliminated as rapidly as possible." Finally, he suggested that foreign policy requirements necessitated Congressional action on his ten point program:

The position of the United States in the world today makes it especially urgent that we adopt these
measures to secure for all our people their essential rights... If we wish to inspire the peoples of the world whose freedom is in jeopardy, if we wish to restore hope to those who have already lost their civil liberties, if we wish to fulfill the promise that is ours, we must correct the remaining imperfections in our practice of democracy.

We know the way. We need only the will. 17

After the message had been read in Congress, the government, recognizing its propaganda importance, presented it as the story of the day via the Voice of America. 18 It was truly an unprecedented occasion which justified such a sustained effort to convince the world that American democracy was still a viable force for freedom. In short, the civil rights message now entered the cold war arena as a document of diplomacy.

The President's message immediately became a source of major political controversy at home. A number of liberals were disappointed with the moderate, apparently equivocal stand the President had taken on the subject of segregation. Willard Shelton, for example, writing in PM, noted the message, with one exception—that in reference to segregation in interstate transportation—ignored the pervasive influence of segregation in American life. In other words, though the President's message incorporated some major recommendations of the Civil Rights Committee, it disregarded almost entirely those which called for the

17 Ibid.

18 Memo from Howland Sargeant to Philleo Nash, February 13, 1948, Philleo Nash Files, Box 24, Harry S. Truman Library.
eradication of Jim Crow.\(^{19}\) Few liberals or moderates were as critical of Truman's position as Shelton; most were pleased with his courageous stand.

On the other hand, the message precipitated a roar of disapproval from the South. In Congress, only Florida's Senator Claude Pepper spoke approvingly of the President's action. More typical of Southern Congressional opinion were the remarks of Mississippi's Congressman John Bell Williams:

> If it were not for Southern Democrats, Henry Wallace would be in the White House today instead of Harry Truman. Southern Democrats have always been the best friends that President Truman or the Democratic Party ever had. May I say ... that it is a mighty poor way for him to evince his gratitude.\(^{20}\)

Congressman Eugene Cox of Georgia stated: "When I read his message I wondered if, after all, Henry Wallace is such a bad man. The President attacks the people of that section of the country whose support he must have if he is to hope to be re-elected. The whole thing sickens me."\(^{21}\) And finally, Senator James O. Eastland demanded that the South refuse to give its electoral votes to the Democratic Party's candidate in order to promote the election of a "distinguished

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\(^{19}\) Willard Shelton, "Political Aims May Wreck Truman's Civil Rights Program," *PM*, February 3, 1948; Philleo Nash Files, Box 2; Harry S. Truman Library.


\(^{21}\) Ibid., p. 975.
Southerner."22

Despite Eastland's call for a bolt from the Democratic Party, it was reported by C. P. Trussel in The New York Times of February 4, 1948, that in certain unspecified Congressional quarters such talk was considered to be "just another Dixie flareup which would wind up with Dixie in line."23 There was a good reason, suggested Arthur Krock, why this might be the case: "lavish federal bounties, originating with the New Deal, but happily accepted and retained by anti-New Deal Democratic politicians of the South have tied their constituents tightly to Democratic executive power."24

Still, what was considered a flareup might have erupted into an explosion if the White House's Omnibus Civil Rights bill had been introduced in the Congress. Senate minority leader Alben Barkley, who received the bill from the White House February 4, refused to sponsor it after he had observed the reaction of the Southern Democrats to the February 2nd message.25

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22Ibid., pp. 1134-37.
24Ibid., February 5, 1948, p. 22.
25Stephen J. Spingarn File, Harry S. Truman Library; also, interview with Philleo Nash on June 29, 1962, in Washington, D. C. The 1948 Omnibus Bill, which was never introduced, was divided into two sections: 1. Provisions to strengthen Federal Government Machinery: a) Establishment of Civil Rights Commission in Executive Branch of Government;
While the President faced the wrath of the Southern Democrats, the Republicans in Congress, fearing that they had been outflanked by his message, were now prompted to move their civil rights legislation through House and Senate Committees in order to take advantage of whatever Democratic schism might develop in the course of time. Republican members of the House Judiciary Subcommittee pressed on February 4 for full committee action on proposed antilynching legislation. \(^{26}\) In the upper house, the Senate Labor Committee voted 7-5 to bring the Ives FEPC bill to the floor, even though the committee's chairman, Senator Robert Taft, voted with the Southern members to block its discharge. \(^{27}\) This Republican move at last convinced Senator James Eastland that "organized mongrel minorities control the government. I am going to fight it to the last ditch. They are not going to Harlemize the country." \(^{28}\)

A number of Southern politicians, mostly from Mississippi, Alabama, and South Carolina agreed with Eastland's


\(^{27}\) Ibid., February 6, 1948, p. 1.

\(^{28}\) Ibid., p. 5.
call to arms. Representative John Bell Williams, for instance, warned the Administration not to "brush off" Dixie's threat of secession. Few Southern Congressmen were prepared to lead such a movement, fearing a loss of their patronage claims and seniority privileges, should the President decide to take action against them. Thus, most Congressmen who favored a bolt requested that local and state officials develop and lead the campaign against the national leadership of the party.

That such a campaign might not sweep the South was indicated by the events which took place during the Southern Governors' meeting at Wakulla Springs, Florida, from February 6 through February 8. A majority of Southern Governors refused to support the resolution submitted by Governor Wright of Mississippi and Governor Folsom of Alabama calling for a meeting at Jackson, Mississippi, on March 1 "to formulate plans for activity and adopt a course of action." Georgia's Governor M. E. Thompson, though condemning Truman's civil rights message as "unnecessary" and "unwise," refused to sanction a secession from the party. "I cannot join in any movement which directly or indirectly would cut the feet

29Ibid., February 5, 1948, p. 17.
30Ibid., p. 17.
31Key, p. 330.
32Ibid., p. 330.
from under the Democratic party and its leaders, and thereby deprive the South of its greatest strength. I will support the Democratic party."33 Governor Millard Caldwell of Florida endorsed the sentiments expressed by his colleague from Georgia, thus weakening the drive of the "bolters" to sweep the South with an anti-party ticket of their own.34 On the other hand, the Governors' Conference did not entirely pigeonhole the issue; it decided to postpone action for forty days while a five-man committee headed by Governor Strom Thurmond of South Carolina sought to arrange a compromise solution through direct consultation with the President.35

As the various Southern Governors returned home to await the outcome of their ad hoc committee's meeting with Truman, the civil rights issue remained charged with political dynamite. Republicans asserted that the President's message had been politically motivated, though they admitted it was smart politics since many Negroes might now be disposed to vote for the President in such states as New York, Pennsylvania, and Illinois.36 Despite Senatorial accusations to the contrary, the White House announced on February 10 that "there will be absolutely no compromise on any point."37

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34 Ibid., February 8, 1948, p. 1.
35 Key, p. 331.
days later, the President further affirmed this point by declaring at his news conference that he would not discuss the matter with any Southern group. 38

The response of the Negro press to the February 2 message was enthusiastic. David Niles indicated as much in a memo which he sent to the President on February 16:

Strong favorable language was the rule in the editorials. The President was described as the new champion of human freedom. The program as a whole was hailed as the strongest civil rights program ever put forth by any President. The message was referred to as the greatest freedom document since the Emancipation Proclamation. The language of the message was described as Lincolnesque. 39

Such praise would help Truman obtain part of the Negro vote in November, but unless the President could undermine Henry Wallace's appeal with the minority blocs, it might be difficult for him to defeat the Republican nominee.

Wallace's campaign was beginning to take on serious and ominous dimensions as far as the Truman Administration was concerned. Though Wallace was not receiving a significant endorsement from organized labor, he was quite capable of drawing considerable support in an important urban


39 Memo from David K. Niles to Harry S. Truman on February 16, 1948; Philleo Nash Files, Harry S. Truman Library; typical of Negro editorial opinion were the remarks of the February 7, 1948, Norfolk Journal & Guide (Norfolk, Virginia): "That he has so promptly acted on some of its major recommendations, and during election year at that, demonstrates that he has honest and deep convictions and the courage to give official voice to them."
constituency such as New York. Wallace came to New York on February 15 to promote the candidacy of Leo Isaacson, who was the Progressive party's nominee for the vacant 24th Congressional district located in the Bronx. Speaking on behalf of Isaacson, Wallace attacked Truman's wavering Palestine position as one which played into the hands of American oil interests; it was an approach which was designed to appeal to the many Jewish voters of that district who were now disenchanted with Truman's handling of the heated Palestine question. Later that day, Wallace discussed civil rights at a Negro rally in Harlem. After pointing out that the President's February 2 message had generally ignored the issue of segregation in American life, Wallace went on to say that "Southern Governors and Senators have no more reason to fear action on Mr. Truman's . . . message than we have to expect it. They are angry that the President has paid lip service to the fundamental democratic principles." (It was at this rally that Joe Louis, heavyweight boxing champion, contributed $100 to Wallace's campaign fund: a gratuity which probably augmented Wallace's standing with Harlem Negroes.)

To the surprise of many Democrats, Leo Isaacson emerged victorious in the February 17 special election; he

\[41\] Ibid.
\[42\] Ibid.
received 22,697 votes as compared to the 12,578 which were given to his Democratic opponent, Karl G. Propper. The Progressive party's triumph was regarded by some observers as a spectacular upset which had national political connotations, suggesting that President Truman lacked strength in big city New Deal constituencies.\textsuperscript{43} A few days after the election, James A. Hagerty reported the results of a New York Times survey which indicated that Wallace's political stock had risen in Michigan, Pennsylvania, Illinois and California, in particular, thanks to Isaacson's victory in New York.\textsuperscript{44} The survey concluded with the observation that Truman would be hard pressed to win any of these states in the fall now that Wallace had demonstrated that his party was more than just a potential threat.\textsuperscript{45}

Was the Isaacson election a meaningful political portent, or merely a local anomaly—having no national significance? Only time would tell. One thing was certain: the Democratic party, as a Washington Post writer suggested, was in serious trouble.

The Democrats have been advancing with their wings in the air. Now they are gravely imperiled on each flank. To the left harrassed by Wallace and his pink-coated partisans. To the right they are not only menaced by the heavy dragoons of Big Business in cuirasses of gleaming gold and bristling plumes

\textsuperscript{43}Ibid., February 18, 1948, p. 1.

\textsuperscript{44}Ibid.

\textsuperscript{45}Ibid., p. 15.
fashioned from the stubs of innumerable checkbooks, by isolationist ambushes and by the Parthian warriors of fanatical constitutionalists; they are also threatened with the defection of some of their best-disciplined and hitherto most dependable troops, meaning the Southern Democrats.46

Even though some Southern Democrats had raised the specter of a bolt, the Administration stood its ground by refusing to compromise the principles enunciated in the February 2nd message. Senator J. Howard McGrath, chairman of the Democratic National Committee, made it clear to Governor Strom Thurmond and other members of his ad hoc committee from the Southern Governors' conference, who met with him on February 23, that the February 2nd message was not negotiable.47 McGrath defended it as a moderate statement which did not advocate the dissolution of the segregationist system except in the case of interstate transportation. At one point in the meeting, however, McGrath indicated that something might be arranged to allay Southern hostilities; he suggested that perhaps the 1944 Democratic party civil rights plank could serve as the model for the 1948 plank.48 Governor Thurmond, who was the most belligerent of the Southern group, was unwilling to consider any accommodation with the Administration as long as it refused to moderate its

47 Key, p. 331.
February 2nd position. Following their unsuccessful meet-
ing with McGrath, the Governors released a four-hundred
word statement which declared "the South was no longer in
the bag."49

Actually, a good part of the South was already
committed to the Truman organization. For instance, Governor
R. Gregg Cherry of North Carolina announced on February 28,
1948, that he would support Truman, civil rights program or
no civil rights program.50 But, an active, vocal minority
of Southern politicians refused to hoist the banner of party
loyalty, preferring instead to go their own way. In Virginia,
Governor William Tuck asked his legislature on February 26
to modify the state election laws in order to permit a state
party convention to determine, if necessary, how the state's
electoral votes would be cast in November.51 In Mississippi,
the state Democratic executive committee decided on March 1
that its state electors "would stand firmly for states rights
and therefore against any nominee for President or Vice
President who refuses to take an open and positive stand
against civil rights recommendations."52 The committee also
instructed the state's delegation to the Democratic National

50Key, p. 331.
52Key, p. 332.
Convention "to withdraw from the convention if the civil rights program was placed in the party platform, and if the party nominees did not give proper assurances."\(^{53}\)

Because the civil rights issue generated an unseasonable heat, the political temperature of the country started to rise long before the respective political conventions were scheduled to begin. In this warmed-up atmosphere President Truman announced on March 8, through Senator McGrath, that he would be a Presidential candidate in 1948.\(^{54}\) McGrath remarked: "I have talked to the President with respect to his civil rights message. The President's position remains unchanged since he delivered that message."\(^{55}\)

Though Truman remained publicly committed to the principles he espoused in the February 2nd message, he decided to shelve his omnibus civil rights bill rather than formally presenting it to Congress as an administrative measure. He indicated as much at his press conference on March 11.

**Q:** Mr. President, do you plan to send Congress bills to carry out your civil rights message?

**A:** Congress never feels very happy when the Executive sends them bills and says 'this is it.' When I was in Congress it was customary for Congress to write its own bill. If they request suggestions from me, I will be glad to make them.\(^{56}\)

\(^{53}\)Tbid., p. 332.

\(^{54}\)Redding, p. 103.


\(^{56}\)White House Press File, March 11, 1948, Harry S. Truman Library.
Perhaps Truman canceled his original plan to send such legislation to Capitol Hill because he feared it would be tied up in committee, and if that were the case, the minority bloc might hold him, rather than the Republicans, responsible for this legislative impasse. In addition, there was the possibility that he acted as he did to mollify the South; in any event, his message had momentarily taken the initiative away from both the Republicans and Wallace. More important, it had improved his standing with the Negro community, a point which was emphasized by the Democratic Party Executive Committee in its meeting in Washington on March 11. As reported in The New York Times of March 12th, "committee members from the North and West, conceding that the Truman Administration had reached the depths, asserted that they saw the President's stock picking up by virtue of his strong stand on civil rights and as a result of the Czechoslovakian coup." Yet, if Truman was to meet

57 The New York Times, March 12, 1948, p. 17; also see The New York Times, March 18, 1948, p. 30: The Czech coup was a blessing in disguise for Truman, since it convinced many Americans that his tough, uncompromising policy vis-à-vis Stalin was justified. Moreover, it severely undermined Henry Wallace's posture as a peace candidate who thought a detente with the Soviets could be arranged if the United States changed its cold war orientation. Following Stalin's seizure of power in Prague, Truman launched his first attack against Wallace in a Saint Patrick's Day speech in New York. Speaking to an audience which included Cardinal Spellman, Truman interpolated anti-Wallace remarks such as the following into his prepared speech: "I do not want and I will not accept the political support of Henry Wallace and his Communists; if joining them or permitting them to join me is the price of victory, I recommend defeat;
successfully the challenge of Wallace, as well as a liberal Republican, he would have to adopt new and bold programs to convince Negroes that his Administration had every intention of protecting their rights despite Congressional opposition. How far and how fast he would move with respect to civil rights would be determined by the requirements of the forthcoming campaign.

Several prominent Negroes refused to wait for the President's next gambit in the civil rights power play. Realizing that Truman's political ambitions might make him vulnerable to pressure, A. Philip Randolph and the Reverend Grant Reynolds organized a Committee Against Jim Crow In Military Service and Training on October 10, 1947, in order to promote a campaign against existing racial inequality in the armed forces.\(^\text{58}\) When members of this committee met with the President on March 22, 1948, they informed him that "Negroes are in no mood to shoulder guns for democracy abroad while they are denied democracy here at home."\(^\text{59}\) They then announced that unless the government eradicated Jim Crow in

\(^\text{58}\) The President's Committee on Equality of Treatment and Opportunity In the Armed Forces (hereafter known as the Fahy Committee), Box 10, Harry S. Truman Library.

\(^\text{59}\) The Crisis, LV, (May, 1948), p. 140.
the armed forces, a campaign of civil disobedience would be launched to force it to take action. Such talk angered Truman, who proceeded to tell Randolph and his group that he regretted the stand they had taken. 60

Nine days later, on March 31, 1948, Randolph and Reynolds appeared before the Senate Armed Services Committee, and reiterated their threat to lead a civil disobedience campaign if Congress refused to pass legislation outlawing segregation and discrimination in the armed forces. 61 As Randolph put it:

I personally pledge myself to openly counsel, aid and abet youth, both white and colored, to quarantine any Jim Crow conscription system, whether it bears the label Universal Military Training or Selective Service. From coast to coast . . . I shall call upon all colored veterans to join this Civil Disobedience movement and to recruit their younger brothers in an organized refusal to register. 62

But Randolph's call for a civil disobedience campaign was not echoed by other leading Negro spokesmen. Walter White, upon hearing of Randolph's testimony, telegraphed Senator Wayne Morse, a member of the Armed Services Committee, that he sympathized with Randolph, but "could not urge colored youth to refuse to defend their country's demand for

60 Ibid.
61 Baltimore Afro-American, April 10, 1948.
62 Ibid.
action if it is in danger." Yet Randolph's testimony had a decided impact; other Negroes who shared his concern, if not his commitment, also began to pressure the government. On April 26, 1940, Negro leaders, such as Roy Wilkins of the NAACP and Lester Granger of the Urban League, met with Defense Department officials, including Secretary of Defense James Forrestal, to see what could be done to desegregate the armed forces. Though they were encouraged by the Air Force, their efforts were apparently frustrated by Secretary of the Army Kenneth C. Royall, who informed them that the Army had no plans to make sweeping changes along the lines they had recommended. Still, they had made their grievances known to the Truman Administration. And in the background, never quite out of sight, stood A. Philip Randolph and his associates who were ready, if necessary, to move to the jails of America to force the government to provide equitable treatment for Negro servicemen.

Meanwhile, anti-Truman elements of the Southern Democracy were making bold moves in the direction of a walkout. On March 13, in Washington, seven out of fifteen Southern Governors, upon receiving Strom Thurmond's report of his committee's fruitless negotiation with Chairman McGrath,

63 Ibid.
64 Fahy Committee Papers, Box 10, Harry S. Truman Library.
65 Fahy Committee Papers, Box 11, Harry S. Truman Library.
repudiated Truman and his Civil Rights program, called for the restoration of the 2/3 rule in the convention, and urged Southerners to cast their electoral college votes for those candidates who did not support civil rights legislation. Later, the chairmen of the Mississippi and Arkansas state Democratic committees arranged to have a states rights conference assemble in Jackson, Mississippi, on May 10 to promote further the aims and interests of "states rights" Democrats.

Before the states rights convention opened, a primary election was held in Alabama on May 4 to determine whether loyal party Democrats, represented by Senator Lister Hill and Governor James Folsom, could stymie the efforts of the budding Dixiecrats to seize control of the party machinery. The voters of Alabama, as was indicated by the returns of May 4 and June 1, decided that the state electors would be pledged to vote against Truman or any other so-called civil rights candidate. Half the Alabama delegation to the Democratic National Convention was instructed to walk out if the national convention adopted a civil rights plank. Despite

66Key, p. 333.
67Ibid., p. 335.
68Ibid., p. 335.
these results, according to Arthur Krock, "the Administration was not worried about the Southern uprising."\(^70\)

The extent of that "uprising" was clarified by the Jackson meeting on May 10, which indicated that "the rebellion had its deepest roots in Mississippi and South Carolina."\(^71\) During the proceedings, Governor White of Mississippi and Governor Thurmond of South Carolina inveighed against Truman and his civil rights program. Governor Thurmond, in particular, distorted what the President had actually recommended in his February 2nd message in order to make it appear as if he called for the abolition of segregation, not just discrimination.\(^72\) More than bombast issued from this meeting: plans were laid for the calling of a states rights nominating convention to meet in Birmingham, Alabama, on July 17, in the event the Democratic National Convention adopted Truman's civil rights program.\(^73\)

Throughout the spring of 1948—both before and after the Jackson meeting—President Truman refused to discuss the issue of a bolt. He also publicly ignored the topic of civil rights.\(^74\) By avoiding these controversial questions, Truman

\(^{70}\text{Ibid.}, May 7, 1948, p. 22.}\n
\(^{71}\text{Key, p. 334.}\n
\(^{72}\text{Ibid., p. 334.}\n
\(^{73}\text{Ibid., p. 335.}\n
\(^{74}\text{See Henry Epstein's letter: The New York Times, May 9, 1948, p. 24; on one occasion, though, he was compelled to break his silence. At his press conference on May 13,}\)
hoped to placate as much of the South as possible before the start of the Democratic National Convention. Arthur Krock, in *The New York Times* of June 8, confirmed that the Truman Administration "was feverishly working to prevent a walkout by some Southern delegations." What the Administration offered them was a 1948 civil rights plank which would duplicate the one which had been inserted in the party's 1944 platform. The 1944 plank, which Walter White four years earlier had called a splinter, was nothing more than a generalized statement about civil rights; it lacked any specific recommendations such as those which were contained in the President's February 2, 1948, message.76

We believe racial and religious minorities have the right to live, develop and vote equally with all citizens and share the rights that are guaranteed by our Constitution. Congress should exert its full constitutional powers to protect those rights.77

It was not likely that the die-hard Dixiecrats would be satisfied, since they would accept nothing less than a duplication of the 1928 states rights plank. And quite possibly, liberals might not find the proposed 1948 plank acceptable

Truman was asked if the executive order changing federal discrimination policy—an order which he discussed in his February 2 message—was being prepared. Evidently puzzled by the question, Truman replied in a vague manner. Later that same day, the White House announced that the order was still being drafted; but there was no indication as to when it might be released. See Jules Abels, *Out of the Jaws of Victory*, (New York: Holt & Co., 1959), p. 101.

76 Ibid., June 9, 1948, p. 27.
77 Ibid.
either. Soon, Truman would find that he could not disassociate himself from the position which he had taken on February 2nd.

While Truman tried to unite the torn factions of the Democratic party behind his candidacy, the Republican party, meeting in Philadelphia during the third week of June, nominated Governor Thomas E. Dewey of New York and Governor Earl Warren of California as its Presidential and Vice Presidential candidates. Both Dewey and Warren represented the liberal wing of the Republican party. As far as Negroes were concerned, Dewey, in particular, had a civil rights record that was enlightened and humane. Samuel Lubell suggests, "Dewey's record in behalf of the Negro surpassed that of any previous New York Governor."\(^7^8\) Specifically, Dewey pushed through the legislature in 1945 a bill creating a State Commission Against Discrimination (a state FEPC law) and also appointed Negroes to positions in the state government they never before held.\(^7^9\)

Perhaps the best public expression of Dewey's civil rights views are contained in the civil rights plank of the 1948 Republican Party platform:

Lynching or any other form of mob violence anywhere is a disgrace to any civilized state, and we favor the prompt enactment of legislation to end this infamy.

\(^7^8\)Lubell, p. 100.

\(^7^9\)Moon, p. 209.
One of the basic principles of this Republic is the equality of all individuals in their right to life, liberty and the pursuit of happiness. This principle is enunciated in the Declaration of Independence and embodied in the Constitution of the United States; it was vindicated in battle and became the cornerstone of the Republic. This right of equal opportunity to work and to advance in life should never be limited in any individual because of race, religion, or country of origin. We favor the enactment and just enforcement of such Federal legislation as it may be necessary to maintain this right at all times in every part of this Republic.

We favor the abolition of the poll tax as a requisite to voting.

We are opposed to the idea of racial segregation in the armed forces of the United States.

Though not as inclusive nor as far reaching as the position Truman took in his February 2nd message, this plank did commit the Republican party to fight for the abolition of segregation in the armed forces.

In order to win a substantial part of the Negro vote Dewey would have to publicize his commitment to that plank and discuss his achievements in New York state as well. On the other hand, assuming that he would actively campaign for the Negro vote, he might focus attention on the failure of the Eightieth Congress to pass any civil rights legislation. If the South was a millstone around Truman's neck, then the domestic record of the Eightieth Congress could become a weight Dewey might not be able to carry.

After the Republicans left Philadelphia, the Democrats prepared to hold their convention in the City of

80Shannon, "Political Obstacles to Civil Rights Legislation," p. 58.
Brotherly Love. In the remaining weeks before the start of
that convention, President Truman continued to extend the
olive branch to the Southern malcontents. Meeting with
Congressman John Rankin of Mississippi on June 22, Truman
apparently persuaded Rankin that a compromise could be
affected. Following this discussion with the President,
Rankin informed the press that harmony might be established
between the White House and the South. "I am not without
hope that the Democratic convention will reach a satisfactory
agreement on the civil rights issue. If that convention
adopts the same plank that was inserted in the platform of
1944, I am assured that it will be adhered to." What
Rankin implied was that if the 1944 plank was written into
the 1948 platform, the President would not sponsor civil
erights legislation.

Several days after Rankin's announcement, Henry
Wallace, speaking in Washington, charged the President with
hypocrisy on the civil rights issue.

If we ever had any hesitancy before, Mr. Rankin
has dispelled our doubts. We can now say of
President Truman's civil rights message that the
views in the message are not necessarily those of
the sponsor. We can go further. We can say posi-
tively that they are not the views of Mr. Truman.

82 Ibid.
83 Ibid.
84 Ibid., June 26, 1948, p. 4.
Despite Wallace's statement, leaders of the NAACP, meeting in their annual convention in St. Louis, Missouri, during the last week of June, refused to condemn the President. Quite the contrary: Truman was mostly praised for the stand he had taken on civil rights—perhaps the speakers were unaware of the Rankin statement—and Wallace, on the other hand, was attacked, particularly by Walter White, for his failure to fight discrimination or segregation when he was Vice President and Secretary of Agriculture and Commerce. It was evident that the NAACP leadership preferred Truman, rather than Dewey or Wallace.  

Outwardly unperturbed by Wallace's statement, and probably comforted by the support he received from the NAACP, Truman, with the help of his aides, pushed on with his efforts to achieve a compromise with the South. While these back-stairs conversations were being continued, another revolt was brewing, this time in the liberal wing of the Democratic party. On July 5th, fifty leaders of the "Draft Eisenhower group," meeting in Minneapolis, released a statement that they were going to fight for the inclusion of Truman's civil rights program in the party platform.

The report of the President's Committee On Civil Rights is one of the most important measures of moral strategy devised by the United States of America in modern times. . . . its sponsorship will remain a landmark in the history of this Democratic Administration.

As active members of the Democratic party and as citizens, we support this program. Many of us will be delegates to the national convention of our party in Philadelphia. The issue of civil rights is in the worthiest tradition of our party. We hereby declare that we shall actively seek, at Philadelphia, to make the accomplishment of this program a part of our party's platform for 1948.86

The statement was not only endorsed by Eisenhower Democrats, such as Congressman James Roosevelt and Cook County, Illinois, boss Jacob Arvey, but was supported by such party stalwarts as Herbert Lehman, Edward J. Flynn of New York and Mayor David Lawrence of Pittsburgh and the newly arrived liberal spokesman, Hubert Humphrey, Mayor of Minneapolis.87

Thus, by the time the drafting committee of the Democratic National Convention assembled in Philadelphia on July 7th to begin work on the party's platform, it was clear that a fight was in the making on civil rights. If the Mississippi and Alabama delegations remained unreconstructed, and if the liberals pressed their campaign for a strong civil rights plank, Pennsylvania's Senator Francis Myers, the chairman of the platform committee would have a difficult time placating either side. One thing was certain: no civil rights plank would be included in the platform which was to be presented to the convention without first having been cleared, or perhaps written, by the President and his advisors.

87 Ibid.
Before the platform committee drafted the party platform, it received testimony from people representing various organizations and points of view. Among those who addressed the 1948 platform committee was Walter White, the spokesman for not only the NAACP but twenty other Negro organizations with a combined membership of 6,084,000. White told the committee that the 1948 civil rights plank would be wholly unsatisfactory in 1948, since "human events not only within the continental United States but throughout the world have moved measurably forward in the past four years. The party must move forward or perish." He pointed out that Negro voters, numbering as many as three million, would be a "vital factor" in some 75 out of 435 Congressional districts in at least 17 border states and northern states with a total of 295 electoral college votes. "Issues," said White, "instead of party labels will determine how these votes will be cast."

However threatening White may have sounded, his words were generally ignored by those men who had the authority

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88 Ibid., July 9, 1948, p. 2.
89 Ibid.
90 Ibid.
91 Ibid.; during the period of the convention the NAACP placed a full page advertisement in all Philadelphia newspapers in order to notify those Southern delegates who were considering a bolt that Northern liberals would not miss them if and when they left: See also Negro Yearbook 1947-1951, (New York: William H. Wise & Co., 1952), p. 299.
and power to decide what would go into the party’s civil rights plank. To insure compliance with the President’s will, Clark Clifford, Truman’s special counsel, came to Philadelphia on July 10 to consult with Senator Myers about the language and content of the committee’s civil rights draft. 92 Clifford allegedly presented Myers with a virtual rewrite of the 1944 plank, containing none of the specific recommendations demanded by Walter White or the Americans for Democratic Action. 93

To complicate Clifford’s task, Hubert Humphrey, a member of the drafting committee, announced that he intended to fight for inclusion of such specific civil rights recommendations as an antilynching law, abolition of the poll tax, an FEPC, and the abolition of segregation in the armed forces. 94 Given the preponderant Truman majority on this committee, it was not likely that Humphrey would succeed in his attempt to strengthen the plank. If he wanted action on this plank, Humphrey would have to take it to the convention floor, where his Americans for Democratic Action colleagues might find support for the liberal civil rights resolution which the drafting committee was going to reject. 95

92 Ibid., July 12, 1948, p. 3.
93 Ibid.
94 Ibid., July 11, 1948, p. 4.
A majority of the platform committee drafted a plank that expressed the Truman position. This plank, however, failed to placate the most intransigent Southerners—those who wanted not only restoration of the 2/3 rule but a states rights plank as well; and its equivocal language offended those liberals who wanted specific propositions included in the civil rights plank. A floor fight was now in prospect!

On July 14th the civil rights issue precipitated a dramatic confrontation between the anti-Truman liberals and the Southern delegates. Before this occurred, Senator Francis Myers, on behalf of the 108 members of the platform committee, presented to the convention the majority's version of the party platform, which of course included the Truman civil rights plank.

The Democratic party is responsible for the great civil rights gains made in recent years in eliminating unfair and illegal discrimination based on race, creed or color. The Democratic party commits itself to continuing its efforts to eradicate all racial, religious and economic discrimination.

We again state our belief that racial and religious minorities must have the right to live, the right to work, the right to vote, the full and equal protection of the laws, on a basis of equality with all citizens as guaranteed by the Constitution.

We again call upon the Congress to exert its full authority to the limit of its constitutional powers to assure and protect these rights. 96

After Senator Myers had finished reading the text of the platform, other members of the drafting committee submitted minority resolutions. For instance, Dan Moody of Texas, Cecil Sims of Tennessee, and Walter Sillers of Mississippi, presented three different states rights planks. The Moody plank, the only one of the three to receive a roll call vote, read as follows:

The Democratic Party stands for the principle that the Constitution contemplated and established a Union of indestructible sovereign states and that under the Constitution the general Federal Government and the separate states have their separate fields of power and of permitted activities. Traditionally it has been and it remains a part of the faith of the Democratic party that the Federal Government shall not encroach upon the reserved powers of the states by centralization of government and otherwise.

Within the reserved powers of the states, to be exercised subject to the limitations imposed by the Fourteenth and Fifteenth Amendments to the Constitution on the manner of their exercise, is the power to control and regulate local affairs and act in the exercise of police powers.97

Representative Andrew J. Biemiller of Wisconsin, speaking for Hubert Humphrey, Esther Murray and himself, submitted a liberal civil rights plank which deleted paragraph four of the Truman plank and replaced it with the following:

We highly commend President Harry Truman for his courageous stand on the issue of civil rights. We call upon the Congress to support our President in guaranteeing these basic and fundamental principles: The right of full and equal political participation, the right to equal opportunity of

97Ibid., p. 176.
employment, the right of security of persons, and the right of equal treatment in the service and defense of our Nation. 98

Hubert Humphrey, in defending this substitute plank, told the convention:

Friends, delegates, I do not believe that there can be any compromise on the guarantees of the civil rights which we have mentioned in the minority report. . . . There can be no hedging. The newspapers headlines are wrong. There will be no hedging, and there will be no watering down, if you please, of the instruments and the principles of the civil rights program.

My friends, to those who say that we are rushing this issue of civil rights, I say to them, we are 172 years late.

To those who say that this civil rights program is an infringement on states rights, I say this, that the time has arrived in America for the Democratic party to get out of the shadows of states rights and to walk forthrightly into the bright sunshine of human rights. . . . I ask this Convention to say in unmistakable terms that we proudly hail and we courageously support our President and leader, Harry Truman, in his great fight for civil rights in America. 99

Shortly thereafter, a floor vote was held on the Moody Resolution, which was defeated by a vote of 925 nays to 309 yea. 100 Only eleven votes outside of the Solid South were committed to this resolution. The Sims' and Siller's resolutions were defeated by a voice vote. 101 Finally, the moment arrived for the dramatic and crucial vote on the Biemiller resolution. By a vote of 651 1/2 to 582 1/2 the minority

98 Ibid., p. 181.
99 Ibid., p. 189.
100 Ibid., p. 196.
101 Ibid., p. 201.
liberal plank was converted into the majority plank, thanks to the support coming from the big city bosses in New York, Illinois and Pennsylvania. They had voted for it because of their fear that unless provisions were made to hold the Negro vote, their local and state tickets would go down to defeat in the "prospective GOP landslide." Missouri voted against it, as did Rhode Island, whose state delegation was controlled by Senator McGrath. In only sixteen states outside of the Solid South did the Administration control the votes it needed to defeat this resolution. (As Arthur Krock wrote, "cynical politics was never better served than today. The President's spokesmen tried to reject specific endorsement of him and his program in an effort to prevent total revolt in the South." Thus, Truman's efforts to preserve harmony came to naught, for immediately after the final civil rights vote was taken, part of the Alabama delegation, followed by the entire Mississippi delegation, walked out of


103 The New York Times, July 15, 1948, p. 8; the Pennsylvania delegation, in particular, ultimately provided the liberals with the margin they needed. Richardson Dilworth, the former Democratic candidate for the mayor of Philadelphia, convinced a majority of his fellow delegates, who voted according to the unit rule, to support the Biemiller resolution, thereby depriving Senator Myers of control of this important state during a crucial stage in the balloting. See Robert Bendiner, "Rout of the Bourbons," The Nation, CLXVII, (July 21, 1948), 1-3.

104 Ibid., p. 2.

105 Ibid., p. 22.
the convention. But, other Southern delegates refused to join them, preferring instead to remain loyal to the party despite the convention's stand on civil rights.

Loyalty to the party was not the same thing as support for Truman. Incensed by their defeat on the civil rights vote, Southern delegates, with few exceptions, refused to vote for Truman as the party's candidate. Instead they endorsed Senator Richard Russell of Georgia, who received 263 Southern votes to 13 for Truman. Truman easily won the nomination with 947 2/3 votes, with another 3/2 vote going to Paul V. McNutt.

After Truman was nominated, Senator Alben Barkley was selected as the party's Vice Presidential candidate. He had not been Truman's first choice. Truman wanted Justice William Douglas to be his running mate, perhaps thinking that if Douglas had been the Vice Presidential candidate, the liberal-labor bloc might be more disposed to work for the

106 Key, p. 335.
108 Ibid., p. 9; James Forrestal's diary for July 15, 1948, reveals something of Truman's attitude on both the subject of the civil rights plank and the convention's Presidential ballot; see James Forrestal's Diary, edited by Walter Millis & E. S. Duffield, (New York: Viking, 1951), p. 458: "He [Truman] made the observation that he himself had not wanted to go as far as the Democratic platform went on the civil rights issue. He said he had no animus toward the delegates from the Southern states, who had voted against the civil rights plank and against his nomination. 'I would have done the same thing myself,' [he said], 'if I were in their place and came from their states.'"
Despite Truman's entreaties, Douglas refused to accept the nomination, thus opening the way for Leslie Biffle, former Secretary of the Senate and a backstage power in Democratic circles in Washington, to promote the candidacy of Barkley, a popular figure in Congress, if not in the White House. 110

A feeling of despair gripped the delegates as they prepared to listen to the President's acceptance speech. (It was, after all, the judgment of most political pundits that Truman's November prospects were not particularly good.) 111 Truman quickly dispelled the convention's gloom, for he delivered a fighting speech attacking the record of the Eightieth Congress—a Congress which, he said, would be recalled on July 27 so that it could enact into legislation the high-sounding resolutions contained in the Republican Party platform. 112 In reference to civil rights, the President commented:

Everybody knows that I recommended to the Congress the civil rights program. I did so because I believed it to be my duty under the Constitution. Some members of my own party disagreed with me violently on this matter, but they stand up and do it openly. People can tell where they stand. But the Republicans all professed to be for those

109 Abel, p. 92.

110 Interview with Oscar Ewing on June 25, 1962, in Chapel Hill, North Carolina.

111 Morris Ernst and David Loth, The People Know Best, (Washington: Public Affairs Press, 1948); this book contains a sample of opinion poll sentiment.

112 Democracy at Work, p. 300.
measures, but the Eightieth Congress did not act. They had enough men there to do it and they could have had closure. They didn't have to have a filibuster. There is enough people in that Congress that would vote for closure.113

Truman neglected to mention that he had not offered to cooperate with them in an attempt to secure closure.

While Truman attacked the Republicans, he was at the same time being challenged on both flanks by former Democrats. On July 17, a states rights conference met in Birmingham, Alabama, to "recommend" South Carolina's Governor Strom Thurmond and Governor Fielding Wright of Mississippi as its Presidential and Vice Presidential candidates.114 Both the sponsors and "recommended" candidates of this conference hoped that their ticket would attract enough votes to prevent a Truman victory and thereby force the House of Representatives to select the next President.115

In order to throw the election into the House, where the South could then bargain with the various candidates on the civil rights issue, the Dixiecrats would have to carry a good many Southern states. Thus it was necessary to broaden the party's appeal in those border states where white supremacist politics was no longer quite so fashionable. Hence, Thurmond, in the course of the conference, attacked lynching

113Ibid., p. 300.
114Key, p. 335.
115Abel, p. 147.
and advocated state abolition of the poll tax in an attempt to persuade Southern moderates that his political organization was in reality defending the noble heritage of Jeffersonian Democracy. Yet, lurking in the background of this conference, and exerting real influence were racist politicians such as Senator James Eastland of Mississippi and former Alabama Governor Frank Dixon; their active presence revealed the party's true character. The conference's platform, which was full of racist doctrine, also exposed the States Rights party for what it was: a mask for privilege and prejudice.

On July 20 the Progressive party held its convention in Philadelphia, a convention in which Negroes played a prominent role. Lankin Marshall Howard, a Negro attorney from Des Moines, was the convention's keynote speaker. There were approximately 150 other Negroes, including W. E. B. Du Bois and Paul Robeson, who attended the convention as delegates or alternates. (Robeson was later designated co-chairman of the party.) They were among those

117 Key, p. 335.
118 Ibid.
120 Ibid.
121 Ibid.
delegates who approved the party platform which "was more detailed in proposals affecting Negroes than were those of the major parties, reflecting the Progressive efforts to capitalize on Negro discontent." 122 The Progressive party's militant espousal of civil rights was a reflection of the Communist control and manipulation of the party's machinery. Communists advocated this approach to civil rights because they hoped to incorporate Negroes into a coalition "of labor and the people against war and fascism," with the assistance of the Progressive party. 123

Although Communists used Henry Wallace and Idaho's Senator Glenn Taylor, the party's nominees, to attack Jim Crow, both men had been critics of the system of segregation and discrimination before the Progressive party was organized. For this reason, many Negroes considered them attractive candidates. Whether Wallace and Taylor could enlist substantial numbers of Negroes in their crusade once their movement had been stigmatized as a Communist front was another matter. Though labeled a "Communist dupe," Wallace might still succeed in undermining Truman's supposed strength in the big cities, and enhance Dewey's opportunity to win a landslide victory.

In response to the combined threat of Dewey and Wallace, President Truman issued two executive orders on July 26, 122 Ibid., p. 281.
123 Ibid.
a day before Congress was scheduled to reconvene. Both orders 9980 and 9981 were drafted by Philleo Nash of the White House staff in the weeks following the Democratic Convention, though, according to former Truman Administration officials, six months of planning and work went into the preparation of each one in order to have them ready for release before the start of the July session of Congress.

Executive Order 9980 authorized the creation of a review board in each department and agency of the Federal Executive to whom government employees could appeal if they felt that they had been victimized by discriminatory employment practices. The Fair Employment Board, which was attached to the Civil Service Commission, was designed "to coordinate the practices and procedures of the various departments and agencies, to maintain overall supervision of their compliance with the policy and to serve as a final review body to hear appeals from the decision of departmental heads on complaints

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124 See Philleo Nash Files, Boxes 6 and 28, Harry S. Truman Library.

125 To Secure These Rights, p. 168.

of discrimination."

Executive Order 9981 was even more important. It called for the establishment of equality of opportunity in the armed forces.

It is hereby declared to be the policy of the President that there shall be equality of treatment and opportunity for all persons in the armed services without regard to race, color, religion or national origin. This policy shall be put into effect as rapidly as possible, having due regard to the time required to effectuate any necessary changes without impairing efficiency or morale.

In addition, the President's Committee on Equality was created to study and resolve the problem in accordance with the President's objective as stated in his order. Thanks to campaign pressures, applied by A. Philip Randolph and others, a major breakthrough on the color front had been achieved.

Truman's action prompted criticism from different sources for a variety of reasons. The Baltimore Sun (Maryland) of July 27 suggested that "the timing of President Truman's executive orders against racial discrimination in civilian government employment and in the armed forces strongly suggests that they were politically inspired."

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127 Philleo Nash Files, Box 6, Harry S. Truman Library; unfortunately, the FEBC had no power to enforce its decisions, all it could do was to appeal to the President.

128 Ibid., Box 28, Harry S. Truman Library.

129 Ibid.

130 Baltimore (Maryland) Sun, July 27, 1948.
The Montgomery Advertiser (Alabama) of July 29 stated that "Truman's army program is of a more raw and repugnant character than that urged for the civilian provinces." The Shreveport Times (Louisiana) of August 1 accused the President of "grandstanding to try to get back some of the Roosevelt Negro vote which seems to be swinging to the Wallace-Communist Progressive banner in some areas."

Henry Wallace was also critical of the President's efforts to fight discrimination in the federal ranks:

Mr. Truman's nightmares over the rapid growth of the Progressive Party have forced him to face the issue of discrimination, but once again he has made only an empty gesture. He has written in the executive order the language of the South. He talks glibly of "equal opportunity" and "equal treatment," dodges always used to avoid action, but fails utterly to attack the heart of the matter—segregation.

The President's order on equality of treatment in the armed forces says nothing, promises nothing, does nothing—and leaves segregation intact.

Senator Richard Russell manifested a somewhat different reaction. He charged that Truman's executive orders were "articles of unconditional surrender to the Wallace convention, and to the treasonable civil disobedience campaign organized by the Negroes, by A. Philip Randolph and Grant Reynolds." Russell further asserted that Truman

132 Shreveport (Louisiana) Times, August 1, 1948.
134 Ibid., p. 8.
was unwilling to prosecute those men who were defying the Selective Service Act because "such action would alienate the few Negroes who remain loyal to him in the present political campaign." 135

Though he had not read the President's order, General Omar Bradley, Chief of Staff, declared at Ft. Knox, Kentucky, on July 28 that "the Army is not out to make any social reforms. . . . The Army will put men of different races in different companies. It will change that policy when the Nation as a whole changes it." 136 This startling statement had to be refuted at once if the President's order was to be taken seriously. In order to clarify the situation, Truman pointed out at his press conference of July 29 that the armed forces, given the language of his executive order, would be compelled in time to abolish segregation. 137 That the White House had no intention of equivocating on this issue was reaffirmed by Senator McGrath, who told A. Philip Randolph and Grant Reynolds on August 2 that the seven man Presidential committee, which was designed to supervise the program of desegregation, would "initiate its activities and functions on the basis

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135 Ibid.
137 Nichols, p. 86.
of non segregation." (Randolph, apparently satisfied that the President was sincere in his advocacy of a non-Jim Crow military service, announced on August 18 that the civil disobedience campaign which he and Reynolds had organized was to be terminated.)

Before McGrath met privately with Randolph and Reynolds, the President addressed the Congress on July 27. Near the end of his speech, which had been organized by Clark Clifford, Truman made a specific reference to civil rights.

Finally, I wish to urge upon the Congress the measures I recommended last February to protect and extend the basic civil rights of citizenship and human liberty. A number of bills to carry out my recommendations have been introduced in the Congress. Many of them have already received careful consideration by Congressional committees. Only one bill, however, has been enacted, a bill relating to the rights of Americans of Japanese

138 Grant Reynolds, "Triumph for Disobedience," The Nation, CLXVII (August 28, 1948), 228.

139 Washington Times Herald, August 19, 1948; that some Philadelphia Negro youths of draft age had been influenced by the Randolph-Reynolds campaign was shown by the results of a poll taken by the Philadelphia Tribune which were published in this paper on July 27: "Results of a survey conducted at week's end on attitudes of draft-age youth on matters of civil disobedience to a military draft showed that a majority of the city's eligible may not register when their turns come up next month. The survey was conducted on a relatively small scale and polled a selected number of 18 to 25 year old Negroes. Thirty-four youths were questioned during a three-day tour of various sections of the city and of that number twenty said they were in accord with civil disobedience and will not register for the draft."

140 Charles S. Murphy Files, Box 6, Harry S. Truman Library.
origins. I believe that it is necessary to enact the laws I have recommended to make the guarantees of the Constitution real and vital. I believe they are necessary to carry out our American ideals of liberty and justice for all.\textsuperscript{141}

Despite the President's request for civil rights legislation, a Southern filibuster destroyed any hope of Senate action. On August 4, Senate Republicans tabled the anti-poll tax bill, but pledged to come back in January to seek changes in the Senate rules. The Senate then adjourned; the session itself was terminated on August 7. It was once more time for the politicians to go to the people.\textsuperscript{142}

As the most hectic phase of the campaign approached, Truman prepared to attack, again and again, the callous domestic record of the Eightieth Congress. At the same time, he planned to seek support from labor, the farmer, the consumer, and the Negro. In other words, "though not a New Dealer at heart," wrote Walter Lippman, Truman was a politician "who appreciates the voting strength of the Roosevelt combination."\textsuperscript{143} Whatever hopes Truman had of victory in November depended in large measure upon the support he would receive from that famous coalition. The question was: could it remain intact for one more election campaign?

\textsuperscript{141}U.S., Congressional Record, 80th Cong., 2nd Sess., 1948, XCIV, Part 8, 9\textsuperscript{141}.
\textsuperscript{142}The New York Times, August 3, 1948, pp. 1 and 3.
\textsuperscript{143}Cited in Abel, p. 32.
By early September, Truman was beginning to catch on with the Negro voters. The Southern walkout at the Democratic National Convention had dramatized his differences with the "Dixiecrat" types, thus convincing many Negroes that his advocacy of civil rights legislation was genuine. Executive Order 9981 also had made a distinct impression upon the Negro community, a fact which was confirmed by Donald Dawson, a White House aide, in a memo he sent to Truman on September 9.

1) Since your executive order was issued, all important opposition to the draft on the basis of the Army's race policy has disappeared. Philip Randolph and Grant Reynolds have withdrawn from their Committee Against Jim Crow, and only a few C.O.'s and other war resisters remain in the movement.

2) Negro leaders and their white friends have been universal in the praise of the order and in their support of the proposed committee.

3) The Committee will have complete minority press support. The Negro press, which had been conducting a vigorous campaign against the Army's racial policy has now abandoned it.\footnote{Memorandum of September 9, 1948, from Donald Dawson to Harry S. Truman, Philp Goodwin F. Files, Box 6, Harry S. Truman Library.}

To further enhance his position with Negro voters the President on September 18 designated the seven men who were to become members of the President's Committee on Treatment and Opportunity in the Armed Services. They were Charles Fahy, the former Solicitor General of the United States, Lester Granger, the executive secretary of the Urban League, John H. Sengstacke, editor of the influential Negro newspaper, the \textit{Chicago Defender}, Dwight Palmer and Charles Luckman,
industrialists, William Stevenson, educator and Alphonsus J. Donahue.\textsuperscript{145} This committee, subsequently known as the Fahy Committee, was to begin its work in January 1949, assuming that Truman was still in the White House.

While Truman was reaping the benefits accruing from the release of his executive orders, Henry Wallace toured the South and spoke before unsegregated audiences, whenever possible, in order to convince Negroes of his egalitarian convictions.\textsuperscript{146} It was a courageous effort which Truman had no intention of duplicating. During his campaign trip through Texas, Oklahoma, Kansas, and Missouri, Truman ignored the issue of civil rights. When the President arrived in southern Illinois on September 30, he at last discussed his Administration's efforts to combat discrimination.\textsuperscript{147}

That Truman's efforts were influencing Negro voters was confirmed by Carl T. Rowan, a journalist for the Baltimore Afro-American. On October 2 he reported the results of a poll which the Afro-American had conducted in four widely separate Negro districts in Baltimore: Truman received 43.7\% of the votes; Dewey, 26.5\%; and Wallace 22\%.\textsuperscript{148} On

\begin{itemize}
\item \textsuperscript{145}Philleo Nash Files, Box 28, Harry S. Truman Library.
\item \textsuperscript{146}Lewis Coser and Irving Howe, The American Communist Party, (New York: Praeger, 1960), p. 477.
\item \textsuperscript{147}The New York Times, October 1, 1948, p. 21.
\item \textsuperscript{148}Baltimore (Maryland) Afro-American, October 2, 1948, p. 11.
\end{itemize}
the basis of this sample it could be ascertained that Truman held a comfortable lead over his two rivals at least in the Negro wards of predominantly Democratic Baltimore. Though he was the frontrunner, Truman was not carrying these wards by a sufficiently large margin; Wallace was evidently still cutting into his strength.

To compensate for the Wallace threat in the North, Truman was doing well in the South, since the Dixiecrat rebellion seemed to have taken hold in only four southern states: South Carolina, Alabama, Mississippi, and Louisiana. Elsewhere in the South, there was no real opposition to Truman's candidacy. As the chairman of the Democratic Committee of North Carolina suggested: "What can we accomplish? . . . the Republicans are committed to a more determined civil rights program than our party is and Governor Dewey has already put into effect in the New York government many of the proposals to which we in the South most vigorously object." 150

Despite Dewey's efforts to capture the most important southern and border states, Truman assumed that they were safely Democratic, and thus campaigned almost exclusively during October in the key industrial states of the North and East. He toured the Negro slums of Philadelphia,
where no previous President had visited, and was well received. And to climax his campaign to win the Negro vote, Truman addressed a rally in Harlem on October 29. The first President to speak in Harlem, Truman was warmly welcomed by some 65,000 people who came not only to hear his remarks but to see him receive the first Franklin Delano Roosevelt Memorial Brotherhood Medal from Reverend Dr. C. A. Johnson.

Speaking to this assemblage on the first anniversary of the day he had been presented with the report of his civil rights committee, Truman discussed the meaning and significance of *To Secure These Rights*. Then, after praising the work and the recommendations of the committee, Truman proceeded to outline his Administration's record on civil rights.

After the Civil Rights Committee submitted its report, I asked Congress to do ten of the things recommended by the committee. You know what they did about that. So I went ahead and did what the President can do, unaided by Congress. I issued two executive orders. One of them established the President's Committee on Equality of Treatment and Opportunity in the Armed Services. The other covered regulations governing fair employment practices within the federal establishment.

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151 Philleo Nash Files, Box 29, Harry S. Truman Library.
In addition to that, the Department of Justice went into the Supreme Court and aided in getting a decision outlawing restrictive covenants.

Several states and municipalities have taken action on the recommendations of the Civil Rights Committee, and I hope more will follow after them.

Today the democratic way of life is being challenged all over the world. Democracy's answer to the challenge of totalitarianism is its promise of equal rights and equal opportunity for all mankind.

The fulfillment of this promise is among the highest purposes of government.

Our determination to attain the goal of equal rights and equal opportunity must be resolute and unwavering.

For my part, I intend to keep moving toward this goal with every ounce of strength and determination I have.\footnote{154}{Ibid.}

Such campaign rhetoric notwithstanding, Truman, oddly enough, failed to receive the editorial endorsement of any major Negro newspaper other than the Chicago Defender; the rest supported Dewey.\footnote{155}{Van Auken, pp. 431, 435.} For example, the Pittsburgh Courier, the most widely circulated Negro newspaper, declared on October 30: "Put Governor Thomas E. Dewey in the White House where he can do for all Negroes of the nation what he has done for the Negroes of New York State."\footnote{156}{Van Auken, pp. 431, 435.} Whether Negroes who read newspapers such as the Courier, the Baltimore Afro-American, and the New York Amsterdam News, had been influenced by their editorial stand, would soon be determined on November 2, 1948.

\[\text{154} \text{Ibid.}\]
\[\text{156} \text{Van Auken, pp. 431, 435.}\]
The results of that election staggered millions of Americans, including most Republicans and practically all political pollsters. 157 Truman had achieved a certain political immortality thanks to his spectacular victory, which on the basis of hindsight was not quite so remarkable. 158 Though he had been harassed on both flanks by political defectors, and challenged in the center by the leader of a formidable political organization, Truman successfully routed his enemies because he had battled on behalf of Franklin Roosevelt's New Deal coalition, which in 1948 still represented a political majority in the United States. In the words of Clark Clifford, an architect of the "48" campaign: "We had to be bold. If we had kept on plugging away in moderate terms, we might have reached midfield when the gun went off, so we had to throw long passes, anything to stir up labor, and to get the mass votes of the great cities of the Middle West, New England and the East." 159

Evidently such tactics influenced Negro voters who supported Truman in overwhelming numbers. According to a

157 Truman received 24,106,066 popular votes and 303 electoral votes; Dewey was given 21,970,136 popular votes and 189 electoral votes; Thurmond obtained 1,169,235 popular votes and 39 in the electoral college; Wallace came in last in the popular voting with 1,157,218: American Democracy At Work, p. 380.

158 Lubell, p. 190.

post election survey conducted by the NAACP, 69% of all Negro voters in 27 major cities and communities across the country had cast their ballots for Truman. In some of these Negro districts, in fact, he received greater support than did Franklin Roosevelt in any of his elections. And it was fortunate for Truman that Negroes found him to be such an attractive candidate, for if a sizeable number of Negroes had voted for Dewey in any two of three key states of California, Illinois, and Ohio, he, rather than Truman, would have been elected to the White House.

To illustrate the crucial character of the Negro vote in these three states, it is necessary to examine the election returns in some detail. Truman carried California by 17,865 votes; in one Negro district of Los Angeles he received 30,742 votes as compared to Dewey's 7,146 and Wallace's 4,092. Truman won Illinois by only 33,612; yet Chicago's Negroes provided him with a plurality almost four times the margin by which he carried the state. The election in Ohio was particularly close—Truman eked out a 7,107 vote victory. Again, as in California and

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161 Ibid., pp. 42-45.
162 Arnold Aronson and Samuel Spiegler, "Does the Republican Party Want the Negro Vote," The Crisis, LVIII, (December, 1949), 365.
164 Ibid.
Illinois, his winning margin was provided by the Negroes, this time from Cleveland and Akron, who gave him a 65,000 vote plurality over Dewey. (Truman did extremely well in Negro districts located in states which he lost to Dewey. In New York's Harlem he polled 108,643 votes to Dewey's 34,076 and Wallace's 28,903. In New Jersey and Pennsylvania he carried Negro wards by 2 to 1, 3 to 1, and sometimes by 4 to 1 margins.)

Among the factors which contributed to Truman's 1948 victory was the widespread prosperity which the country was experiencing. Many voters, urban and rural alike, felt that if Dewey won the Presidency a depression would surely follow. Truman exploited this issue during the campaign, and thus rallied to his cause millions of voters, from the middle and lower classes, who lived in the great cities of America. Included in this urban group were many Negroes, who discovered in Truman a spokesman for both their political and economic interests. For these reasons, almost two-thirds of the Negroes who voted in 1948 cast their ballots for Truman.

Dewey ignored these Negro voters, a policy which he would regret on election day. Thus, "while Truman made

165 Ibid.
166 Ibid.
167 Lubell, p. 84.
capital of his civil rights proposals, Dewey kept silent about his civil rights accomplishments.\textsuperscript{168} Dewey's reticence had not improved his chances of winning the Negro vote; he further damaged himself during the campaign by actively soliciting Southern votes. The latter maneuver was especially self-defeating since few Southern Democrats voted for him, and most Northern Negroes, offended by his ostensible disregard of their interests, sided with Truman.

Henry Wallace sought Negro support, but failed to obtain more than ten per cent of that vote, a factor which counted heavily in Truman's favor, especially in the states of California, Illinois and Ohio.\textsuperscript{169} Most Negroes refused to forsake the Democratic party, thinking, that, if they did, Truman's chances of winning would be severely reduced. They believed that a vote for a third party candidate would only benefit Thomas Dewey, who, in their opinion, was the least attractive candidate. Thus, Wallace was given short shift by the vast majority of voting Negroes, who supported Truman in good conscience because the Dixiecrat revolt had convinced them that he was earnest about his civil rights program.

Even after the election, civil rights remained a major domestic issue. Alabama's Senator John Sparkman, in

\textsuperscript{168} Aronson and Spiegler, p. 365.

\textsuperscript{169} Moon, "What Chance For Civil Rights," pp. 42, 45.
an attempt to blunt Truman's expected legislative efforts, suggested on November 24 that a Joint Congressional Committee be created to study the social and economic problems of the various minorities.  

(The New York Times condemned this proposal as "another Southern delaying action," which would only duplicate the work of the President's Civil Rights Committee.) On November 26, Administration leaders intimated that in the forthcoming session of Congress an attempt would be made to modify the Senate rules as they pertained to motions and measures in order to pass civil rights legislation. Such legislation would receive the President's active support, reported Walter White following his November 28 meeting with Truman at the White House.

171 Ibid., November 26, 1948, p. 22.
172 Ibid., November 29, 1948, p. 48; notwithstanding Truman's professed desire to carry the battle for civil rights legislation to the Congress, his Administration was pursuing a callously racist policy in the burgeoning field of national security. This practice was discussed by Walter White in a letter he wrote to the President on November 26, just two days before their scheduled meeting at the White House. "The NAACP is greatly concerned about an increasing tendency of the part of government agencies to associate activity on interracial matters with disloyalty. Thus various investigating agents of the government have been asking white persons whether they associate with colored people. Colored people have been asked whether they entertained white people in their homes. In addition, there is considerable evidence before us that many colored government employees, who are now being charged with disloyalty, have such accusations brought against them because they have actively opposed segregation and discrimination in their places of employment or in their communities. OP 252K, Harry S. Truman Library.
Late in December 1948 The New York Times disclosed that the Republicans were hoping to embarrass the Democrats by pushing for civil rights legislation at the beginning of the new session of Congress. Specifically, Senate Republicans planned to seek a slight change in the Senate rules in order to curtail the Southern filibuster. Whether their proposals would dovetail with the plans of the Democratic liberals, who wanted to end debate by a simple majority vote, was not yet clear.

As the New Year approached, President Truman could look back at the fading year with a sense of satisfaction. He had been elected President of the United States thanks to the support given him by labor, farmers and the various minorities. But, that support now obligated him to present to the Congress a program which included the major reforms he espoused during the campaign. The question facing Truman as the new Eighty-first Congress prepared to convene, with a Democratic majority, was whether it would be more sympathetic to such reform legislation than its immediate predecessor.

CHAPTER IV
THE SUCCESS OF LITIGATION
AND THE FAILURE OF LEGISLATION

On the eve of the first session of the Eighty-first Congress, many Administration supporters believed that President Truman was in a good position to implement his legislative program. That was true as long as he received a helping hand from Congress; otherwise his plans for creating an advanced welfare state in America would be thwarted.

When Congress convened on January 3, 1949, the House of Representatives provided Truman with a legislative boon. On the first day of the new session, Speaker Sam Rayburn and Rules Committee Chairman Adolph Sabath, a liberal Democrat, successfully spearheaded a drive to weaken the power of the Rules Committee.\(^\text{1}\) Under their direction the House voted 275 to 142 to allow committee chairmen to introduce committee cleared legislation directly to the House floor when their bills had been blocked by the Rules Committee for twenty-one days.\(^\text{2}\) The new rule also granted to the Speaker the power to recognize at his discretion

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\(^\text{1}\)U.S., Congressional Record, 81st Cong., 1st Sess., 1949, XCV, Part 1, 10-11.

\(^\text{2}\)Ibid.
those chairmen who were seeking to circumvent the graveyard of the Rules Committee.\(^3\) Thus the Administration found the means of presenting its program to the House floor where at least a vote could be obtained.

Following this important tactical victory, President Truman went to the Congress on January 5 to deliver his State of the Union Address. Calling for the enactment of a "Fair Deal" for the American people, Truman once more requested that Congress consider his Civil Rights program:

\[
\text{The driving force behind our progress is our faith in our domestic institutions. That faith is embodied in the promise of equal rights and equal opportunities which the founders of our Republic proclaimed to their countrymen and to the whole world.}
\]

\[
\text{The fulfillment of this promise among the highest purposes of government. The civil rights proposals I made to the Eightieth Congress, I now repeat to the Eighty-first. They should be enacted in order that the Federal Government may assume the leadership and discharge the obligations placed upon it by the Constitution.}
\]

\[
\text{I stand squarely behind those proposals.}\(^4\)
\]

As one might expect, the response to his message was mixed. Walter White saw "a practicing as well as a talking about democracy."\(^5\) Representative Eugene Cox remarked: "It looks as though we are going the way England went, and without the restraint and caution the Britons exercised. An approval of the civil rights program will mean a creation

\(^3\text{Ibid.}\)

\(^4\text{Ibid., p. 65.}\)

\(^5\text{The New York Times, January 6, 1949, p. 6.}\)
of the greatest social disturbance the country has ever known.  

Representative Emanuel Celler, chairman of the House Judiciary Committee, said that his committee would try to act on the civil rights program "within the first 100 days of the session." 

Though the President had cleared a major procedural hurdle in the House, he still faced what appeared to be an insuperable obstacle in the Senate: the threat of a Senate filibuster. Unless the filibuster rule was liberalized, the South would surely block passage of all civil rights legislation. To avoid a prolonged and perhaps costly fight, Arkansas Senator John McClellen suggested that Truman abandon his demand for an FEPC in order to facilitate a workable compromise on the other features of his civil rights program.

While most Southern Democrats withdrew to their tents to await the enemy, leaders of both parties in the Senate were formulating plans which might have a significant bearing on the success or failure of any civil rights program in the Eighty-first Congress. Democratic Senator Carl Hayden of Arizona, the chairman of the Senate Rules Committee—which was in no way comparable in power or

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6 Ibid.
7 Ibid.
function to the House Rules Committee—and Nebraska's
Senator Kenneth Wherry, the Senate minority leader, decided
to sponsor jointly a resolution modifying Rule 22, the
filibuster rule, in order to give the Senate greater power
to limit filibusters.\(^9\) They felt the existing rule was
inadequate because it failed to provide the Senate with
the means of limiting filibusters directed at motions. In
other words, twenty or more Senators could forestall action
on any bill by filibustering a motion to take up a particu-
lar measure, and thus subject the Senate to a delaying
tactic for which there was no remedy. The Hayden-Wherry
proposal was designed to provide the Senate with a parliamen-
tary rule that would allow it to terminate debate on both
a motion and a measure if two-thirds of those present in
the chamber were willing to invoke cloture.\(^10\) Perhaps this
resolution liberalizing Rule 22 could pass the Senate if a
colalition of Northern Democrats and Republicans could join
forces long enough to overpowerr Southern opposition; other-
wise the fight for civil rights would have ended before it
even started.

Regardless of what happened in the Senate, President
Truman was not prepared to let the civil rights issue slide
into political oblivion, a point he emphasized to Herbert
Bayard Swope, Robert Patterson, and Morris Ernst, members

\(^10\) Ibid.
of a National Citizens Council on Civil Rights, who met with him at the White House on January 12. Truman informed them that he was going to do something "right away" to translate his civil rights program into legislation. The Administration, he announced, was already drafting bills to support and implement the recommendations contained in his February 1948 message to Congress.

If Truman submitted actual legislation to Congress, it would produce a terrific struggle in both Houses; but all Administration efforts on behalf of civil rights would be futile if the Senate failed to liberalize Rule 22. Oddly enough, Senate Democratic liberals refused to be drawn into the debate on this question. Their silence made them so conspicuous that on January 25 Walter White sent a telegram of protest to Truman:

> We are gravely disturbed by strange apathy and silence of Democrats during hearings on amendment of Senate Rules. Not one Democrat has as yet fought for or even spoken out to end filibusters. We are perturbed. We trust our perturbation is premature, despite evidence to the contrary.

The NAACP, the organization for which White spoke, wanted Democratic liberals to appear before the Senate Rules Committee to press for an amendment to Rule 22 which would allow debate to be terminated by a majority rather than a

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12 Ibid.
13 OF 1327, Harry S. Truman Library.
two-thirds vote. This proposition had only slight support in the Senate.14 Moderate Republicans, such as Saltonstall of Massachusetts, Knowland of California, Ives of New York, and Ferguson of Michigan, favored the Hayden-Wherry Resolution because they thought it stood the best chance of winning acceptance from the South.15

Their hopes were soon dashed, for the South refused to accept the slightest change in the existing filibuster rule. How far the South was prepared to resist any compromise was indicated by Senators Russell of Georgia and Holland of Florida in testimony they gave to the Senate Rules Committee on January 31.16 Senator Russell declared that he "hoped those in charge of Mr. Truman's general legislative recommendations in the Senate would stop and consider all the implications of trying to bring up the rule amendment at this time."17 If the Administration leaders persisted in their efforts to change Rule 22, the South would fight with all of its time-honored weapons, warned Russell.18 Senator Holland revealed to the Rules Committee the contents of a letter he had written to

15 Ibid.
16 Ibid., February 1, 1949, p. 28.
17 Ibid.
18 Ibid.
Majority Leader Lucas about this issue. Pleading with Lucas to introduce those measures such as public power, reciprocal trade, "on which there is substantial unity among Democrats," Holland warned him that any other approach would bring on "an early and prolonged fight and would greatly postpone action on many important measures." 19

Democratic leaders, like Lucas and majority whip Francis Myer of Pennsylvania were cognizant of what a filibuster would do to the rest of Truman's legislative program. The Republicans, conversely, hoped to capitalize on the controversy dividing the Democrats and, therefore, pressed for immediate action on Rule 22. 20 On February 3 Senator Knowland introduced his own anti-filibuster resolution, one which was almost identical to the Hayden-Wherry Resolution. 21 Yet on February 7 the Senate rejected the Knowland proposal by a vote of 56 to 31 after 7 Republicans joined 49 Democrats to defeat it. 22 Following this vote, Majority Leader Lucas explained that his party opposed the Knowland Resolution because the Rules Committee had not cleared it. Every effort would be made to pass the Rules Committee's proposal, declared Lucas. Senator Morse,

19 Ibid.
21 Ibid.
irritated with Lucas' procrastinating proclivities, charged that the Democrats "are trying to keep civil rights in the background because they know it will split their party wide open."24

After the Senate Rules Committee voted 10 to 3 on February 17 to recommend the passage of the Hayden-Wherry Resolution, Lucas could no longer ignore the issue.25 Now his problem was to find enough votes to carry it in the face of organized Southern opposition. As the showdown approached--by common consent the issue was to be introduced on February 23--Senator Humphrey of Minnesota underscored Lucas' difficulties in a letter to The New York Times published on February 22: "The political problem we face is whether or not the Republicans and the Democrats who say they are for civil rights and say they are for curbing the filibuster will really stand up and be counted when a roll call is made."26

On the morning of February 23, Senator Lucas discussed the filibuster issue with the President, who, it was reported, wanted to meet this problem "head on."27 That afternoon, while speaking on the Senate floor, Lucas moved that Rules

26[Ibid., February 22, 1949, p. 22.]
27[Ibid., March 1, 1949, p. 1.]
Resolution 15—the Hayden-Wherry proposal—became the Senate's next item of business. His motion, as was expected, immediately sparked a Southern filibuster, which George Galloway, a long time student of Congressional politics, considered to be "perhaps the bitterest in Senate memory." While Southern Democrats mobilized their forces to resist any change in Rule 22, Administration spokesmen in the Senate planned to outflank them by submitting a cloture petition to Alben Barkley, the President of the Senate. If Barkley ruled that this petition was valid, his ad hoc decision would then have to be upheld by a voting majority of the Senate, since the existing rule did not provide for the application of cloture on filibusters directed against a motion. Should a majority decide to sustain the ruling, Lucas would then be in a position to take a cloture vote to limit the Southern filibuster. If two-thirds of all Senators present at the time of the vote endorsed cloture, the Hayden-Wherry Resolution could be introduced as a measure; thereby giving the South another opportunity to launch a filibuster. Thus Lucas would have to obtain cloture once more in order to


bring the measure to a vote. The procedural pitfalls were numerous, but unless they were all negotiated, Truman's civil rights program would never clear the upper chamber.

As Lucas prepared to make his move, he had to take into consideration the attitude of the Senate Republicans. How would they respond to the proposed Barkley ruling? Some Republicans were reluctant to endorse this step because they felt that such action would serve to repudiate one of their most respected colleagues, Senator Arthur Vandenberg.\(^\text{31}\) Acting as President pro-tempoere of the Senate on August 2, 1948, he had ruled that a motion was not a measure and thus not subject to a cloture vote.\(^\text{32}\) Despite his earlier stand Vandenberg counseled Senate Republicans on March 2 to vote on the issue as their consciences dictated: he would not be offended if they supported Barkley.\(^\text{33}\)

Vandenberg may have inspired liberals to believe that additional Republican support could be mustered for the all-important vote. But whatever hopes they had were quashed from an unexpected source! At a White House press conference on March 3, President Truman endorsed a change in Rule 22 that would permit a majority of a Senatorial quorum, that is,

\(^{31}\text{Ibid.},\text{ March 3, 1949, p. 22.}\)

\(^{32}\text{Ibid.}\)

\(^{33}\text{Ibid.}\)
25 votes out of 49, to invoke cloture. Whether through accident or design, Truman at once undermined the position of those Northern Democrats who were making every effort to win sizable Republican support for only a moderate change in Rule 22. The South was now jubilant; for, according to Arkansas Senator J. William Fulbright, Truman's impolitic utterance had strengthened its position. Senator Russell declared: "The President has now justified every statement that we have made that all this campaign was but a step toward simple majority cloture. I saw in the beginning that they were opening a Pandora's box. It is now clearly opened." In this fashion did the South defend the sacrosanct principles of free speech and minority rights.

Shortly thereafter, Senator Wherry announced that he would not sign the cloture petition which Lucas was circulating. Though Wherry proved to be recalcitrant, Senators Taft and Knowland, along with 14 other Republicans and 17 Democrats, signed the petition, after which Lucas submitted it to Barkley. On March 10 Barkley handed down

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34 Ibid., March 4, 1949, p. 1; Marquis Childs, a Washington journalist, observed in the Washington Post on March 9, 1949, that Truman's stand on cloture cost him the support of a number of Southern moderates who might have made it possible for him to obtain passage of at least 60% of his civil rights program.


37 Ibid., p. 7.

his long awaited decision, ruling that the cloture petition was valid.39 Because this act had no precedents, the Senate would have to decide whether or not it was legitimate.

The Senate prepared to resolve the issue on March 11. Before a vote was taken, Senator Vandenberg addressed his fellow Senators about the matter at hand. Stating that he personally favored the Hayden-Wherry resolution, Vandenberg, nonetheless, declared his opposition to the Barkley ruling because it was "an affront to due legislative process."40 It was Vandenberg's opinion that the Senate would have to reject Barkley's decision in order to preserve its integrity.41 Then came the decision. The Administration forces were defeated as the Senate voted 46 to 41 to overturn Barkley; 23 Republicans joined 23 Democrats to give the South an important victory.42 According to Walter White, Vandenberg's speech had considerably influenced the final alignment on the question. "Mr. Vandenberg has cost us from five to seven votes. He has given an aura of respectability to those who wanted an excuse to vote


42 Ibid.
to upset Mr. Barkley." Not to be overlooked was the part President Truman played in the resolution of this political drama. Suggested The New York Times:

It is scarcely disputable, we believe, that Mr. Truman himself contributed to the causes of this defeat. His offhand statement that he favored the imposition of cloture by a vote of a bare majority of the Senate, rather than by the two-thirds vote for which his own Senators were working, was another of those impromptu and somewhat imperious remarks which have cost the President heavily on occasion. This particular remark came at the least fortunate moment in the whole discussion, alarmed the moderates, stiffened the die-hards.

Nor did the Times ignore the duplicity of those Republicans who voted with the South:

No mistakes of judgment of attitude on the President's part, however, justify in our opinion the part played in this affair by a majority of Republican Senators. At Philadelphia last June the Republican party, in a bid for votes, pledged itself to abolish the poll tax, adopt an anti-lynching law and guarantee equal opportunity to employment, regardless of race. They will have a hard time squaring this action (union with the South) with the brave promises made last year at Philadelphia.

Though Truman's lieutenants suffered a serious defeat, they were to be subjected to another one even more humiliating than the first. Following the Barkley vote, the conservative coalition, ostensibly directed by Wherry and Russell, was able to seize control of the Senate to

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43 Ibid., p. 2274.
44 Ibid., March 12, 1949, p. 2.
promote its own resolution, one that was designed to make the Southern position impregnable to attack not only for the rest of the session but for future sessions as well. For this reason, Southern Democrats terminated their filibuster on March 15, in order to give the Republicans the freedom they needed to bring a new resolution to the floor.46

Though Senator Knowland drafted the Republican resolution, Senator Wherry would sponsor it.47 The resolution itself was similar to the earlier Hayden-Wherry proposal in only one respect: it provided the Senate with a mechanism to halt filibusters directed at motions as well as measures.48

The new resolution had several features not found in the Rules Committee resolution: one, it would raise the voting requirement for cloture from two-thirds of those present in the Senate chamber—the existing rule—to two-thirds of the Senate membership or sixty-four Senators; two, it would also provide members of the Senate with the right to filibuster indefinitely against any future attempts to modify Rule 22.49

Administration leaders in the Senate were shocked by Wherry's argument that this proposal would make it easier

46 Ibid.
48 Ibid.
49 Ibid.
to invoke cloture. Senator McGrath, chairman of the Democratic National Committee, insisted that "it is worse than the present rule." Aware of what this proposed ruling would do to any future civil rights program, Lucas tried to postpone action, but his efforts were stymied both by the South and the Republican leadership.

The conservative coalition was not to be denied after 52 Senators, including 12 non-Southern Democrats, such as Senator Hayden, signed a petition to have the Wherry resolution brought to a vote as quickly as the rules would permit. A number of liberal Senators from both sides of the aisle sharply attacked the coalition which fostered this measure. Senator Morse, for instance, accused his Republican colleagues of entering into "an unholy alliance with Southern reactionaries who are seeking to deny constitutional political rights to millions of Americans." Democratic Senator Hubert Humphrey declared that the resolution itself represented "a reprehensible sellout, a disgrace to the Republican platform." Senators Douglas of Illinois, Pepper of Florida and Langer of North Dakota also attacked those Republicans and

50 Ibid.
51 Ibid.
52 Ibid.
54 Ibid., March 16, 1949, p. 3.
Southern Democrats who were responsible for advancing this illiberal scheme.\textsuperscript{55}

Their words changed nothing; what had been arranged in the Senate cloak rooms was to be legitimized on the floor itself. On March 17 the Wherry resolution was carried by a vote of 63 to 23; only eight Republicans joined 15 Democrats to vote against it.\textsuperscript{56} Earlier, Republican Senator Raymond Baldwin's amendment calling for the continuation of the present two-thirds voting requirement was rejected by a vote of 57 to 29.\textsuperscript{57} Senator Morse's amendment that would permit cloture to be invoked by a majority of a quorum—the position which Truman endorsed—was voted down 80 to 7.\textsuperscript{58}

Referring to the events of March 17, The New York Times observed: "Last November Governors Thurmond and Wright, running on a States Rights ticket, received about 2.5\% of the votes cast for President. . . . In the matter of federal action on civil rights we will continue to be ruled from Birmingham."\textsuperscript{59}

More than civil rights had been affected by the March 17 vote; Truman's entire legislative program had been

\textsuperscript{55}Ibid.
\textsuperscript{56}U. S., Congressional Record, 81st Cong., 1st Sess., 1949, XCV, Part 2, 2724.
\textsuperscript{57}Ibid., p. 2720.
\textsuperscript{58}Ibid., p. 2723.
jeopardized by the coalition's victory. During a press conference held at his vacation White House in Key West on March 18, Truman alluded to the recent controversy over rules in the spirit of a man who had been chastened by defeat:

Q: Mr. President, Senator Morse of Oregon in this morning's paper has said that the Senate Democrats and Republicans agreed on not passing but one civil rights bill—that is, a new poll tax bill. Would you care to comment on that?

A: No comment. He is in the Congress and I am not. I only advise the Congress on what I think is good for the country. Then they agree as they see fit. We have three independent prongs to the Government of the United States. . . . And neither of the others ought to interfere with the duties of the other two.60

At another press conference, a week later, Truman indicated that he was still hopeful of getting a civil rights program through Congress.61 How he would achieve such a feat, Truman did not say.

Despite his defeat in the Senate, the President still submitted civil right legislation to Congress. On March 3 Representative Mary Norton introduced the Administration's anti-poll tax bill, H. R. 3199, in the House.62 On April 28 Senator McGrath presented the Administration's entire civil rights program to the Senate, which consisted

60 White House Press File, Harry S. Truman Library.
61 Ibid.
62 See Clark Clifford's Civil Rights File, Harry S. Truman Library.
of S. 1725, an omnibus civil rights bill; S. 1726, an antilynching bill; S. 1727, an anti-poll tax bill; S. 1728, an FEPC bill.\textsuperscript{63} Representative Adam Clayton Powell submitted the Administration's FEPC bill, H. R. 4453, to the House on April 29.\textsuperscript{64} To complete the introduction of the Administration's civil rights legislation in both Houses, Representative Emanuel Celler dropped the omnibus civil rights bill, H. R. 4682, and antilynching bill, H. R. 4683, into the House hopper on May 16.\textsuperscript{65}

The omnibus bill contained six parts: one, it authorized the establishment of a Civil Rights Commission in the Executive Branch; two, created a Civil Rights Division in the Department of Justice to be headed by an Assistant Attorney General; three, provided for the creation of a Joint Congressional Committee on Civil Rights; four, strengthened existing civil rights statutes; five, further protected the right of suffrage; and six, prohibited discrimination and segregation in interstate transportation.\textsuperscript{66}

The anti-poll tax bill would abolish the poll tax as a prerequisite for voting in Federal elections.\textsuperscript{67} The

\textsuperscript{63}Ibid.
\textsuperscript{64}Ibid.
\textsuperscript{65}Ibid.
\textsuperscript{66}Ibid.
\textsuperscript{67}For a copy of this draft bill, see Stephen Spingarn File, Harry S. Truman Library.
antilynching bill provided punishment amounting to twenty years of imprisonment and a fine of $10,000, or both, for any member of a lynch mob and "any person who, whether or not a member of a lynch mob, instigates, incites, organizes, aids, abets, or commits a lynching by any means whatsoever." In addition, this bill authorized punishment amounting to $5,000 and five years in prison or both for peace officers "who neglect or willfully fail to make diligent efforts to prevent lynching from lynch mobs or who willfully fail to make diligent efforts to apprehend and hold in custody members of a lynch mob."68

The FEPC bill stated that the "right to employment without discrimination is declared to be a right of all persons within the jurisdiction of the United States and the protection of the right of the individual to be free from discrimination is declared to be a national policy." The bill authorized the President to appoint a seven member commission to implement that policy. The commission would have the power to issue cease and desist orders in order to prevent unlawful employment policies--defined as a refusal to hire, discharge of, discrimination against, an individual because of race, religion, color, national origin or ancestry--by firms with fifty or more employees, recruitment agencies, and labor unions. Cease and desist orders would only be issued after they had been sanctioned by the courts.

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68 Ibid.
and any party affected by a final order from the commission would have the right of judicial review in the circuit courts. 69

By submitting such legislation Truman may have broken a legislative barrier, but this action did not immunize his Administration from criticism by the NAACP. On May 26, 1949, the NAACP informed Senator Lucas that millions of Negroes were "shocked by the failure of the Democratic Party to abide by its party platform." 70 Making specific reference to the debacle of March 17, the NAACP declared that "the faint-heartedness and outright defection of some liberal Democrats was not anticipated." 71 Roy Wilkins, acting Secretary of this organization, wrote David Niles, a White House aide, on June 20 that "there has been a considerable change in the mood of the colored since January 1." 72 Wilkins himself did not hold Truman responsible for what had happened; rather, he blamed Congressional leaders of both parties for the failure of Congress to act more positively in this field. 73

One of the leaders of the Southern bloc who opposed the legislation which Wilkins wanted was Senator Russell of

69 Ibid.


71 Ibid.

72 Letter dated June 20, 1949, from Roy Wilkins to David Niles, President's Personal File 293, Harry S. Truman Library.

Georgia. Yet Russell favored an accommodation with Truman as long as the appropriate terms could be arranged. A compromise might be reached, felt Russell, if Truman accepted Arkansas Representative Brooks Hayes' civil rights program as a starting point for further negotiation. The Hayes program consisted of a voluntary FEPC, that is, a bill without enforcement powers, a constitutional amendment calling for the abolition of the poll tax, and an antilynching bill giving considerably more power to the states than the Truman bill proposed. Meeting with Russell at the White House in early July, Truman informed him that the Hayes plan was unacceptable. Thus the South failed to persuade Truman to weaken his civil rights program.

On August 30 Truman asked Congressman Sabath to include FEPC on a list of "must" legislation for the first session of the Eighty-first Congress. Sabath could not assure Truman that the House would act on this particular bill, even though it had cleared the House Education and Labor Committee on August 18. If the situation looked unpromising in the House, it was bleak in the Senate, not

75 Ibid.
76 Ibid.
78 Ibid.
only because of the March 17 vote, but because Senator McCarran, chairman of the Senate Judiciary Committee, appointed Mississippi Senator James Eastland— a Thurmond supporter in 1948—to head the Judiciary subcommittee on civil rights.\textsuperscript{79} Eastland's subcommittee was now in a position to pigeonhole all of Truman's civil rights program with the exception of FEPC and the anti-poll tax bill.\textsuperscript{80}

That civil rights had reached a dead end in the Senate was confirmed by Senator Lucas on October 3, when he declared that "it seems doubtful that a prolonged discussion of any civil rights bill at this session would be helpful."\textsuperscript{81} For this reason, he won Truman's permission to postpone action on civil rights until the start of the next session, at which time a concerted effort would be made to pass an FEPC bill. According to Lucas, various civil rights organizations favored the postponement "because they were aware that there would be a better chance for success in the next session than in the tail end of this one."\textsuperscript{82} The Administration's decision to promote FEPC rather than other civil rights legislation angered Senator Wherry. He charged that Lucas and his associates had selected "the one civil

\textsuperscript{79}Ibid.

\textsuperscript{80}Washington Post, September 15, 1949.

\textsuperscript{81}Ibid.

\textsuperscript{82}The New York Times, October 4, 1949, p. 7.
rights bill that they know will be the hardest to pass. They hope it will fail, and they hope they can go to the country in the campaign of 1950 to claim that it was the Republicans who blocked it." On October 17, 1949, the FEPC bill was finally put on the Senate calendar.

While the Administration experienced nothing but frustration in its dealings with Congress, it took a step or two on the executive level to combat discrimination. White House aide Stephen Spingarn, who drafted much of Truman's civil rights legislation, recommended in a memorandum to Clark Clifford, the President's special counsel, that the Justice Department incorporate into its 1950 budget a request for fifteen additional lawyers and adequate clerical assistance for its civil rights section, which in 1949 had an authorized strength of only seven lawyers, one less than in 1948, the year of Truman's civil rights message. Not only were the lawyers needed, but, as Spingarn suggested, their addition "would be further assurance that the Administration meant business in the civil rights field and would offset the legislative defeats in this field which we are likely to receive in 1950." When Clifford failed to

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83 Ibid.
84 Memorandum dated November 22, 1949, from Stephen Spingarn to Clark Clifford, Stephen Spingarn File, Harry S. Truman Library.
85 Ibid.
answer the memorandum, Spingarn turned to Charles Murphy, Truman's assistant special counsel, for support. Murphy felt that Spingarn's proposal was sound, and on November 28 contacted Attorney General J. Howard McGrath--a recent appointee--about the matter. The Justice Department quickly enlarged its budget to include appropriations for the woefully undermanned civil rights section. Thanks to the imagination of Spingarn, and the favorable responses of Murphy and McGrath, the Justice Department prepared to strengthen its legal arm at a time when civil rights litigation was becoming the most effective method of challenging and changing discriminatory social patterns in American life.

In response to the Supreme Court ruling in the 1948 Shelly-Kramer case that racially restrictive covenants were not legally enforceable, the Federal Government began to reappraise its housing policy. On December 2, 1949, Solicitor General Philip Perlman in a speech in New York declared that "the Federal Housing Authority is amending its rules so as to refuse to aid the financing of any property the occupancy or use of which is restricted on the basis of race, creed, or color." Later, the Federal Housing Authority announced that after February 15, 1950, it "would no longer

86Stephen Spingarn File, Harry S. Truman Library.
87Ibid.
88Ibid.
insure mortgages on homes whose deeds were to contain restrictive covenants.\textsuperscript{89}

Although the President may have hoped that administrative measures would become a substitute for legislative success, he could not ignore the political facet of the civil rights struggle, otherwise his political image in important Northern states would be tarnished. Hence, as the new Congressional session approached, Truman once more prepared to engage in another fruitless battle with Congress, if only to prevent the Republicans from seizing the civil rights issue for themselves. On January 5 the President went to Congress to deliver his fifth State of the Union Address. Referring to civil rights he said:

\begin{quote}
I again urge the Congress to enact the civil rights proposals I made in February 1943. These are proposals for the enactment of Federal statutes which will protect all our people in the exercise of their democratic rights. . . . Some of these proposals have been before the Congress for a long time. Those who oppose them, as well as those who favor them should recognize that it is the duty of the elected representatives of the people to let these proposals come to a vote.\textsuperscript{90}
\end{quote}

How to bring those civil rights bills to a vote was a problem which not only concerned the Administration, but over 4,000 delegates of the National Emergency Civil Rights Commission. \textsuperscript{89}United States Civil Rights Commission Report, 1959, (Washington: Government Printing Office, 1959), p. 464. \textsuperscript{90}U.S., Congressional Record, 81st Cong., 2nd Sess., 1950, XCV, Part I, 60.
Mobilization who came to Washington in mid January 1950 to pressure Congress into voting for civil rights legislation. On January 16 Senator Lucas spoke to the delegates, representing such organizations as the NAACP and the American Civil Liberties Union, and informed them that the Administration would push for the passage of FEPC, even though there was little chance it would be enacted into law.91

The following day Truman met with a number of the delegates at the White House, at which time he informed them "that every effort is being made to get a vote on these measures in the Senate. The leader of the majority and the Vice President assured me that they will eventually get a vote if it takes all summer."92 He then advised the group to continue to pressure Congress since "that is possibly the only way we can get action."93 Truman himself was reluctant to invest much executive capital in a legislative enterprise that could bankrupt the rest of his program.

The legislative situation was indeed desperate. The Administration's chances of carrying the Senate had been scuttled when it lost the filibuster fight. FEPC was in trouble in the House because Speaker Rayburn--the master of his domain--opposed it. On January 23, 1950, he refused to


92Stephen Spingarn File, Harry S. Truman Library.

93Ibid.
recognize Representative Lesinski from Michigan who was trying to introduce the FEPC bill on the House floor by means of the 21 day rule.\(^\text{94}\) At his February 2 press conference Truman was queried as to whether he had instructed Rayburn to recognize Representative Lesinski. Said the President: "No I did not ask him to recognize anybody. I asked him to consider the passage of FEPC in both Houses. I did not ask him to recognize anybody. That is the business of the Speaker. He has been in charge of that, and nobody can tell him whom to recognize."\(^\text{95}\) That was one side of the issue; Arthur Krock illuminated a different facet:

> Very seldom do informed observers agree with Representative Marcantonio (New York), yet a good many did when he remarked: "It is obvious to everyone that everybody wants civil rights as a campaign issue but not as a law and that goes for Harry Truman, the Democratic party and the Republican party."\(^\text{96}\)

Rayburn's hostility notwithstanding, House liberals made one last attempt to introduce FEPC; they sought to force a showdown by a device known as Calendar Wednesday—a parliamentary rule which obligated the Speaker to call upon alphabetically the standing committees of the House on successive Wednesdays in order to give them a chance to present legislation. On February 22 the House Education and


\(^{95}\)\textit{White House Press File}, Harry S. Truman Library.

Labor Committee was called, and thus Representative Lesinski, its chairman, introduced his bill; the House at once transformed itself into a committee of the whole to consider it.\(^97\) After fifteen hours of wrangling, Republican Representative McConnell of Pennsylvania managed to introduce a substitute amendment calling for the creation of an FEPC without enforcement powers.\(^98\) This amendment passed by a vote of 222 to 178; 104 Republicans joined 118 Democrats to override liberal opposition.\(^99\) Thus the House approved an FEPC bill that neither Truman nor the liberals wanted or, in good conscience, could accept. "The whole affair," wrote The New York Times on February 24, "has become a mockery of responsible legislative practice; the prospective filibuster awaiting FEPC in the Senate only adds to the hollowness of the entire procedure."\(^100\)

The Negro press was distressed with what had happened in Congress. The Chicago Defender, the only major Negro newspaper to support Truman in 1948, published on March 10 a frontpage editorial entitled "Promises versus Performances": "As we enter the 1950 election campaign, the Democrats, both locally and nationally, should do a little soul searching.

\(^{97}\)Ibid., February 24, 1950, p. 1.


\(^{99}\)Ibid.

The action promised by the Democrats in 1948 caught the imagination of the people. Now, two years later, we have more promises and few accomplishments. 101

In light of what happened to Truman's civil rights program, the Defender's indignation was not unjustified. Still, the Administration was seeking to overcome this political impasse by emphasizing litigation rather than legislation. On April 3, 1950, Solicitor General Philip Perlman submitted three amicus curiae briefs to the Supreme Court in support of Negro citizens who had challenged the existence of segregated facilities in the fields of higher education and interstate transportation. 102 McLaurin versus Oklahoma and Sweatt versus Painter raised the question of whether or not the University of Oklahoma and Texas University had the right to discriminate against Negro students on the graduate and professional level. 103 Henderson versus the United States challenged the existence of discrimination in the field of interstate transportation. 104 Perlman's brief in support of Henderson was of major importance, since it asked the Court to renude the legal edifice of segregation

103 Ibid.
104 Ibid.
which had been sanctioned in the *Plessy-Ferguson* case of 1896.

So long as the doctrine of the *Plessy* case stands, a barrier erected not by the Constitution but by the courts will continue to work a denial of rights and privileges and immunities antagonistic to the freedoms and liberties on which our institutions and our form of government are founded. "Separate but equal" is a constitutional anachronism which no longer deserves a place in our law. . . . It is neither reasonable or right that colored citizens of the United States should be subjected to the humiliation of being segregated by law, on the pretense that they are being treated as equals. 105

While the Court adjudicated these cases, politics as usual dominated the Congress and the White House. On April 11 President Truman, after confering with Vice President Barkley and Senator Lucas, decided to postpone Senate action on a committee-cleared FEPC bill in order to obtain a quick Senate vote on Marshall Plan appropriations. 106 Though Roy Wilkins assailed this decision, at a White House press conference on April 13 the President defended it as a necessity, while promising that FEPC would be carried to a "logical conclusion." 107

In line with Truman's promise, Lucas presented to the Senate on May 5 a motion calling for the introduction

105 A copy of Perlman's brief can be found in the Stephen Spingarn File, Harry S. Truman Library.

106 *The New York Times*, April 12, 1950, p. 18; "It seems to have been a common legislative technique to give only half-hearted support to civil rights legislation, such as FEPC legislation, in return for Southern cooperation in the passage of foreign policy or welfare measures." See Richard P. Longaker, *The Presidency and Individual Liberties*, (Ithaca: Cornell University Press, 1961), p. 41.

of the FEP\textsuperscript{C} bill.\textsuperscript{108} Southern Democrats immediately began to filibuster even though they knew, as did everyone else, that the entire affair was nothing more than a ritualistic exercise.\textsuperscript{109} (Truman himself played a part in this stirring drama of counterfeit politics. On May 15 he informed a Democratic party rally in Chicago that an all out effort would be made to enact "laws that will guarantee our citizens equal rights."\textsuperscript{110}) The Senate terminated these sham proceedings on May 19 when it voted to reject Lucas' petition for cloture: 52 Senators, including 19 Democrats and 33 Republicans, supported cloture, while 32 Senators, including 26 Democrats and 6 Republicans, rejected it.\textsuperscript{111} Following this vote, Lucas and the Republican leadership quarreled over which party had been responsible for the petition's defeat.\textsuperscript{112} Given the poor Democratic showing--only 36\% of the Senate Democratic membership voted for cloture--it would seem that the Republicans got the best of the argument. Later, Senator Taft, speaking off the Senate floor, noted that neither Truman nor the Democratic National Committee

\begin{flushleft}
\textsuperscript{109}Ibid. \\
\textsuperscript{111}U.S., \textit{Congressional Record}, 81st Cong., 2nd Sess., 1950 XCV, Part 6, 7299-7300. \\
\textsuperscript{112}Ibid., p. 7301. 
\end{flushleft}
brought pressure to bear on the nine absentee Democrats whose votes could have helped Lucas obtain the necessary 64 votes.113

While Truman watched his legislative program slowly disappear into a Congressional quagmire, he was not without a victory or two in the civil rights field. On May 22 the President's Committee on Equality of Treatment and Opportunity in the Armed Forces, the Fahy Committee, submitted to Truman its report which affirmed that segregation had been formally abolished in the armed forces.114 The report, Freedom To Serve, spelled out in detail how the Pentagon, especially the Army, was finally convinced that equality of opportunity would produce a "better Army, Navy and Air Force."115 Even though the Committee's goal of total desegregation had not yet been achieved in many Army units scattered around the globe, Truman expressed satisfaction with the progress:

It is, therefore, with a great deal of confidence that I learn from the Committee that the present programs of the three services are designed to accomplish the objectives of the President; and that as these programs are carried out, there will be, within the reasonably near future, equality of treatment and opportunity for all persons in the armed services, with a consequent improvement in military efficiency.


114 Of 1285, Harry S. Truman Library.

I attach the highest importance to the Committee's assignment. In the Committee's own words, equality of treatment and opportunity in the armed services is right, it is just, and will strengthen the nation. That is true throughout our national life.116

In addition to praising the work of the committee, the President also included in his acceptance statement a reference to the FEPC struggle in the Senate:

This report is submitted as the United States Senate is considering a motion to take up a FEPC bill. The work of the President's Committee . . . shows what can be accomplished by a Commission in this admittedly difficult field. I hope the Senate will take this Report into consideration as it debates the merits of FEPC, and that, as I urged in my State of the Union Message in January, it will permit this important measure to come to a vote.117

Administrative initiative, as evidenced by the work of the Fahy Committee, represented one method of circumventing the Congressional impasse; another viable alternative might be found in the courts. On June 6 the Supreme Court announced that it had adjudicated the cases of McLaurin versus Oklahoma, Sweatt versus Painter, and Henderson versus the United States in favor of the Negro plaintiffs.118

116 Stephen J. Spingarn File, Harry S. Truman Library; it is important, however, to note that "the Fahy Committee won Army Secretary Gordon Gray's agreement to open up progressively more specialist jobs to Negroes in all army units, and to remove the Army's quota on Negro inductions, though Gray obtained President Truman's secret written agreement to go back to a quota if the Army received a disproportionate number of Negroes." See Lee Nichols, Breakthrough On the Color Front, (New York: Random House, 1954), p. 108.

117 Ibid.

Though the Court failed to resolve these cases within a broad constitutional context, it did considerably weaken the legal sanction of *Plessy-Ferguson*.\(^{119}\) The Court's decision, moreover, indicated the Administration's legal investment in these cases; perhaps even more handsome dividends could be realized in the future since the Court indicated that it was prepared to re-examine race relations law in a more humane and enlightened manner.

The Administration's last attempt to secure a Senate vote on civil rights was set for July 12; at that time Lucas would submit another cloture petition on behalf of FEPC.\(^{120}\) To prepare for this vote, Stephen Spingarn and Charles Murphy drafted a memorandum which they submitted to Truman on July 3 recommending that every effort be made to get a maximum vote in favor of the second cloture petition.\(^{121}\) According to a July 5 memo which Spingarn wrote for his FEPC file: "The President told us to go ahead on this matter. Charlie is to call Senator Lucas and Bill Boyle and arrange for us to get together with them to coordinate our work."\(^{122}\) This was the first time Truman had actively committed himself

\(^{119}\)Ibid.

\(^{120}\)Stephen Spingarn File, Harry S. Truman Library.

\(^{121}\)Ibid.

\(^{122}\)Ibid.
to support such a proposal in Congress; he was no doubt mindful of the coming Congressional elections and America's new responsibilities in Korea. Thus having received Truman's permission, William Boyle, Chairman of the Democratic National Committee, sent telegrams and letters on July 8 to party officials throughout the country asking them for their support.

I call upon each party official to cooperate to the fullest extent to make certain of full attendance in the United States Senate in support of the President and the platform of the Democratic party in this important vote. . . . While the amended rule makes it more difficult to prevent unlimited debate, success can be obtained if all Democrats who supported the President on this vital issue are present and voting, and if the Republicans cooperate. . . .

The Senate vote, taken on July 12, fell eight short of the total needed for cloture. This time, 55 Senators--22 Democrats and 33 Republicans--supported cloture; while 33 Senators--27 Democrats (including 6 non Southern) and six Republicans opposed it. Truman's intercession apparently made little difference in the final outcome. Thus was civil rights interred in the legislative graveyard of the Eighty-first Congress.

Even though FEPC had failed to pass Congress, the Korean War kept the issue alive as far as Negro leaders were concerned. On July 16, 1950, A. Philip Randolph, co-chairman

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of the National Committee for a Permanent FEPC, wired Truman requesting that he issue an Executive Order similar to 8802 "as an integral factor in the mobilization of manpower against North Korean Communist aggression."125 On September 8, 1950, the Urban League, meeting in Grand Rapids, Michigan, urged the President to cope with the manpower problem in a democratic manner.126 Once again Randolph spoke out in favor of an emergency FEPC on September 10, on grounds of "enlightened self-interest" and "moral necessity."127 In Congress, New York Senator Herbert Lehman also urged Truman to issue an executive order, similar to the one recommended by Randolph.128 Too involved in foreign affairs and no longer quite so susceptible to pressure from civil rights organizations, the President ignored these requests. Apparently civil rights was no longer the urgent political issue it had been. The post-war liberal tide was now receding, carrying with it the frustrated hopes of millions of American Negroes.

The 1950 Congressional election confirmed the fact that the Fair Deal was spent as a political force; liberals

127 Ibid., September 11, 1950, p. 191.
suffered crushing defeats everywhere; for example, both
Senators Lucas and Myer—Truman's floor leaders in the
Senate—were retired by the voters. 129 The Democrats re-
tained control of the Congress, but their majorities were
considerably reduced. 130 If the Eighty-first Congress
rejected civil rights legislation, the Eighty-second Congress
would not even think the subject worthy of consideration.

Though many voters had been bewitched by Senator
Joseph McCarthy's manifold distortions and bothered by the
enigmatic nature of the Korean War, Negroes were more con-
cerned with employment problems and racial discrimination.
Thus, they were not interested in the issues which the
Republicans advanced in 1950. Negroes endorsed Democratic
candidates as is shown by an analysis of votes in Negro
wards in ten widely scattered cities, including New York,
Philadelphia, Chicago and Los Angeles. 131 Only in Baltimore
did Negroes reject the Democratic candidate, incumbent
Senator Millard Tydings, because they found his racist
views simply unacceptable. 132

Negroes had good reasons to remain with the Demo-
cratic party in 1950. Not only were they benefiting from

130 Ibid.
131 Negro Yearbook, 1952, (New York: Wm. H. Wise,
1952), p. 301.
132 Lubell, p. 165.
the post World War II economic boom, but President Truman showed them that he had not forgotten his 1948 campaign promises. By desegregating the armed forces, and authorizing various administrative and judicial breakthroughs, he not only redeemed an election year pledge, but educated the American people about their racial problem. All in all, progress had been made, but it was still too limited and fragmentary. Practically all areas of American life remained blighted by a pattern of culture which had no place in a democratic society.
CHAPTER V
THE END OF AN ERA

Civil rights proponents greeted the Eighty-first Congress with a sense of hope, but they despaired when the Eighty-second Congress convened. Many liberal advocates of civil rights legislation were missing from the Eighty-second Congress, their seats having been taken by politicians of a more conservative persuasion. The Democratic leadership in the Senate reflected that change: the new majority leader was Arizona's Senator Ernest McFarland, a staunch opponent of FEPC; the majority whip was Texas Senator Lyndon Johnson, who had spoken against the Barkley ruling. The situation in the House was equally hopeless. On January 3, 1951, the lower chamber reversed a stand it had taken two years earlier by voting 217 to 179 to suspend the 21 day rule.¹

Because of the changed domestic and international situation, President Truman dealt primarily with the exigencies of the Korean conflict when he presented his State of the Union Address to Congress on January 8.² Though soft-pedaling domestic problems, he alluded to civil rights but

²Ibid., p. 100.
in a manner calculated to restrain passions in a period of world tension: "... we must remember that the fundamentals of our strength rest upon the freedoms of the people. We must continue our efforts to achieve the full realization of our democratic ideals. ... We must assure equal rights and equal opportunities to all our citizens. ..." A week later Truman included in his budget message a recommendation that Congress pass FEPC legislation so as to prevent discrimination in interstate industries "during a period of defense mobilization." That was the extent of his civil rights program in 1951.

Many civil rights leaders, such as A. Philip Randolph, realized that FEPC was a legislative dead letter. Hence they demanded that the President issue an executive order to compensate for the lack of Congressional action. To placate his critics, Truman announced at a press conference on January 18 that he was considering new, legal moves to cope with the employment situation created by the Korean War. On February 2, 1951, Truman took his first tentative steps in the direction of establishing some kind of machinery to fight discrimination in industries working on defense contracts. He issued Executive Order 10210 which stated that

3Ibid.
4Ibid., p. 279.
"there shall be no discrimination against any person on
the ground of race, creed, color, or national origin, and
all contracts hereunder shall contain a provision that
the contractor and any subcontractor thereunder shall not
so discriminate." Despite the liberal language which
Truman employed, his order was essentially worthless since
it did not contain an enforcement clause. Apparently he
was not going to create an FEPC until Congress repealed
the Russell Amendment.

Negro spokesmen were not satisfied with Executive
Order 10210. Meeting with Truman at the White House on
February 23, they not only demanded stronger executive
action, but presented him with a six-point program which
included a request for an FEPC with an enforcement mechan­
ism. On June 25, 1951—the tenth anniversary of Presi­
dent Roosevelt's famous Executive Order 8801—the city
councils of New York, Philadelphia, Cleveland, Cincinnati
and Chicago passed resolutions calling on Truman to issue
a new executive order. The New York Times also voiced
its support for such a move: "In light of historical pre­
cedent and the necessities of the time, therefore, we think
Mr. Truman might well re-establish an FEPC to make certain

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7Philleo Nash Files, Box 17, Harry S. Truman Library.
8American Jewish Yearbook, 1951, p. 96.
that the anti-discrimination provisions of ... defense contracts are fully carried out." Though Truman failed to act, Senator Humphrey and eight other colleagues including Republican Senator Wayne Morse, introduced an FEPC bill in the Senate on June 25. It more closely resembled the 1949 Administration bill than the measure submitted by Republican Senator Irving Ives earlier in the session. There was little chance, however, that either bill would reach the floor.

If Truman refused to issue an FEPC order, at least he had the temerity to apply a pocket veto on November 2, 1951, to congressional bill H.R. 5411 which contained a provision requiring integrated schools situated on Federal property to conform "to the laws of the states in which such installations are located." In his veto message to Congress Truman declared:

This proposal, if enacted into law, would constitute a backward step in the efforts of the Federal Government to extend equal rights and opportunities to all our people. During the past few years, we have made rapid progress toward equal treatment and opportunity in these activities of the Federal Government where we have a direct responsibility to follow national rather than local interpretations of non-discrimination.

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10Ibid., June 26, 1951, p. 22.
11Ibid., February 15, 1951, p. 10.
12Bill File 107, Harry S. Truman Library.
Two outstanding examples are the Federal Civil Service and our armed forces, where important advances have been made toward equalizing treatment and opportunity. . . . We have assumed a role of world leadership in seeking to unite people of great cultural and racial diversity for the purpose of resisting aggression, protecting their mutual security and advancing their own economic and political development. We should not impair our moral position by enacting a law that requires a discrimination based on race. Step by step we are discarding old discriminations; we must not adopt new ones. 13

Given the civil rights deadlock in Congress, the various breakthroughs which Truman cited in his veto message were achieved by means of executive measures. 14 In this manner progress had been made in the period from 1948 to 1950. The Korean War, however, changed the domestic political climate from liberalism to reaction, making it all the more difficult for the Administration to keep pace with its earlier progress.

Yet the Korean War was responsible for several new developments. It provided General Matthew Ridgeway with the opportunity to integrate Negro troops into white units in the Korean theatre of operations. 15 In addition, it continued to generate domestic pressures which forced President Truman to move beyond his earlier executive order in

13Ibid.

14Memorandum of September 20, 1951, from Philleo Nash to Charles Murphy, Philleo Nash File, Box 8, Harry S. Truman Library.

regard to discrimination in defense subsidized industries. On December 3 he issued Executive Order 10308 creating a Government Contract Compliance Committee "to secure better compliance by contractors and sub-contractors with certain provisions now required in their contracts with the United States Government." Thus, another step had been taken "to eliminate the practice of discrimination in connection with activities of the Federal Government." But Truman promised more than he could deliver; his new committee was given no real authority whatsoever.

Negro leaders realized at once that Truman's order changed nothing. For instance, Clarence Mitchell, head of the NAACP's Washington branch, declared that the Government Contract Committee "is not a substitute for an FEPC." If Negroes were dissatisfied, so were Southern Democrats, who quickly discovered the political implications behind the release of this order. Senator Walter George of Georgia observed that Truman "may be preparing to run for President again." Louisiana Representative F. E. Herbert pointedly remarked that "Mr. Truman is again thinking in terms of politics."

16OF 5268, Harry S. Truman Library.
17Ibid.
19The Crisis, LIX, (January, 1952), 7.
21Ibid.
During the first days of 1952 it was apparent that civil rights was again emerging as a potent political issue. President Truman made a specific reference to civil rights in his seventh State of the Union Address which he delivered to Congress on January 9, 1952.

As we build our strength to defend freedom in the world, we ourselves must extend the benefits of freedom more widely among all our own people. We need to take action toward the wider enjoyment of civil rights. Freedom is the birthright of every American.

The Executive Branch has been making real progress toward full treatment and equality in the armed forces, in the civil service, and in private firms working for the Government. Further advances require action by the Congress, and I hope that means will be provided to give the members of the House and Senate a chance to vote on them.22

Truman may have re-introduced the civil rights question; but Southern Democrats were consoled because his request for action was couched in such a way as to avoid creating "new ire."23 Since another Presidential election was in the offing, the South might yet be aroused on the race question as it was in 1948.

After Truman announced on March 29th that he would not run for reelection in 1952, the political spotlight was shifted to other Democrats who might be suitable standard bearers.24 Illinois Governor Adlai E. Stevenson soon

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found himself the center of attention because, in the words of James Reston, New York Times columnist, he was "the man most likely to hold together the liberal-labor-Southern coalition that Franklin D. Roosevelt built into the most successful American political combination of modern times." Yet Stevenson's views on FEPC might prove to be a liability, especially in the North and West. He opposed a "compulsory" FEPC bill, believing the states ought to initiate action to abolish discrimination in employment; if they failed, in his opinion, the Federal Government would have the right to rectify the situation. On the basis of his FEPC stand Stevenson was endorsed by South Carolina's Governor James F. Byrnes—a Truman foe since 1948.

The civil rights issue appeared to be the major issue in the Florida primary, where Tennessee Senator Estes Kefauver and Georgia's Richard Russell vied with one another for control of the Florida delegation to the Democratic National Convention. During that campaign Russell declared that if he received the Presidential nomination of the party, he would disavow any civil rights plank authorizing the creation of a "compulsory" FEPC. Conversely, Senator

26 Ibid.
27 Ibid.
Kefauver told the Florida voters that he supported a voluntary FEPC, but would be "morally bound" to support the party platform even if it featured a "compulsory" FEPC.\textsuperscript{29} Though Russell won the Florida primary, Kefauver ran extremely well in a state which had elected Representative George Smathers to the Senate in 1950.\textsuperscript{30} (During the 1950 primary campaign Smathers attacked incumbent Senator Claude Pepper for having been too friendly to Negroes and Communist Party types.)\textsuperscript{31}

As convention time drew near, President Truman made explicit his views concerning the 1952 campaign. Speaking to a convention of the Americans for Democratic Action in Washington on May 17, the President declared that it was necessary for the Democratic party to nominate a liberal candidate and to draft a liberal platform.\textsuperscript{32} There was a good reason for adopting such a position, suggested Truman: "I have been in politics for over forty years, I know what I am talking about and I believe I know something about the business. One thing I am sure of: never, never throw away a winning program."\textsuperscript{33} Referring to civil rights, the President said that the party had to stand firm on its 1948

\textsuperscript{29}\textit{Ibid.}
\textsuperscript{31}\textit{Ibid.}, May 6, 1951, p. 18.
\textsuperscript{32}\textit{Ibid.}, May 18, 1952, p. 70.
\textsuperscript{33}\textit{Ibid.}
pledges; as far as he was concerned, there was no room for compromise. 34

While Truman was defending his record and calling for more Fair Deal legislation, the Republicans were fully engaged in a donnybrook nearly as dramatic as that of the Democrats in 1948. Dwight Eisenhower and Robert Taft were battling one another for convention delegates. In Eisenhower, Taft met a contender of unquestioned popularity, even though his views on domestic issues were not well defined. To remedy that situation, Eisenhower, after resigning from the Army, held a wide-ranging press conference in Abilene, Kansas, his boyhood home, on June 5, 1952. 35 During that conference Eisenhower was queried about such matters as FEPC. He replied:

I do not believe that we can cure all of the evils in men's hearts by law and when you get to compulsory action of certain specific phases of this thing I really believe we can do more than to make it a Federally compulsory thing. And this is said with the utmost sympathy for anyone who feels himself to be a member of a group that has been depressed or unfairly treated. 36

As soon as Eisenhower's views were publicized, Senator Humphrey made it known that he had no intention of trying to harden the 1948 Democratic civil rights plank. Humphrey did not want to create another rift in the Democratic

34 Ibid.
36 Ibid.
party since he felt that the 1948 plank would be better than anything the Republicans could draft, assuming that either Taft or Eisenhower became the Republican party's nominee.\textsuperscript{37}

Though Senator Humphrey tried to reduce internal party friction, President Truman went on the attack. Speaking to a commencement audience of 15,000 at Howard University on June 13, Truman not only defended his civil rights record, but implicitly challenged the position which General Eisenhower had taken on the subject.\textsuperscript{38}

There has been a great working of the American conscience. All over the land there has been a growing recognition that injustice must go, and that the way of equal opportunity is better for all of us. The civil rights report and the civil rights program give voice and expression to this great change of sentiment. They are the necessary instruments of progress. They are the trumpet blast outside the Walls of Jericho—the crumbling walls of prejudice.\textsuperscript{39}

After citing the improvement made in the fields of education, housing, and employment, Truman added:

Some of the greatest progress of all has been made in the armed services. Service in the armed forces of our country is both a duty and a right of citizenship. Every man or woman who enters one of our services is certainly entitled to equal treatment and equal opportunity.

\textsuperscript{37}Ibid., p. 11; Taft favored a Federal FEPC without compulsory features.

\textsuperscript{38}Ibid., June 14, 1952, p. 12.

\textsuperscript{39}Ibid.
There has been a great deal of talk about the need for segregation in the armed services. Some of our greatest generals have said that our forces had to have segregated units. But our experience has proved that this was nonsense.40

Near the end of his speech he declared that the resources of the Federal Government had to be committed in the battle for civil rights if progress was to be made.

I am not one of those who feel that we can leave these matters up to the states alone, or that we can rely solely on the efforts of men of good will. Our Federal Government must live up to the ideals professed our Declaration of Independence and the duties imposed upon it by our Constitution. The full force and power of the Federal Government must stand behind the protection of rights guaranteed by our Federal Constitution.41

On June 24, as the Senate was preparing to adjourn, the Senate Committee on Labor and Public Welfare approved by a 9 to 3 vote a compromise FEPC bill which had been submitted by Senator Humphrey and Republican Senator Irving Ives. This bill was not nearly as strong as the earlier Truman bill: for one thing, it lacked a "compulsory" feature; and for another, it deprived the Federal Government of any authority to act in states which passed their own FEPC statutes.42 (There was talk in Washington that Humphrey and Ives had specifically drafted this measure in order to provide both party conventions with a model

40 Ibid.
41 Ibid.
FEPC plank.43

During the Republican convention, which was held in Chicago in early July, the civil rights issue caused something of a stir. Negro delegates were so dissatisfied with the party's civil rights plank, that they were prepared to issue a minority report.44 Only after convention leaders gave them assurances that their views would not be disregarded, did they fall into line and accept the draft of the platform committee.45 Still, those Negro delegates had good reason to protest the 1952 Republican plank; the commitment to federal action found in the 1948 plank had been superceded by a renewed emphasis on state and local initiative:

We condemn bigots who inject class, racial and religious prejudice into public and political matters. Bigotry is un-American and a danger to the Republic. We deplore the duplicity and insincerity of the party in power in racial and religious matters. Although they have been in office as a majority party for many years they have not kept nor do they intend to keep their promises.

The Republican party will not mislead, exploit, or attempt to confuse minority groups for political purposes. All American citizens are entitled to full, impartial enforcement of Federal laws relating to their civil rights.

We believe that it is the primary responsibility of each state to order and control its own domestic institutions, and this power, reserved to the states, is essential to the maintenance of our Federal Republic. However, we believe that the Federal government should take supplemental action

within its Constitutional jurisdiction to oppose discrimination against race, religion or national origin.

We will prove our good faith by:
- Appointing qualified persons, without distinction of race, religion or national origin, to responsible positions in the government.
- Federal action toward the elimination of lynching.
- Federal action toward the elimination of poll taxes as a prerequisite to voting.
- Appropriate action to end segregation in the District of Columbia.
- Enacting federal legislation to further just and equitable treatment in the area of discriminatory employment practices. Federal action should not duplicate state efforts to end such practices; should not set up another huge bureaucracy.\(^6\)

The Republicans approved their platform, and then proceeded to nominate Dwight D. Eisenhower and Richard M. Nixon as their candidates for 1952. They adjourned to await the results of the Democratic convention, which was scheduled to be held in Chicago in the third week of July.

Once again the Democrats faced the problem of resolving their differences on this most provocative of domestic questions. That there would be fresh controversy was indicated by the remarks of New York's Senator Herbert Lehman, a member of the platform committee.\(^7\) He announced support for "a strong and forward-looking platform which will be outspoken and unequivocal on the great issues of our time, including but not confined to civil rights."\(^8\)

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\(^{46}\) *The Crisis*, LIX, No. 8, (October, 1952), 480.

\(^{47}\) Ibid., July 17, 1952, p. 1.

\(^{48}\) Ibid.
Lehman intended to fight specifically for a resolution which he and Connecticut Senator William Benton introduced in the Senate.49 The Lehman-Benton resolution, which failed to clear the Rules Committee, would permit the Senate to limit a two day debate on any one subject if two-thirds of the Senators present voted for cloture. Should debate continue for fifteen days, then, according to this resolution, the Senate could terminate it by a simple majority requiring a minimum of twenty-five votes.50 Representatives of civil rights organizations appearing before the Platform Committee endorsed this proposal, for they knew that the fight for civil rights legislation would be fruitless unless the Senate tightened the Filibuster Rule.51

Thanks to the compromise arranged by Negro Congressman William Dawson of Chicago and Alabama Senator John Sparkman, the Platform Committee drafted a plank which not only ignored the Lehman-Benton proposal, but President Truman's suggestions as well.52 The President had recommended a plank containing a compulsory FEPC and a resolution supporting simple majority cloture in the Senate.53

50 Ibid.
51 Ibid.
53 Ibid., July 24, 1952, p. 16.
The plank which the committee approved was a reflection of the views of Governor Adlai Stevenson. On July 24 Congressman John McCormack of Massachusetts, chairman of the Platform Committee, presented the platform to the convention, which approved it despite the shouts of protest from Governor Herman Talmadge of Georgia and Mississippi's Governor Hugh White. The Civil Rights Plank read as follows:

IMPROVING CONGRESSIONAL PROCEDURES

In order that the will of the American People may be expressed upon all legislative proposals, we urge that action be taken at the beginning of the Eighty-third Congress to improve Congressional procedures so that majority rule prevails and decisions can be made after reasonable debate without being blocked by a minority in either house.

CIVIL RIGHTS

The Democratic party is committed to support and advance the individual rights and liberties of all Americans.

Our country is founded on the proposition that all men are created equal. This means that all citizens are equal before the law and should enjoy equal political rights. They should have equal opportunity for education, for economic advancement, and for decent living conditions. We will continue our efforts to eradicate discrimination based on race, religion or national origin.

We know this task requires action, not just in one section of the nation, but in all sections. It requires the cooperative efforts of individual citizens and action by state and local governments. It also requires federal action. The

54 Ibid., August 5, 1952, p. 12.
55 Ibid., July 24, 1952, pp. 1, 16.
federal government must live up to the ideals of the Declaration of Independence and must exercise the powers vested in it by the Constitution.

We are proud of the progress that has been made in securing equality of treatment and opportunity in the nation's armed forces and the Civil Service and all areas under federal jurisdiction. The Department of Justice has taken an important part in successfully arguing in the courts for the elimination of many illegal discriminations, including those involving rights to own and use real estate, to engage in gainful occupations and to enroll in publicly supported higher educational institutions. We are determined that the federal government shall continue such policies.

At the same time, we favor federal legislation effectively to secure these rights to everyone: (1) the right to equal opportunity for employment; (2) the right to security of persons; (3) the right to full and equal participation in the nation's political life, free from arbitrary restraints. We also favor legislation to perfect existing federal civil rights statutes and to strengthen the administrative machinery for the protection of civil rights.56

This civil rights plank was not much different from the one the party approved in 1948; but it lacked the "fighting words that would have immediately caused another full-scale Southern bolt."57 Given the moderate tone of the plank, most Southern Democrats felt that they could "live" with it for the sake of party unity.58 After all, Harry Truman was retiring.

Governor Adlai Stevenson was selected as the party's nominee because he was the only available politician who

56 *The Crisis*, LIX, No. 8, (October, 1952), pp. 480-481.


could unite both factions of the party behind him. Stevenson's strength lay in the fact that his welfare State orientation won him the support of the liberals and his moderate racial views did not antagonize Southern leaders such as Senator Russell. Stevenson's nomination was as much the product of political deadlock as was Truman's in 1944.

Following the third ballot nomination of Stevenson, the convention selected Senator John Sparkman—the choice of President Truman—to be its Vice Presidential candidate. Even while the convention was approving Sparkman, sixty Negro delegates, led by Congressman Adam Clayton Powell, walked off the convention floor because they refused to vote for a candidate whose civil rights position was the antithesis of their own. Powell, in explaining this action, said: "they cram a candidate down our throat but they cannot make us vote for him. I personally will not campaign for the national ticket." (Walter White, who was equally enraged, remarked that it would be difficult for Negroes to vote for a candidate who had been so unalterably opposed to civil rights legislation.)

59 Ibid.
62 Ibid.
63 Ibid., p. 31.
later, at a news conference in New York, Powell informed the press that he was going to advise Negroes to "boycott" the election if the Democratic nominees did not take a more liberal stand on the question of civil rights.  

Adam Clayton Powell notwithstanding, candidate Stevenson at a press conference on August 4 reiterated the position he had taken before and during the convention. That is, he stated his opposition to a "compulsory" FEPC and declared in reference to the filibuster rule that "it would be a very dangerous thing indeed to limit debate in a parliamentary body in a democracy."  

Shortly after Stevenson held his press conference, Northern politicians, fearful of alienating the important Negro vote, began to pressure him to take a different position in order to preserve Democratic strength in the key industrial states. Apparently they succeeded—for on August 28 Stevenson committed himself to support not only the Humphrey-Ives bill, but a liberal change in Rule 22.  

A day later, Representative Powell, after meeting with Stevenson in New York, declared that "we are thoroughly

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65 Ibid., August 5, 1952, p. 12.
66 Ibid., September 3, 1952, p. 16.
satisfied with his civil rights stand . . . We are going all out for him now. . . ."68 On the basis of his August 28th remarks Stevenson also was endorsed by the NAACP, which felt that he had taken the most forthright position on civil rights of the four major candidates.69 On September 18th, however, Governor Byrnes of South Carolina renounced his support of Stevenson and endorsed General Eisenhower for the Presidency.70

Following Byrnes' defection, the Democrats, led by Truman and Stevenson, decided to wage an all-out campaign to hold the Negro vote in the North in order to compensate for the possible loss of some Southern states. Truman himself carried the burden of the campaign for that vote. On October 11 he spoke to thousands of Negroes in Harlem about the civil rights record of the two parties and their respective candidates.71 In his speech Truman attacked the Republicans as the opponents of civil rights legislation. He described the (Republican) McConnell FEPC amendment "as a toothless substitute for FEPC," and pointed to the Wherry Amendment as another example of Republican obstructionism.72 Next, Truman discussed the various measures

69 Ibid., September 10, 1952, p. 15.
71 Ibid., October 11, 1952, p. 78.
72 Ibid.; on October 15 the New York Times charged Truman with distorting the nature of the impasse in Congress.
he had initiated on the executive level: the abolition of segregation in the armed forces; the creation of a Fair Employment Board; and the Administration sponsored briefs in the various court cases which affected Negro rights.73

At this point Truman warned his audience "to expect a return to the dark days of the depression" if the Republicans won. After raising the specter of "Hooverism," he proceeded to attack Eisenhower's civil rights position:

The Republican candidate . . . is the front man for the party that adopted the Wherry rule in the Senate . . . and a watered-down version in the House. His is the party that beat a retreat this year in the civil rights platform. That's the lousiest plank you ever read on the subject.

And while the Republican candidate was in uniform, he told the Armed Services Committee of the Senate that a certain amount of segregation is necessary in the Army. You and I know that is morally wrong. And what is more, it's even militarily wrong. Our troops are demonstrating, every day, that Americans can stand side by side—regardless of color—and fight better because of it. . . .

I am afraid, my friends, that the Republican candidate does not offer you much hope so far as civil rights are concerned.74

"Now we are not arguing that the role of the Republicans in these civil rights disputes was a glorious or even a particularly honorable one. The Republicans were playing politics and have to share in the responsibility. But it is manifestly absurd for Mr. Truman to try to conceal the part that a large segment of his own party has had in the defeat of civil rights legislation—especially since it is the Southern Democrats that form the heart and soul of the opposition."


73Ibid.

74Ibid.
Truman concluded his speech by mentioning that Adlai Stevenson had fought hard for a state FEPC, even though the Republican controlled Illinois Senate was opposed to it; and had desegregated the Illinois National Guard.75

The President continued to seek Negro support for Stevenson. Speaking in Brooklyn on October 18, he condemned Eisenhower's civil rights position as one "designed to win the votes--and the contributions of--the Dixiecrat millionaires."76 In Newark, New Jersey, and Philadelphia Truman again attacked Eisenhower.77 He was now campaigning as hard, if not harder, for Negro votes as he did in 1948.

That the Republicans had profited from their experience in 1948 could be seen in the campaign strategy of Dwight Eisenhower. Unlike Governor Dewey, Eisenhower went to Harlem on October 24 in quest of Negro votes. Speaking to a crowd of only 5,000, Eisenhower vowed to fight segregation in Washington.78 He then accused President Truman and the Democratic party of making false promises to Negro voters for the past seven years. After assuring his audience that there would be no depression if he took office, Eisenhower added:

75Ibid.
76Ibid., October 19, 1952, p. 80.
77Ibid., October 22, 1952, pp. 20, 21.
78Ibid., October 25, 1952, p. 78.
So I cannot come before you with the competition of promises, but I do come before you with a pledge. If you want to put this crusade at the helm of your government; if you want to substitute 22 caliber men who are trying to hold 45 caliber jobs with the finest men and women that we can draw from all sections of this country from every walk of life—and let me say plainly, based upon merit and without respect to color or creed; if you want to have a government of that kind, then you belong in this crusade.79

On October 27 Governor Stevenson arrived in Harlem, where he was widely and enthusiastically greeted by over 100,000 people.80 Following Adam Clayton Powell's introduction, Stevenson spoke for ten minutes, but refused to dwell on civil rights, since, as he told his audience, his position was by now well known. Nevertheless, he did declare that "if I promised you everything, I would deserve your contempt."81 After pointing to the "cruel difficulties" involved in achieving his program, Stevenson praised Senator Sparkman as a candidate "who would work to the limit of his abilities" in order to fulfill the Democratic party program.82

In the last days before the election President Truman discussed the civil rights issue with the Negro voters of Chicago and Detroit: once more he attacked Eisenhower, his party, and his program. On October 29 Truman told 35,000

79Ibid.
81Ibid.
82Ibid.
Negroes on Chicago's South Side:

What is sorely needed to deal with the problems of race relations, to provide equal opportunities and to end racism is—what do you suppose? FEPC? No, leadership.

And who will provide the leadership? You guessed it. The Republican candidate and Governor Byrnes, Governor Kennan, and Governor Shivers. And if you think that is a funny kind of leadership in the fight for civil rights, you are just a low down mudslinger—like I am.°3

Thus ended a fierce fight and a tough campaign. Truman and Stevenson expected a close election and hoped that the Negro vote would shift the balance in favor of the Democrats. The question was: would the Negro vote be as influential and important in 1952 as it was in 1948.

The Negro vote in 1952 was preponderantly Democratic, but, unfortunately for Stevenson, the overwhelming Eisenhower victory nullified its impact. Ironically, more Negroes voted for Stevenson in 1952 than for Truman in 1948; Stevenson received 73% of the Negro vote as compared to the approximately 66% given to Truman.°4 (It would appear that many Negroes who voted for Henry Wallace in 1948 returned to the Democratic party in 1952, thus accounting for the greater Stevenson percentage.) An NAACP survey showed that in 1952 Stevenson swept Negro wards in 45 out of 46 widely scattered cities across the country.°5 This

°3Ibid., October 30, 1952, p. 28.
°4The Crisis, LIX, (December, 1952), p. 616.
°5Ibid.
same survey also indicated that Negro voters in both Louisiana and South Carolina made it possible for Stevenson to carry those states. Thus in 1952 Negro voters, both in the North and the South, appeared to be the most loyal Democrats in the United States.

Apparently undaunted by the results of the election the Truman Administration initiated fresh moves on the civil rights front. On December 2 Attorney General James McGrannery, representing the United States Government, submitted to the Supreme Court an amicus curiae brief in support of five cases filed by Negro plaintiffs, who were challenging the validity of the Plessy-Ferguson doctrine in the field of education. The Administration brief raised the point that the issue of racial discrimination had to be viewed in the context "of the present world struggle between freedom and tyranny." It was the Administration's judgment that "racial discrimination furnishes grist for the Communist propaganda mills and it raises doubts even among friendly nations as to the intensity of our devotion to the democratic faith." To emphasize the seriousness of this situation, the brief revealed the contents of a letter which Secretary of State

86 Ibid.; in 1952 Stevenson won only nine states, all of which were geographically border or Southern.

87 Brief for the United States as amicus curiae in cases 8, 101, 191, 413, 418, Supreme Court of the United States, October Term, 1952.

88 Ibid., p. 6.
Dean Acheson had written to Attorney General James McGranery:

The continuance of racial discrimination in the United States remains a source of constant embarrassment to this government in the day-to-day conduct of its foreign relations; and it jeopardizes the effective maintenance of our moral leadership of the free and democratic nations of the world.

Then referring specifically to the cases at hand, the government stated its position:

In the briefs submitted by the United States in Henderson vs. United States, 339 U. S. 816, and in Sweatt vs. Painter, 339 U. S. 629, and McLaurin vs. Oklahoma State Regents, 339 U. S. 637, the Government argued that racial segregation imposed or supported by law is per se unconstitutional. We renew that argument here. Without repeating in detail the grounds stated at length in those briefs, for the conclusion that the doctrine of "separate but equal" is wrong as a matter of constitutional law, history and policy, the United States again urges the Court, if it should reach the question, to re-examine and overrule that doctrine.

The Government submits that compulsory racial segregation is itself ... unconstitutional discrimination. "Separate but equal" is a contradiction in terms. Schools or other public facilities where persons are segregated by law, solely on the basis of race or color, cannot in any circumstances be regarded as equal. . . . Whatever the merits in 1896 of a judgment as to the wisdom or reasonableness of the rule of "separate but equal," it should now be discarded as a negation of rights secured by the Constitution.

In the event that the Court declared the Plessy-Ferguson doctrine unconstitutional, the Government

89 Ibid., p. 9.
90 Ibid., pp. 17, 26.
suggested:

that . . . the Court should take into account the need, not only for prompt vindication of the constitutional rights violated, but also for an orderly and reasonable solution of the vexing problems which may arise in eliminating such segregation. . . .

A reasonable period of time will obviously be required to permit formulation of new provisions of law governing the administration of schools in areas affected by the Court's decision. . . .

To the extent that there may exist popular opposition in some sections to abolition of racially-segregated school systems, we believe that a program for orderly and progressive transition would tend to lessen such antagonism. An appropriate tribunal to devise and supervise execution of such a program is a district court, which could fashion particular orders to meet particular needs. 91

With this action the Justice Department broadened its efforts to shape a new policy on what was fast becoming the most crucial domestic question plaguing America at mid-century. Even as the Truman Administration prepared to leave office, it acted in a responsible and forthright manner to advance the cause of "equal justice under the law."

On January 15, 1953, President Truman delivered his farewell address to the American people. In referring to civil rights he said:

We have made progress in spreading the blessings of American life to all of our people. There has been a tremendous awakening of the American conscience on the great issues of civil rights—equal economic opportunities, equal rights of citizenship and equal educational opportunities for all our people, whatever their race, religion or status of birth. 92

91 Ibid., p. 28.
There had indeed been an "awakening of the American conscience," for which President Truman could take due credit. After all, his actions and policies, made necessary by the pressure of circumstances, helped to foster a new climate of opinion that in time would make the promise of American life a reality for all citizens.
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