

Records as President, White House Central Files: Official File

102-6-3  
A.F.



Will be prepared in  
speech  
RECEIVED  
JAN 20 1958  
CENTRAL FILES  
January 15

MEMORANDUM

For: Honorable Howard Pyle  
Administrative Assistant to the  
President

From: W. Wilson White  
Assistant Attorney General  
Civil Rights Division

not sent to file  
1/22/58

In accordance with your request, I have prepared some notes on the administration XOF101-Y policy in civil rights matters, with particular reference to Little Rock. I hope the enclosed material may prove helpful. XOF142-A-5-A

Highlights of Administration Civil Rights Policy

Relationship of Civil Rights Commission  
to the Department of Justice

It is important that it be perfectly clear that the Civil Rights Commission and the Civil Rights Division in the Department of Justice are completely separate and are not in any way connected. The Department of Justice has not made recommendations to the White House about the Civil Rights Commission, about the membership on that Commission or the Staff Director of that Commission. It is not within the province of the Department of Justice to advise the Commission or consult with them or in any way suggest the course which they should follow. They are independent from the Department of Justice, are not in any sense of the word an adjunct of the Department of Justice, and the Civil Rights Division will not be in any way connected with the Civil Rights Commission.

The duties of the Commission are (1) to investigate sworn allegations of deprivation of citizens of the right to vote and to have their vote counted by reason of their color, race, religion, or national origin; (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 Commission will make interim reports to the President and the Congress, and shall submit a final report within two years from September 9, 1957.

*White House*

On the other hand, the duties of the Department of Justice through its Civil Rights Division are to enforce the existing laws protecting civil rights, including the Civil Rights Act of 1957, which provides further means of securing and protecting the right to vote.

Policy as to Further Civil Rights  
Legislation in This Session of Congress

The Attorney General has stated that he does not intend to recommend to the President that he submit any new civil rights legislation to the Congress during the next session of the Congress. Congress fully debated the question during the last session and passed the first civil rights bill that was passed for a long while in this country and one of the provisions of that bill set up the Civil Rights Commission which has as one of its functions a consideration of what other legislation is necessary or desirable.

Part III of the civil rights bill, which was eliminated before final passage, would have given the Attorney General the right to institute injunction suits to prevent violations of certain existing civil rights laws. In brief, under Part III, such injunctions could have been brought to enjoin (1) conspiracies to interfere with federal officers in the discharge of their duties; (2) conspiracies to obstruct justice; and (3) conspiracies to deprive persons of the equal protection of the laws or of equal privileges and immunities under the law, or of the right to vote in federal elections.

The Department of Justice, if it is asked by Congress about its attitude on Part III, will continue to support it, but will not resubmit it.

The Attorney General has stated his belief that from the standpoint of the best interest of the country we ought to let a little time lapse to see how the laws now on the books work and to enforce these laws, before further proposals are made.

The Little Rock Case

The most important aspect of the Little Rock case is this--federal troops were not used at Little Rock to enforce integration of the schools. They were used solely to bring an end to obstruction of justice by mob rule.

The legal principles which guided the President were released by him following his conference with the southern Governors on October 2, 1957. Briefly summarized, these principles were as follows:

1. The executive branch of the Federal Government does not participate in the formulation of plans effecting desegregation.

2. The period of time within which any such plan should be put into effect likewise must be proposed by the local authorities and approved by the courts.

3. A final order of a federal court giving effect to a desegregation public school plan must be obeyed by state authorities and all citizens as the law of the land.

4. Powers of a State Governor may not be used to defeat a valid order of a federal court.

It is important to emphasize that these principles were fully observed throughout the Little Rock matter. The plan for desegregation of the

Little Rock schools was formulated entirely by the Board of Education of that city without any suggestions from the Federal Government or any other outside parties. The fact is that only three days after the decision of the Supreme Court of the United States in May of 1954 in the school segregation cases, the Board of Education of Little Rock publicly announced that it intended to comply with the decision and that it would proceed to develop a plan of desegregation. In May of the following year, the Board approved and published its plan. The plan was made public and read and explained to approximately 200 local groups in an effort to obtain public acceptance of its provisions. The Board itself was reelected with the plan's adoption as an issue.

The Federal Government did not enter the case at all until requested by the court to do so after the action by Governor Faubus in preventing the carrying out of the plan by the use of the National Guard in Arkansas.

It was only after the exhaustion of every means of mediation and after the outbreak of mob violence had frustrated the court's order that the troops were called to the scene.

The President's Legal Authority

From time to time the President's authority to use troops at Little Rock has been publicly challenged. In ordering troops to the scene, the President acted under laws authorizing the use of military force to prevent obstruction of justice which had been in effect for over a century. He also acted in accordance with his constitutional duty and responsibility to take care that the laws of the United States are faithfully enforced.

An exact parallel to the action at Little Rock was the action of President Cleveland in 1894 when he called out federal troops to suppress lawless violence in Chicago in connection with the Pullman strike. It is particularly worthy of note that the action of President Cleveland was taken to prevent obstruction of the decrees of federal courts, and not to enforce any statutory law.