

Document 24
President's Committee on Civil Rights

WAR DEPARTMENT
WASHINGTON, D. C.

15 MAY 1947

MEMORANDUM FOR THE PRESIDENT'S COMMITTEE ON CIVIL RIGHTS

SUBJECT: War Department Policies and Practices Related to Civil Rights

This memorandum is in reply to your letter of 14 April 1947 and is based upon an outline submitted by you with the letter. A copy of the letter and outline is attached as Tab A. You will note that some of the information included herein is classified as RESTRICTED by the War Department. It should not be published or communicated to anyone except for official purposes, restrictions which I am certain you will observe.

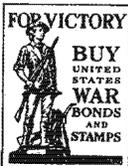
The practices and policies discussed below apply to all branches of the Army. The paragraph notation used is the same as you have used in your outline, Tab A.

1. Military personnel possess the same civil rights as civilians; however, the exercise of such civil rights may be incompatible with their military status. Thus, a soldier has the right to vote and to become a candidate for public office, as permitted by Army regulations (par. 6, AR 600-10, 8 July 1944, Tab B). However, this right may be suspended by the soldier's necessary absence from his place of residence by reason of his military duties.

Insofar as rights of property are concerned, soldiers are, by the law of the land, entitled to due process of law as provided in the Fifth Amendment, with respect to Federal action, and in the Fourteenth Amendment, with respect to action by State governments. However, where charged with an offense, a soldier is not entitled to the constitutional guarantees of indictment by Grand Jury (5th Amendment) or trial by Petit Jury (6th Amendment), but is subject to trial by court-martial constituted pursuant to statute enacted under powers conferred by Article I, Section 8, Clause 14 of the Constitution.

Army Regulations 600-10, 8 July 1944, Tab B, set forth the principal differences, with respect to civil rights of military personnel as distinguished from civilians.

Concerning courts-martial, an Advisory Committee on Military Justice was appointed in March 1946 to study the Army courts-martial system. It was composed of members nominated by the American Bar Association and was headed by Mr. Arthur T. Vanderbilt, Newark, N.J., as chairman. The committee report is attached as Tab C. Based on the recommendations of the committee, the War Department has supported legislation to revise the Army courts-martial system,



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H.R. 2575 (Tab D and S. 903 (Tab E) now before Congress.

Other means available to protect the rights of military personnel exist in a Discharge Review Board and a Disability Review Board which were set up by Sections 301 and 302, Public Law 346, 78th Congress (Tab F) as amended by Public Law 268, 79th Congress (Tab G). These boards review at top War Department level appeals from personnel regarding the nature of their discharges from the service or regarding their eligibility for physical disability retirement benefits. Another board in the Office of the Under Secretary, known as the War Department Clemency Board and headed by former Justice Owen J. Roberts, has reviewed court-martial sentences for severity and has reduced them in many cases. Still another board, The Secretary of War's Board on correction of Military Records (Tab H) has been established to conduct hearings with a view to correcting errors or to removing injustices by correction of errors on military records. The boards all operate at top War Department level making recommendations to the Secretary of War.

2. The policy of the War Department pertaining to the protection of personnel of the Armed Forces from violence is contained in official Field Manuals 19-5, Military Police, and 19-10, Military Police in Towns and Cities. Tab I is the pertinent extract from FM 19-10; FM 19-5 contains a similar paragraph.

Neither the Provost Marshal General nor the Air Provost Marshal has any record of incidents of violence committed against military personnel in uniform who are members of racial minorities. Several instances have occurred in which negro soldiers traveling on public carriers in the South refused to move to segregated seats and were required by the representatives of the carrier or by the civil authorities to get off or be removed from the carrier. In some of these instances an apparent threat of violence existed; however, there is no record of actual resort to violence. War Department policy regarding racial separation on public carriers is contained in a letter of 11 February 1947 (Tab J). It should be noted that incidents of violence may have occurred in the field which were not reported to the War Department; normally information on matters of this nature is received only when action by the War Department is required.

3a. Recruitment of Negroes

Prior to World War I Negroes were recruited during peacetime, to fill existing vacancies in four Negro regiments (2 Infantry and 2 Cavalry), such units having been authorized by Congress as part of the reorganized Regular Army following the Civil War. Requirements for enlistment or reenlistment were similar to those of other eligibles for like units.

During World War I Negroes were inducted for additional units comprising a Division, 4 Infantry regiments and activated service units.

Between World War I and II recruitment was resumed for vacancies in the 24th, 25th Infantry regiments, seven Negro service and school detachments,

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and one Quartermaster company. Policy adopted in April 1937 authorized that in the event of a national emergency, Negroes maintained in the Army would approximate 9% of the total mobilized strength at all times. This percentage of induction was reiterated in February 1938.

During World War II Negroes were inducted on a split-call basis, in numbers supplied by the War Department, based upon the requirements of activated Negro units. On January 31, 1942 enlistment of Negroes was limited to those cases only in which the enlistment was obviously to the best interest of the service. This policy was adopted because of the critical billeting shortage.

Post war recruiting, until March 1946 was in accordance with policies pertaining to other eligibles. In March 1946 a minimum mental standard equivalent to a score of 70 on the Army General Classification Test was established for white and Negro alike. By July 1946 the Negro enlisted strength of the Regular Army had advanced to over 16%. 17 July 1946, an upward revision of the minimum mental standard for Negroes was made equivalent to an Army General Classification score of 99 plus authorization for reenlistment of Negroes with certain specialties (Tab K). This policy is effective at the present time.

Volunteer women were accepted for enlistment in the Women's Army Corps in accordance with policy applicable to all other eligibles. They may currently reenter the service in accordance with existing policy. No new enlistments have been made in the Woman's Army Corps since the end of hostilities.

Army nurses, white and Negro, were accepted upon application, for service during the past war on equal basis in accordance with individual qualifications and the need therefor. This policy will be continued during the post war period.

National Guard units of the various states, prior to World War II, recruited and assigned personnel in accordance with policies adopted by the various states concerned. Assignment was generally to separate Negro units. Post war policy pertaining to assignment of Negroes in the National Guard units of the various states is in accordance with existing policy for the post war Army (Tab L).

b. Training of Negro Troops

Reserve?

War Department policy has been and continues to be to train all individuals and units to such a degree of efficiency that they can effectively perform their mission, in war and in peace. Training policies do not differentiate between the races of troops; opportunities, requirements, and standards are the same for all. In order to achieve the desired efficiency of units where the average AGCT was lower than the Army average, the policy of assigning 50% additional officers was adopted in 1937. Training was authorized in specified combat and service units.

c. Rank of Negro men

During World War I Negro officers served in ranks up to and including Colonel. Advancement in rank of Negro officers within Negro organizations was consonant with that of other officers. The small number of officers in the

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Regular Army at the approach of World War II were subject to promotion to advancement in accordance with policies affecting all personnel at the time. National Guard officers were, when otherwise qualified, inducted into Federal service in the rank achieved within their various units. Reserve officers were ordered to active duty in their Reserve rank. In January 1944 the promotion of Negro officers was in accordance with War Department regulations existing at that time except that position vacancies were created for qualified personnel by the transfer of white officers.

Post war policy on promotion obtains equally for qualified Negro officers and qualified white officers. Statistics pertaining to the rank, number, and percentage of officers and noncommissioned officers in the Army in June 1946 and February 1947 are as listed in inclosure, (Tab M).

d. Service and Assignment of Negroes

In the assignment and service of all Army troops, the War Department has maintained only a concern as to the securing the most efficient usage. Prewar policies provided for the assignment of Negro personnel for service in separate Negro units. Policy adopted in 1923 authorized service, in the event of complete mobilization, in equal proportions in combat and non-combat organizations. Authorized units were Infantry, Field Artillery, Coast Artillery, Cavalry regiments, Engineer battalions, Engineer bridge trains, Engineer general service regiment, Quartermaster service battalions, motor transport companies, wagon trains, and remount depots. This policy was reiterated, with the addition of Ordnance companies and War Department overhead in April 1937 and again in 1938. Post war policy promulgated in War Department Circular No. 124, 1946 (Tab N) authorizes Negro units, companies, battalions, or regiments, as organic parts of larger white units. (N)

During World War II Negroes were assigned for service in each major branch of the Army, combat as well as non-combat. In 1940 Negroes were given aviation mechanic, and flight training for assignment to Negro aviation units, (Tab O).

e. Use of Facilities

War Department policy adopted in December 1940 pertaining to the use of officers's clubs, messes, or similar organizations on a military reservation was as promulgated in Army Regulation 210-10 permitting membership therein to all officers on duty at the post, provided such organizations were not in the private quarters of an officer. This policy is still in effect. The use of recreational facilities, including service clubs, theatres, and post exchanges prior to 1940 was left to the discretion of the local commanders, subject to normal control of higher headquarters. Policy adopted on 10 March 1943 prohibited the designation of recreational facilities for any particular race while permitting the allocation of such facilities, organizations in whole or in part, permanently or on rotation basis provided equal opportunities for usage was granted to all personnel, (Tab P). On 8 July 1944 a policy was adopted which would permit the use of recreational facilities on a post to any personnel located thereon. This policy is in effect for the post war Army.

4a. Efforts to Indoctrinate Officers

The War Department through the medium of pamphlets, memoranda, films

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and orientation discussion has made extensive efforts to create tolerance and acceptance of minority troops in order to facilitate maximum military efficiency. Negro troops represent the largest minority group in the Army; however, efforts toward creation of tolerance have not been directed solely toward that group.

Army Service Forces Manual M-5, "Leadership and the Negro Soldier" (Tab Q), published in October 1944, provides a course of instruction in officers' schools on the Negro soldier. Among its presentations are, Negro soldier's background--educational and historical, his vocational experience and adjustment to the Army.

War Department Pamphlet 20-6, "Command of Negro Troops" (Tab R) published in February 1944, gives information designed to increase an officer's understanding of Negro soldiers to effect harmonious relations and maximum utilization.

Films and orientation lectures available for enlisted personnel as discussed in the following paragraph are intended for officers' indoctrination.

b. Efforts to Indoctrinate EM

War Department films, "The Negro Soldier," "Teamwork," "Don't Be a Sucker," and "How Do We Look to Others," have been given Army-wide distribution. Each film was produced to further tolerance within the Army.

Information and Education Pamphlets have been frequently published by the Information and Education Division of the War Department Special Staff or its field branches in an effort to provide information furthering unity and cooperation within the Army. Fighting Facts, a series of pamphlets published and disseminated in the Pacific Command included "The Negro in America" (May 1945) and "Divided We Fall" (December 1944). Each provided discussion during orientation hours of material aimed toward creation of tolerance. Recently the Information and Education Division published in its "Army Talks" series, Talk No. 170 (Tab S), designed to develop a better understanding through discussion of the Negro soldier. Army Talk No. 170 was preceded by a War Department Army Talk No. 70, 5 May 1945, "Prejudice--Road-block to Progress," (Tab T). A War Department Circular No. 76 directs indoctrination of all personnel through the establishment of a course of instruction based on Army Talk No. 170 (Tab U).

c. Special Efforts to Handle Integrated or Closely-working Units

The War Department has made no policy on special efforts to handle such units in the past. White officers assigned to Negro units were carefully chosen both for their military qualifications and experience in handling Negro troops. Officers assigned for combat duty with the integrated platoons in Europe were orientated for their assignment by training with the individuals of the platoon prior to their assignment as replacements.

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d. Crisis Situations in the Forces

Efforts have been made to combat possible friction among military personnel by frequent inspections by the office of The Inspector General to maintain adherence to War Department policies concerning use of facilities. Every instance of disturbance was investigated and where necessary, War Department memoranda disseminated to prevent the recurrence. It is currently the policy of the War Department to permit personnel to express their grievances to an inspector general available on every post. These reports are utilized to determine corrective action prior to the advent of a disturbance.

e. Civilians

Through conferences with Chambers of Commerce, Chiefs of Police, religious and civic organization, the War Department has attempted to create tolerance and acceptance of minority groups. Cooperation of individual civil leaders has been sought. USO activities with a maximum of civilian participation have been encouraged.

5a. Recruitment of Negro Personnel

Existing policy pertaining to Negro personnel is contained in WD Circular No. 124 (Tab N). Negro personnel are recruited to comprise a ratio within the Army equivalent to that which exists within the civilian population (1 to 10). The existing ratio is approximately 13% of the actual strength of the Regular Army and 10.6% of the authorized strength. Recruiting is now confined to Negroes with high learning ability, or with proficiency in one of 42 occupational specialties listed in Tab K. This action is deemed necessary to reduce negro personnel to the adopted ratio.

b. Training of Negro Troops

Training of Negro troops in separate regiments, battalions, squadrons, and companies is in accordance with requirements of other similar units. Not all units are supplied with the authorized officer overstrength at this time because of the shortage of officers. A composite unit has been formed in Japan where Negro Artillery, Infantry, Quartermaster, and Medical units are receiving training as organic parts of a white infantry division.

c. Rank of Negro Men

Negro officers are eligible for promotion and professional advancement in accordance with policy existing for all other personnel. They are eligible and have been integrated into the Regular Army in competition with other eligible officers now on active duty, holding rank from 2d lieutenants to Brigadier General.

d. Service and Assignment of Negroes

Negroes are assigned for service in all the major arms and services of the Army and are serving in the European Theater, Alaskan Department, Caribbean Defense Command, Far East Command, Mediterranean Theater and Pacific Command.

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e. Use of Facilities

Negro troops are permitted the use of any recreational facilities on a post in accordance with existing regulations. The allotment of theaters and exchanges to designated units does not prevent the attendance of individuals at any other similar facility located on the post.

6. Present bills pending in Congress bearing on civil rights in the armed forces are in general limited to bills designed to revise the court-martial system. The following bills have been introduced in the present Congress:

H.R. 2143	H.R. 2575
H.R. 1233	S. 903
H.R. 965	

The Legal Sub-Committee of the Armed Services Committee of the House has it is understood, recently completed its hearings on H.R. 2575.

As to court cases growing out of Army policies on civil rights, while numerous habeas corpus cases have been filed since the beginning of the war asserting the invalidity of court-martial convictions, it is not believed that a citation of these cases would be helpful. The principal cases dealing with civil rights as such, involving alleged racial discrimination, are Lynn v. Downer (140 F. 2d, 397 (CCA 2), cert. denied, 322 U.S. 756, rehearing denied, 323 U.S. 817), and Stewart v. Patterson, now pending in the United States District Court, Western District of Pennsylvania. The case of Kelly v. Patterson, United States District Court, District of Columbia, was dismissed by stipulation; there was no opinion of the court. Mr. Marcus H. Ray, Civilian Aide to the Secretary of War, is the best source of information as to the nature of these various law suits.

7. It is not possible at this time to forecast the effects of unification of the armed forces upon this subject. It is probable that gradual changes will be effected throughout the three services to achieve eventual uniformity except where special circumstances require differences of policy. The various board reports attached as tabs to this memorandum offer guidance for future policy formulation.

8. The Army Regulations pertaining to the employment of troops in aid of the civil authorities are AR 500-50, dated 17 July 1945, copy of which is attached as (Tab V). These regulations contain the legal authority for the various types of intervention, and the procedures to be followed. Authority and procedures for the use of Federal troops in the protection of national-defense material, premises, and utilities are contained in War Department Memorandum 500-50-1, dated 25 October 1946, (Tab W). Detailed procedures and techniques for the use of troops in domestic disturbances are contained in War Department Field Manual 19-15, dated 30 July 1945, as amended by Changes No. 1, dated 22 January 1946 (Tab X). It will be noted that the Restricted classification was removed from this manual, as amended, by Section I

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WD Circular 42, 1947. Short summaries of several instances in which Federal troops were employed during the past several years are attached as (Tab Y). Tab Z contains the Executive Order authorizing the use of Federal troops to protect certain national-defense material, premises, and utilities from injury or destruction.

9. Policies specifically concerning other racial minority groups have been very few and of minor importance. These personnel have all served as members of the Army with distinction, both as individuals and in special units when such units were desirable. It is not necessary to elaborate on the work done by outstanding Nisei battalions in the Mediterranean Theater. Other groups have served equally well. During the period of active hostilities, assignment policies were adopted to keep soldiers of Japanese or Chinese ancestry from general service in front line combat areas in the Pacific where they might become victims of mistaken identity. Their civil rights, and those of other minority groups, were maintained on equal terms with all military personnel.

A handwritten signature in black ink, appearing to read 'R. L. P. P. M.', followed by a horizontal line extending to the right.

Secretary of War

Incl.
Tabs A thru Z

C O P Y

THE PRESIDENT'S COMMITTEE ON CIVIL RIGHTS
1712 G Street, NW., Room 208, Washington 25, D. C.

April 14, 1947

The Honorable
Robert P. Patterson,
Secretary of War,
Washington 25, D. C.

Dear Mr. Secretary:

The President's Committee on Civil Rights, whose organization and functions are described in the attached Executive Order, is in need of your assistance. We believe that our report to the President should contain the experience of the War Department and its recommendations in this important area.

The Committee feels that it should have a basic memorandum on the policies and practices of the War Department, as they are related to civil rights.

The Committee is working to meet imminent deadlines and is anxious to consider the problem of civil rights in the military field on the 23rd of April. We would appreciate very much, therefore, if the information and supporting materials could reach us on the 21st.

When the Committee has examined the memorandum we are asking you to prepare, it is our hope that we may arrange for a consultation with you and appropriate members of your staff.

Very sincerely yours,

/s/ Robert K. Carr

Robert K. Carr,
Executive Secretary

Enclosure (2)

C O P Y

(1 encl removed)

TAB-A

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April 14, 1947

MEMORANDUM FOR THE WAR DEPARTMENT

We should like information on the following subjects, covering the Army Ground Forces, the Army Air Forces, the Army Service Forces (male and female personnel, including Nurses), and the National Guard:

1. The civil rights of all Army personnel: statements of policy including report of the investigation of court-martial system.
2. A statement of the experience of the War Department in connection with the protection against violence of men while in uniform. Please include legislative proposals in this field.
3. Official statements of policy (including those of pre-war, war-time and post-war dates to indicate changes):
 - a. Recruitment of Negro personnel
 - b. Training of Negro troops
 - c. Rank of Negro men
 - d. Service and assignment of Negroes
 - e. Use of facilities
4. Administrative and educational efforts by these agencies to create tolerance and acceptance of minority troops, etc.:
 - a. Efforts to indoctrinate officers
 - b. Efforts to indoctrinate enlisted men
 - c. Special efforts to handle integrated or closely-working unit with pre-briefings or orientations
 - d. Crisis situations in the forces
 - e. Civilians
5. Practical implementation of policies data:
 - a. Recruitment of Negro personnel
 - b. Training of Negro troops
 - c. Rank of Negro men
 - d. Service and Assignment of Negroes
 - e. Use of facilities
6. Legislative proposals bearing on civil rights in the armed forces, and court cases growing out of Army policies on civil rights.
7. The possible and probable effect of the unification of the armed forces on existing policies in the area.
8. The role of the Army in controlling civil disturbances growing out of race riots and similar outbreaks of violence which may pass out of the control of local and state law enforcement agencies. (Constitutional procedure, war-time and peace-time plans which the Army had or has, measures taken in specific instances if any.)
9. Where pertinent (especially Points 3,4,5 and 6) please include information on other minority groups, particularly Japanese Americans, Mexican Americans, Indians and Chinese Americans.

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