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THE SUPREME COURT DECISION ON SEGREGATION

Staff of the Senate
Majority Policy Committee

THE SUPREME COURT DECISION ON SEGREGATION

The historic United States Supreme Court decision of May 17 outlawing segregation in the Nation's public elementary and high schools set another great landmark in the field of civil rights.

This decision is one in which the Republican Administration and the Republican Party have a particular interest.

Throughout the 1952 election campaign President Eisenhower spoke frequently against discrimination of any kind against minorities. In his 1953 State of the Union Message he emphasized "the equality of rights of all citizens of every race and color and creed." In his 1954 State of the Union Message, the President mentioned steps that had been taken "in the continuing effort to eliminate interracial difficulty."

In replying to a question at his press conference on May 19 if he had any advice to give the South as to how to react to the segregation decision, President Eisenhower said he thought Governor Byrnes of South Carolina made a very fine statement when he said, "Let's be calm and let's be reasonable and let's look this thing in the face." The President added (authorizing his remarks to be directly quoted):

"The Supreme Court has spoken and I am sworn to uphold their--the constitutional process in this country, and I am trying--I will obey."

Asked what the political effect would be on his supporters in the South since the Court's ruling had come during a Republican administration, the President answered (direct quotation authorized), "The Supreme Court, as I understand it, is not under any Administration." As to political repercussions, the voters would have to make their own decision, he continued, and declared he had stood for honest, decent government since he had been first mentioned as a political figure.

The civil rights plank of the 1952 Republican Party Platform contains a pledge "that the Federal Government should take supplemental action (supplemental to State actions) within its constitutional jurisdiction to oppose discrimination against race, religion or national origin."

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Negative reactions to the Supreme Court's decision have come from some high-placed Democrats in the Nation's official life, despite the fact that their own party's platform also takes a strong stand in opposition to discrimination against minorities.

When the public school cases were re-argued before the Supreme Court in December of last year, Assistant Attorney General J. Lee Rankin participated as the Republican Administration's spokesman.

"...the Court can find only one answer," Mr. Rankin said in presenting his argument before the Court last December 8. "When they (the defendants) stand before this Court and say that the only reason for segregation is color, the Court must say the Fourteenth Amendment does not permit this to happen."

The Department of Justice maintained "that segregation in the public schools cannot be maintained under the Fourteenth Amendment," and stated to the Court that it has power to and should decree an end to school segregation.

The nine-man Court, by unanimous vote, actually handed down two rulings May 17. One forbade segregation in the public schools of of the States under the 14th Amendment, which applies only to States. The other achieved the same end in the District of Columbia under the 5th Amendment.

Other Civil Rights Landmarks

The high Court's history-making action recalled these other civil rights landmarks:

- (1) The Republican Party was founded in 1854 in opposition to Negro slavery;
- (2) The first Republican President, Abraham Lincoln, issued the Emancipation Proclamation;
- (3) Republican Administrations first brought Negroes into the U. S. armed services;
- (4) Republican Congresses wrote the great Constitutional Amendments (13th, 14th and 15th) abolishing slavery and guaranteeing to the new Negro citizens both the vote and the protection of the laws;

- (5) Republican Administrations first appointed Negroes to diplomatic and consular posts;
- (6) Two Negroes were elected to the United States Senate, both Republicans (B. K. Bruce and Hiram Revels);
- (7) Howard University of Washington, D. C., supported by Federal funds, was established in 1867 under a Republican Administration.

The following developments show the character of forthright action by the present Republican Administration since it took office less than a year and a half ago:

- (a) The Administration has expedited a program to abolish segregation and discrimination in Federal civilian employment, in the armed forces, in military post schools, and among civilian employees in military and naval installations;
- (b) A Government Contract Committee was established to promote equal job opportunity in all Government work by private industries;
- (c) The Veterans' Administration was ordered to eliminate segregation in all veterans' hospitals as rapidly as possible without sacrificing medical considerations;
- (d) Various steps have been taken to eliminate segregation in the District of Columbia. The Department of Justice argued successfully in the case of the District of Columbia v. Thompson before the Supreme Court that under present D. C. law restaurant owners are required to provide service on a basis of non-discrimination. The Supreme Court agreed with the argument and District of Columbia restaurants and also now other public places are open to people of all races and colors. Since the Court's May 17 school segregation decision, District of Columbia Government officials have initiated plans to bring segregation in the D. C. schools, city playgrounds, and in D. C. institutions and agencies to an early end;
- (e) Negroes have been given high political appointments in the Republican Administration--among them: Assistant Secretary of Labor, Ambassador to Liberia, Member

of Federal Board of Paroles, Minority Groups Consultant to the Labor Department, Head of an Agriculture Department Extension Service, Assistant to Secretary of Health, Education, and Welfare, Liaison Officer between the Department of Commerce and other Departments, and Adviser on Business Affairs for the National Production Authority.

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STATEMENT OF THE TWELFTH REPUBLICAN PRESIDENT OF THE UNITED STATES

May 18, 1954

"President Eisenhower spurred quick action in the District today when he told the District Commissioners that he hoped the National Capitol would be a model for other areas that had change-over problems because of the Supreme Court's ruling. He asked the Commissioners for regular reports on their progress in ending school segregation."

The New York Times, May 19, 1954

FOUR STATEMENTS BY THE FIRST REPUBLICAN PRESIDENT OF THE UNITED STATES

March 4, 1861

"It is seventy-two years since the first inauguration of a President under our National Constitution. During that period fifteen different and greatly distinguished citizens have, in succession, administered the executive branch of the government. They have conducted it through many perils, and generally with great success. Yet, with all this scope of precedent, I now enter upon the same task for the brief Constitutional term of four years under great and peculiar difficulty. A disruption of the Federal Union, heretofore only menaced, is now formidably attempted.

"I hold that, in contemplation of universal law and of the Constitution, the Union of these States is perpetual....

"I therefore consider that, in view of the Constitution and the laws, the Union is unbroken; and to the extent of my ability I shall take

care, as the Constitution expressly enjoins upon me, that the laws of the Union be faithfully executed in all the States....

"One section of our country believes slavery is right and ought to be extended, while the other believes it is wrong and ought not to be extended. This is the only substantial dispute....

"In your hands, my dissatisfied fellow-countrymen, and not in mine, is the momentous issue of civil war...."

First Inaugural Address

August 22, 1862

"I would save the Union...My paramount object in this struggle is to save the Union, and is not either to save or to destroy slavery. If I could save the Union without freeing any slave, I would do it; and if I could save it by freeing all the slaves, I would do it; and if I could save it by freeing some and leaving others alone, I would also do that. What I do about slavery and the colored race, I do because I believe it helps to save the Union....I have here stated my purpose according to my view of official duty; and I intend no modification of my oft-expressed personal wish that all men everywhere could be free."

Letter to Horace Greeley

January 1, 1863

"Now, therefore, I, Abraham Lincoln, President of the United States, by virtue of the power in me vested as Commander-in-Chief of the Army and Navy of the United States, in time of actual armed rebellion against the authority and government of the United States, and as a fit and necessary war measure for suppressing said rebellion...do order and declare that all persons held as slaves within...designated States and parts of States are, and henceforward shall be, free...And upon this act, sincerely believed to be an act of justice, warranted by the Constitution upon military necessity, I invoke the considerate judgment of mankind...."

Emancipation Proclamation

March 4, 1865

"While the (first) inaugural address was being delivered from this place, devoted altogether to saving the Union without war, insurgent agents were in the city seeking to destroy it without war--seeking to dissolve the Union, and divide effects, by negotiation. Both parties deprecated war; but one of them would make war rather than let the Nation survive; and the other would accept war rather than let it perish. And the war came.

"One eighth of the whole population were colored slaves, not distributed generally over the Union, but localized in the Southern part of it. These slaves constituted a peculiar and powerful interest. All knew that this interest was, somehow, the cause of war. To strengthen, perpetuate, and extend this interest was the object for which the insurgents would rend the Union, even by war; while the government claimed no right to do more than to restrict the territorial enlargement of it.

"Neither party expected for the war the magnitude or the duration which it has already attained. Neither anticipated that the cause of the conflict might cease with, or even before, the conflict itself should cease....

"Fondly do we hope--ferverently do we pray--that this mighty scourge of war may speedily pass away. Yet, if God wills that it continue until all the wealth piled by the bondman's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid by another drawn with the sword, as was said three thousand years ago, so still it must be said: 'The judgments of the Lord are true and righteous altogether.'"

Second Inaugural Address