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October 23, 1957

Dear Steve:

I was delighted to get Mr. ^{Harris} Wofford's memorandum on the Civil Rights Commission which is exceedingly well done. *ff*

As a matter of fact, I did push the proposals you made to me the other day. I am leaving for Japan today and as soon as I get back we will have to get together to discuss this in more detail. *Nothing in file 10-28-57*

With kind regards,

Sincerely,

Maxwell M. Rabb
Secretary to the Cabinet

^x
Mr. Stephen Benedict
United States Information Agency *x G F 201*
1776 Pennsylvania Avenue, N. W.
Washington, D. C.

MMR:sw

October 21, 1957

Dear Max:

Pursuant to our conversation on the Civil Rights Commission, my friend, Harris Wofford, did the enclosed memorandum giving his general conception of the CRC's mission and possibilities. I think it is an extraordinarily good job. It will give you a good idea of his thinking on the subject. I would think Brownell or the Vice President might find it challenging.

I hope the three of us can get together after your trip. I don't imagine things will move very fast between now and then.

Have a good journey.

All the best,


Stephen Benedict

The Honorable
Maxwell M. Rabb
Secretary to the Cabinet
The White House

October 15, 1957

THE COMMISSION ON CIVIL RIGHTS

President Eisenhower has often said that racial integration is a problem of changing the minds and hearts of people. He has also shown his determination to uphold the Constitution and to enforce the laws.

Yet we seem to be at an impasse. For it is against the law to deprive any citizen of the right to vote by reason of his color. Racial segregation in the public schools is unconstitutional and must be ended with all deliberate speed. But a substantial and dominant part of the public in a number of states is opposed to compliance with these and other applications of the constitutional guarantee of equal protection of the laws.

The question then is what can be done to change the opinions, prejudices and habits of people while enforcing the law, and particularly what role Federal laws and policies can play in such a process of persuasion.

This question is properly before the Commission on Civil Rights. For it is the Commission's assignment (1) to investigate allegations that citizens are being deprived of their right to vote, (2) to "study and collect information concerning legal developments constituting a denial of equal

protection of the laws under the Constitution," and (3) to "appraise the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution".

The investigation of violations of the right to vote will have to be coordinated with enforcement actions of the new Assistant Attorney General under other sections of the bill. While the investigations and hearings the Commission may conduct in this connection may be important in establishing the right to vote for all citizens, the latter two functions of the Commission -- which look to the larger problem -- may ultimately prove more significant in breaking the present impasse. By their terms they invite inventive statesmanship.

Of course, enforcement of the law is itself a form of persuasion. The law is a teacher. People learn to drive on the right side of the street by driving on that side. The citizens of the thirteen original states came to consider themselves citizens of the United States of America because the Constitution of the United States was ratified, established and enforced. Without the working of the Constitution no amount of talk would have convinced Americans to abandon their parochial loyalties for a higher allegiance.

Today compliance with the Constitution is still the best instruction in our constitutional duties. Negroes voting will do more to change the habits and opinions of those who

oppose such voting than any amount of talk. Children of all races going to school with each other will do more than anything else to persuade young people and their parents that integration can work. Thus enforcing the law is part of the problem of changing the minds and hearts of people.

But it is only a part. The law needs help. The courts and the Department of Justice and Federal policing powers appear to be insufficient to overcome the popular emotional and psychological obstacles to school integration in some of the states. The law cannot act as teacher where the conditions necessary for the educational process do not exist. Where opposition to the law is violent and widespread the law may not be obeyed at all, or may be obeyed only in form while the spirit is submerged in a wave of irrationality.

Little Rock may be the exceptional case where straight enforcement will suffice. The crisis there occurred under relatively favorable circumstances for law enforcement. The local school board had decided to comply with the Supreme Court, it had devised a gradual plan for integration that had substantial support in the community, and the city authorities were themselves willing to enforce it. A spark of demagoguery enflamed the situation, but there is reason to hope that Federal authority plus local common sense will put out the fire and give the plan for integration a chance to succeed. The example of Little

Rock may help prevent other such outbreaks in areas where the Negro population is small and integration not in fact a very big problem, such as Northern Virginia.

In Mississippi, Alabama, Georgia, and South Carolina and perhaps one or more other states where "black belt" counties with a majority of disfranchised Negroes play an important political role, the situation does not offer such hope. Local school boards in many cases will refuse to adopt even the most gradual integration plan, and if pressed by litigation the public school system may itself be abandoned. Or the public schools in these black belt counties may be preserved for Negro children, with the whites establishing private schools. Will the state legislatures appropriate funds for integrated schools or for nominally integrated but *de facto* all-Negro schools? The courts can hardly compel appropriations. Perhaps the Negroes will move very slowly to forestall such a showdown, picking only border situations where with Federal enforcement there is a chance of successful, if at first token, integration. But the original Supreme Court cases in Clarendon County, South Carolina, and Prince Edward County, Virginia, are clouds bigger than a man's hand, threatening an impending storm.

Ways must be found to break up the concentration of emotions on this one issue, to disperse the hatred, violence and irrationality gathered around public school integration, to take the initiative out of the hands of racial demagogues, to release the forces of moderation, of law and order, and of Christianity.

It should be the aim of the Commission on Civil Rights to discover how to do this.

For this the Commission must look beyond the problem of enforcing the laws concerning school integration and voting rights. It should try to shift its focus -- and the country's focus -- from the part of the problem that is now jammed by hysteria to the whole of the problem. And the whole is the demoralization of important sections of the American community -- the human depression in which most of the Negroes and many of the whites in the South find themselves, and in which the Negroes and other minorities find themselves in the urban slums of the North. Equal protection of the laws is denied or rendered meaningless to some people in all regions of the country, although the crisis is deepest and most acute in the South.

The South is suffering a skin disease with deep psychological and economic causes. Its very concentration on its sores makes their treatment more difficult. Somehow its eyes must be taken off its skin troubles and its mind shaken out of its present rut. Somehow the pattern of its irrationality must be jolted and a new and more promising pattern offered.

One way to do this might be to take hold of the main line of the segregationist argument and, in adopting it, turn it upside down. That line is a simple one: the Negro has lower standards of health, education and morality than the white; to mix the two would be detrimental to the white. To the white parent living in a black belt county or a city with a substantial Negro population this is persuasive. The Negroes he knows for the most part live in slums, have a much higher incidence

of venereal and other diseases, and have a lower level of intellectual and cultural achievement, presumably the legacy of slavery, discrimination, and years of separate but inferior schools, jobs, homes. The white does not want to inflict upon his children the price of remedying the sins of omission and commission of many generations. On this one solid reason a tower of irrationality has been built.

Instead of dodging this argument through reiteration of the case for law and order, why not meet it head-on and take it away from the segregationist? The very demoralization of the Southern Negro can be used as a reason for doing something about the problem, and for doing it on a broad and big scale.

Even without school integration the standards of health, education and morality of the Southern Negro are pulling down or slowing down the South. Disease spreads across racial lines, lack of skills holds back the economic development of the whole South, and the habits of irresponsibility and sloth instilled by slavery and continued by white supremacy violate the minimum standards necessary for our new world of science and technology. Moreover, the growing distrust and bitterness between the races is infecting and demoralizing the whites as well as the Negroes. The very relationship

of inequality is corrupting both races.

The constitutional necessity of establishing equal protection of the laws throughout the United States could be used as an opportunity to end the demoralization which is making the South sick. Desegregation should be seen as the occasion for a generation-long program to lift up the whole of the South -- and to rehabilitate the urban centers of demoralization throughout the country.

Even if the South were willing to comply with the Supreme Court's mandate, integration of the schools, at least in black belt areas, would require a massive program to improve the living standards of the Negroes. The present massive resistance of the Southern white to integration cannot be met in most cases by bayonets on school steps. It must be flanked and surrounded by a general attack on the demoralization of which inferior Negro schools is only a part.

In some measure this approach is already underway in the Negro community itself, particularly in Montgomery under Martin Luther King. The Montgomery Improvement Association insisted throughout its boycott that its aim was the improvement of all of Montgomery, and that it not only wanted Negroes to be able to sit next to whites but that it wanted those Negroes to be stronger and better persons. King and other Southern Negro ministers are now organizing voters' clinics where Negroes will study the Constitution not only in order to pass registration tests but also to be better voters when

they win their rights. This is in line with Gandhi's advice to the Indians of South Africa around the turn of this century: to list all the complaints which the South African whites had against the Indians, to decide which of these were legitimate, and then to meet them with remedial action -- while at the same time fighting for their legal rights.

But the Southern white hears little of this constructive work, and the Negro movement itself, largely led by lawyers, has focused on litigation.

If the Civil Rights Commission could widen the focus to the whole problem of uplifting a demoralized community, it might help break the hypnotic grip school integration now has on the South. If the Commission undertook a thorough survey of the economic, health and other social dimensions of the problem of integration the school issue might be seen in more manageable proportions. Then a community's plan of desegregating its schools could be geared into a far-reaching program of community improvement, and the school could itself be a radiating center for raising the standards of living and of public health.

In doing this the Commission would want to call for testimony from many of the respected leaders of both the white and Negro communities in the South. It would want to hear how such Southerners view the problem and what they think should now be done. Its questions to them would be framed not in terms

of for or against school integration but in terms of what needs to be done and what constructive steps can be suggested. Its attitude would not be recriminatory and its emphasis would not be on enforcement. It would probably want to hear much of this testimony in public and in all regions, including some of the main cities of the South.

This would serve the other function of helping the South to know itself. At present there is almost no medium of communication open between the Southern whites and Negroes. The hearings of the Commission on Civil Rights could be forums at which leaders of both communities would meet and listen to each other. If handled well the proceedings might be followed rather widely in the South, with beneficial results. The Southern white might realize that there is a new Negro in his midst, not sent from the North, not primarily stirred up by outside agitators but by the Constitution and the Christian Church. And the Negro might see that there are other, wiser Southern voices than the jeers and catcalls of racist mobs and the ranting or slipperiness of political demagogues.

To further this process of communities coming to know themselves the Commission might well utilize the provision in the Civil Rights bill authorizing it to "constitute such advisory committees within states composed of citizens

of that state" (Section 105(c)). If the Commission could establish advisory committees in all or most of the states, with members representing whites and Negroes (or other minorities suffering discrimination such as Puerto Ricans in New York), and including religious leaders, educators, doctors, lawyers, business executives and officers of women's and other civic organizations, the resulting discussions might be illuminating. At least in communities where almost no communication exists between the separate racial groups discussion is a necessary preliminary to any new understanding. While the need for such committees may be greater in the South it would be important to stress -- by operating in all regions -- that this is not solely a Southern question, just as the terms of the committees would stress the larger question of equal protection rather than only school integration.

The Report which such a Commission might produce in two years, appraising the laws and policies of the Federal government with respect to equal protection of the laws, might provide a platform for new constructive action by Congress and the Executive Branch. And the Report and the process which produced it might help bring into action the moderate forces in the South who could support some if not all of such a program, and further encourage the Negro movement to undertake more ambitious efforts of self-help.

* * *

To do any of these things the Commission should from the beginning be considered as a big venture. The Commission, in a sense, must take the country by surprise. It must be composed of persons of high public stature who have the vision and practical wisdom to take a fresh, good look at the problem. They must be prepared to put in the time necessary for a thorough investigation. They must be able to command the confidence of the moderate South, of the Negroes, of the President, and of the great majority of the country.

To find such people will be, to say the least, difficult. They probably should not be red flags to either side: either vehement segregationists or front-liners of the NAACP. They should include several Southerners and at least one Negro, preferably someone out of the immediate battle but of outstanding ability such as Ralph Bunche. Martin Luther King's exceptionally constructive approach might qualify him despite his participation in the Montgomery boycott; he has not been involved in school litigation. Other persons who come to mind, as possibilities to explore, are Adlai Stevenson, General MacArthur, Clare Luce, Billy Graham, Brooks Hays, Ralph McGill. Outstanding religious leaders would be particularly valuable. To persuade such persons to serve the President must convince them that there is no more important assignment. The crisis

of civil rights has already called for the unprecedented intervention of Federal troops in one Southern city, a thing the President said he could not imagine being required. The Commission on Civil Rights is an occasion for the President to put his full powers behind an imaginative new approach to this problem, however unprecedented such an experiment in persuasion may be.

Harris Wofford, Jr.

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