

Document 26  
President's Committee on Civil Rights

July 16, 1947

Mr. E. H. Foley, Jr.  
Acting Secretary of the Treasury Department  
Washington, D. C.

Dear Mr. Foley:

Your letter of April 28, 1947 has gone unacknowledged through an unfortunate oversight. I wish to assure you that this does not mean we have failed to make use of your response to our request for help. The information contained in your letter has been of considerable assistance to the President's Committee in the course of its investigation of the civil rights problem.

I wish to take this late opportunity to thank you for your cooperation.

Sincerely yours,

Robert K. Carr.

APR 28 1947

TREASURY DEPARTMENT

WASHINGTON

APR 28 1947

Dear Mr. Carr:

Reference is made to your letter of April 14, 1947 requesting a memorandum on the policies and practices of the Department of the Treasury, as they are related to the civil rights of the Coast Guard.

The Department has considered the subjects contained in the memorandum accompanying your letter and believes that a general discussion would be adequate for your purpose. Accordingly the following is submitted in the order of the points enumerated in your memorandum:

(1) Personnel of the Coast Guard enjoy all the civil rights to which citizens of the United States are entitled, except those which are necessarily suspended or curtailed by the obligations of military service. For example, the constitutional right to a jury trial is not accorded members of the Coast Guard in connection with trial by service courts, as such right is withdrawn by virtue of the military disciplinary system applicable to such personnel. Freedom of movement is another example, as members of the military service are obligated to serve whenever and wherever the needs of the Coast Guard require. On the other hand, the civil right of acquiring and enjoying property, the normal relationship of marriage, and the like are not usually disturbed by the obligation of military service. Freedom of speech may also be mentioned, although existing laws and regulations limit that right insofar as participating in political campaigns is concerned. These principles apply to members of all the armed forces of the United States and are not peculiar to the Coast Guard.

With reference to Naval justice and the court martial system as a whole, the Navy Department in recent years has caused numerous studies to be made in an effort to provide a basis for improvement and modernization. These reports are known as the Ballantine Report of 1943, the Ballantine Report of 1946, the Keefe Report of 1947, the McGuire Committee Report of 1946, and the White Report of 1946, all of which generally deal with the subject of naval justice. A synopsis of the

recommendations of these reports as they pertain to the articles for the government of the Navy has recently been prepared by the Navy Department and is now the subject of study with the idea in view of making constructive changes in the court martial procedure and articles for the government of the Navy. These reports are mentioned because the Coast Guard, while it was a part of the Navy and subsequent thereto while under the jurisdiction of the Secretary of the Treasury, has participated in and closely followed these reports with the idea in view of following the changes in procedure, policy, and law that result therefrom. Specific recommendations are too numerous and voluminous to warrant their being included in this letter.

The principles and general administrative procedures by which Coast Guard justice is administered are considered sound. The Coast Guard, through instruction and indoctrination, directives, policy letters, and close supervision, makes every effort to endow its officers and petty officers with a profound feeling of responsibility insofar as the administration of discipline and military justice is concerned. It is imperative that there be maintained a balance between the welfare of the individual and the welfare of the Coast Guard. As a further means of protecting the rights of the individual, the importance of a thorough and impartial investigation in each instance receives major emphasis. When offenders against the rules and regulations by which the Service is governed and those who violate the rights of others are brought to trial by Coast Guard courts, the court is governed by instructions which further protect the rights of the individual by requiring a finding of guilt, beyond all reasonable doubt. Each court case is subject to thorough review as it proceeds up through the various echelons of command to U.S. Coast Guard Headquarters. At Headquarters each case is reviewed for legality as one step, and then reviewed as to the disciplinary features by an entirely separate and distinct group of officers who are carefully selected for this duty and who by their years of service have gained experience, judgment, and understanding in the problems of personnel administration and discipline. At the conclusion of the foregoing, the recommendation is prepared in each case for submission to the Secretary of the Treasury for his final review and action. Finally, each case is again reviewed and considered by a special staff in the Secretary's office and the appropriate recommendations made prior to final action by the Secretary himself.

(2) There have been no instances which have necessitated the formulation of a policy to effect protection of Coast Guard personnel against violence while in uniform. While there have been instances in which one or more members of the Coast Guard have been involved in disturbances, investigations have disclosed that such incidents

were due to individual causes rather than any organized differences between groups within or without the Service. In some cases it has been necessary to declare "out of bounds" areas of large cities where disturbances have occurred or are likely to occur. No legislative proposals in this field are known to the Coast Guard, although during the period of World War II a number of bills were introduced which were designed to prohibit prostitution in the vicinity of military reservations and other areas.

(3) The recruitment of personnel for the Coast Guard at this time is on a wholly voluntary basis. As a matter of policy every effort is made to provide recruits of the highest caliber possible. Consistent with the demand, the requirements will vary from time to time; however, no distinction is made with regard to negro personnel. Prior to the war, negro personnel were given recruit training which differed in some respects from the general training program insofar as it trained them particularly for duty in the cooks, bakers, and stewards ratings. During the war, negroes had available to them the same opportunities as all others. During this post-war period, all Coast Guard recruits receive the same basic training. This is accomplished at the recruit-training stations where all hands receive training which seeks as its goal to prepare and indoctrinate the recruit in the fundamentals and basic precepts for his life in the Coast Guard. Subsequent to this period the same opportunities are available to negroes as to all other recruits. Furthermore, the same facilities are available to all hands.

(4) No special emphasis is placed administratively or through educational efforts toward directing attention to tolerance and acceptance of minority groups. This objective is included as a part of the whole training and indoctrination structure of the Coast Guard. <By stressing the importance of selecting men for what they are, for what they are capable of doing, and insisting on good conduct, good behavior, and good qualities of leadership for all hands, it is believed that tolerance toward any minority group will follow.> Furthermore, the fact that the Coast Guard by its functions and organization is composed of relatively small groups, tends to lessen any difficulty which might arise from dealing with minority groups.

(5) As a matter of policy negro recruits receive the same consideration as all others. They receive the same training and indoctrination; they receive the same consideration for promotion and advancement in various ratings; their opportunities are not restricted to any one branch or specialty; they use the same facilities as all others. As a matter of administration there are instances where the assignment of negroes must receive special consideration. There are, for instance, certain communities and

localities in the south to which, for the good of the service, and the men themselves, care must be exercised in the assignment of negroes and Filipinos. This is especially true if a negro is married to a white woman. The same situation would pertain where a Filipino is married to a white woman. There are some communities in the northern states in which there are not any negroes. Therefore, for the good of the men themselves, negroes are not assigned to duty in those communities. Mexicans and Indians recruited from the southwest are as a matter of policy retained for duty in that area. This course is followed as a matter of policy, not because the men themselves are incapable of adapting themselves to another part of the United States, but rather because the families of the men are not capable of adjusting themselves to the change.

(6) This Department is not aware of any legislative proposals bearing on civil rights of the Coast Guard, and no court cases growing out of Coast Guard policies on civil rights could be found.

(7) Unification of the armed forces, heretofore considered, does not contemplate or involve the Coast Guard. By law (14 U.S.C.1) the Coast Guard is a military service and constitutes a branch of the land and naval forces of the United States at all times. Under existing law the Coast Guard will continue to operate under the Treasury Department in time of peace and operate as a part of the Navy, subject to the orders of the Secretary of the Navy, in time of war or when the President shall so direct. Unification of the Army and Navy, as contemplated, will not affect the status of the Coast Guard as a part of the Navy in time of war or otherwise as the President may prescribe.

(8) The Coast Guard does not gratuitously interfere in purely civil disturbances. It does, however, police its own forces ashore. Being a military service of the Federal government, all its personnel are available at the request of qualified civil authorities to quell and control disturbances, and lend every possible assistance, where breakdown in civil control justifies a call on the Federal government for aid. So far as can be ascertained, the Coast Guard has no record of participating in the control of civil disturbances growing out of race riots and similar outbreaks of violence.

(9) See comment in paragraph (5) above.

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This Department will be pleased to arrange for a consultation with you and appropriate members of your staff, as requested in the last paragraph of your letter, at any time that may be convenient to officials of your organization.

Very truly yours,

A handwritten signature in cursive script, appearing to read "G. W. Foy".

Secretary of the Treasury

Mr. Robert K. Carr  
Executive Secretary  
The President's Committee on Civil Rights  
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Washington 25, D.C.