

Civic and Political

CIVIL RIGHTS: THE NATIONAL SCENE

THE PROBLEMS of freedom and equality engaged the attention of the American public on a major scale during much of the past year. In many respects, they presented themselves with a quality of urgency far greater than that to which the country was accustomed. On the whole, however, problems were raised and discussed, rather than resolved.

Legislation

For the first time since Reconstruction days, federal civil rights legislation became a major political issue in a national campaign. The President's special message to Congress on this question¹ called forth the intense hostility of major sections of the Democratic party in the South, and by the time of the 1948 Democratic National Convention the party was well on its way toward a split. An attempt was made at the convention to secure the adoption of a compromise civil rights plank which, like that of 1944, would endorse equality in principle but not in detail. But the President's message, and the controversy which it aroused, had made the issue too important to be thus avoided. A group of delegates, headed by Andrew Biemiller of Wisconsin and Hubert Humphrey of Minnesota, forced to the floor a resolution specifically endorsing the President's proposals. With the support of the delegations from most of the Northern states and despite the opposition of those delegations closest to the President, it was adopted.

It is doubtful that the "compromise" resolution would have appeased the rebellious Southern Democrats, since some of the electors nominated in the Democratic primaries were previously pledged to oppose the nomination of President Harry S. Truman. Nevertheless, the adoption of the stronger resolution made a split inevitable. The Mississippi delegates, along with half of the Alabama delegates, walked out of the convention hall. After President Truman's nomination, the bolters, together with representatives from the other Southern states, organized the "States Rights," or "Dixiecrat," party and nominated Governor J. Strom Thurmond of South Carolina for President and Governor Fielding Wright of Mississippi for Vice-President. While the Dixiecrats succeeded in carrying Mississippi, South Carolina, Louisiana, and Alabama (where President Truman's name was not permitted on the ballot), they failed in their avowed purpose of preventing a Democratic majority in

¹ See AMERICAN JEWISH YEAR BOOK, Vol. 50, p. 204.

the Electoral College. For the first time since the Civil War the Democratic nominee for President was elected without the votes of the "Solid South."

While the administration was now thoroughly committed to pressing for its civil rights program, and bills embodying its various aspects were introduced in the Eighty-first Congress, no substantial progress was made in the legislative field. The Southerners—including those who had not bolted—remained steadfastly opposed. In both houses, the Southern members had a disproportionate number of key committee posts, owing to the seniority rule. And in the Senate, the right of unlimited debate gave them an opportunity to filibuster any bill to death. To be sure, the Senate did have a cloture rule which permitted the limitation of debate by a two-thirds vote on petition of sixteen members. Yet the senators have always been reluctant to vote for cloture. Moreover, the effect of the cloture rule was vitiated by a ruling of Senator Arthur Vandenberg, president pro tem of the Senate in the Eightieth Congress, who, on August 2, 1948, announced that according to his interpretation there could be no cloture on a motion to take up a bill (in this case the anti-poll tax proposal). The interpretation not only effectively blocked civil rights action in the Eightieth Congress, but also removed the sole protection afforded by Senate rules against a filibuster, for unlimited debate on a motion to take up a bill could effectively prevent it from reaching the cloture stage.

Hence, in the Eighty-first Congress, administration leaders in the Senate sought to remove this obstacle by amending the rules. But the proposed amendment faced the same obstacle: A filibuster could be as effective against a change in the rules as against legislation. However, the new presiding officer of the Senate was Vice-President Alben W. Barkley, who had disagreed with Senator Vandenberg's 1948 ruling. When a petition for cloture on the motion to take up the change in rules was brought in, he ruled it in order. An appeal was taken from his ruling, and on March 11, 1949, the Senate voted to over-rule him by 46 votes to 41, a majority of the Republicans and a few Northern Democrats joining with eighteen Southern senators. The victorious coalition then amended the rules to provide that cloture could be voted on any measure—but only by a "constitutional" two-thirds of the entire membership. There was now no chance for enactment of the President's civil rights program except by defeat of a filibuster through sheer endurance.

The first two months of the session had passed; little of importance had been achieved, and major appropriation bills, as well as such measures as the Marshall Plan and the North Atlantic Pact, were awaiting action. An attempt to beat down a filibuster on the civil rights issue would have endangered these measures; it was therefore not attempted. Since major appropriation bills were not all passed until October, 1949—by which time the administration leaders were as anxious as the rest of the senators to go home—no serious attempt was made to revive the civil rights question in the Senate during the first session of the Eighty-first Congress.

Administrative Action

If the cause of civil rights made little progress in Congress, it fared better in the fields of administrative and judicial action. Although an attempt by

Senator William Langer (Rep.-N.D.) to amend the Selective Service Act of June, 1948, to include anti-discrimination provisions was unsuccessful, notable strides were made toward racial equality in the armed forces. On July 26, 1948, President Truman established a seven-member Committee on Equality of Treatment and Opportunity in the Armed Forces. Three days later he told reporters that segregation in all the armed forces must eventually be eliminated. This was followed, on August 30, by Secretary of Defense James V. Forrestal's abolition of all racial quotas for the various branches of the services. On April 6, 1949, Forrestal's successor, Louis Johnson, ordered that qualified Negroes be assigned "to any type of position vacancy in organizations or overhead installations without regard to race." He gave the services until May 1, 1949, to work out the details of "what forward steps can and should be made toward greater equality." On May 11, he announced his acceptance of the Air Force plan for the elimination of segregated units, while giving the Army and Navy until May 25 to "clarify" their proposals. On June 7 he approved the Navy's supplementary pledge that "All personnel will be enlisted or appointed, trained, advanced or promoted, assigned to duty, and administered in all respects without regard to race, color, religion, or national origin. In the utilization of housing, messing, berthing, and other facilities, no special or unusual provisions will be made for the accommodation of any minority race."

The Army, however, still held to the position enunciated by its Chief of Staff, General Omar Bradley, on July 1, 1948, when he declared: "The Army is not out to make any social reforms. . . . The Army will put men of different races in different companies. It will change that policy when the nation as a whole changes it." Secretary Johnson again rejected the Army's proposals, and ordered it to submit new ones. The deadline for these was repeatedly extended. Finally, on September 30, 1949, the Secretary announced his acceptance of an Army plan to remove existing restrictions on the posts for which Negroes were eligible in order to provide equal promotional opportunities and eliminate segregation in certain very limited fields. However, the Army proposals involved continuation of segregated units—the principal point which had been at issue—and they were therefore condemned by many leaders in the fight for civil rights.

Meanwhile, the President also sought to eliminate discriminatory practices in the other branches of the government. For this purpose, he set up a Fair Employment Practices Board under the Civil Service Commission.² In December, the Civil Aeronautics Authority ordered an end to segregation at the National Airport, located across the Potomac River in Virginia—a state whose laws prescribe segregation. The airport authorities, however, refused to comply with the order; the issue was pending in the federal courts at the time of writing. Another gain in the administrative sphere was the action of the Federal Housing Administration (FHA) in removing from its handbook provisions designed to prevent the insurance of mortgages on Negro housing in predominantly white areas.³

The federal courts, which in recent years have been responsible for much

² See *Employment*, p. 107.

³ See *Housing*, p. 84.

of the progress made in the field of race relations, made several decisions of importance in this field in the course of the year. In July, 1948, Federal District Judge T. Waites Waring enjoined the Democratic party of South Carolina from barring Negroes from its primary. During the following month, a federal statutory court ruled that New Mexico's Indians were entitled to vote, despite a provision in that state's constitution denying them the ballot. Federal court action also forced the states of Arizona and New Mexico to grant their Indian citizens federal social security benefits.

By refusing to review an appeal, the Supreme Court in effect upheld the decision of a Birmingham federal court outlawing Alabama's "Boswell Amendment," which was intended to bar Negroes from voting by means of a discriminatory literacy test. Several decisions in lower federal courts upheld the rights of Americans of Japanese descent to preserve their citizenship, which the Department of Justice had attacked on such grounds as their remaining in Japan during the war, voting in Japanese elections during the occupation, and renouncing their citizenship while they were detained at the Tule Lake "Relocation Center." In the last of these cases, which may serve as a precedent for several thousands of others, the court held that the renunciation had taken place under duress.

Civil Liberties

In the more general field of civil liberties, a number of problems arising from the existence of totalitarian movements provoked considerable discussion. Here, too, Congress was less active than the executive and judicial branches. The principal Congressional action consisted of attaching riders to various appropriation bills banning the payment of salaries under them to any person belonging to the Communist party.⁴ A case which aroused wide protest among scientists was the rider attached to the Atomic Energy Commission's appropriation, requiring that the Federal Bureau of Investigation (FBI) check on all recipients of Commission scholarships, even for study in non-restricted fields. This followed the disclosure that the recipient of one scholarship was a Communist.

Aside from the field of public administration, however, Congressional activity was represented mainly by the House Committee on Un-American Activities. As in the past, this committee continued to conduct hearings on subversive forces in American life. The most notable feature of the hearings during the past year was the struggle of the Committee to compel recalcitrant witnesses to testify or to produce records which it desired to inspect. Some witnesses were especially reluctant to answer inquiries as to their membership in the Communist party. In general, the Committee attempted to compel the testimony of those whose refusal was not based on the plea of self-incrimination. In this it had been upheld by the courts, at the time of writing. Another aspect of the Committee's activity was its sponsorship of the Mundt-Nixon bill, which provided that the Communist party as well as Communist

⁴ Some provisions went further. Thus, the Economic Cooperation Administration (ECA) was debarred from employing any person who had ever been a Communist, whatever his current beliefs.

front organizations register with the Attorney General. It sought to make illegal any movement to establish a dictatorship. The bill was permitted to die in the Senate after passing the House.

If Communists were not legislatively outlawed, however, they were subjected to attack by other organs of government. The Attorney General, implementing the President's "loyalty order," continued to add organizations to his list of subversive groups. One case which attracted wide attention was the dismissal of James Kutcher, a legless veteran, from a non-sensitive position as a clerk in the Veterans' Administration, because of his membership in the Trotskyist Socialist Workers party. The dismissal was upheld by the Loyalty Review Board, which appeared to have little discretion in applying the President's loyalty order in the case of admitted members of organizations on the Attorney General's list. The case was being appealed to the federal courts, which also had before them a number of other cases involving the right of the Attorney General to declare groups subversive without a hearing. Many who did not question the right of the federal government to protect itself by refusing to retain potentially disloyal employees in posts where they might do damage, nevertheless felt that the procedures adopted were destructive of basic liberties without being essential to the purpose for which they were designed.

The government also moved against the Communist party by instituting deportation proceedings against large numbers of its alien members, and by prosecuting its leaders under the Smith Alien and Sedition Act. This act, which made doctrine a ground for prosecution, had been used only twice previously. In the first case, a group of Trotskyites was sent to prison in Minneapolis. (An effort by a broad group of liberal leaders to secure the restoration of their civil rights, lost as a result of their conviction, appeared unsuccessful.) The second was the year-long trial of so-called native Fascists, which resulted in a mistrial when the judge died. The Communist leaders were convicted on October 14, 1949. An appeal challenging the constitutionality of the Smith Act was filed, and would undoubtedly be carried to the Supreme Court.

A number of other cases affecting civil liberties also came before the Supreme Court and lower federal courts during the year. One of the most controversial was that of Father Terminiello, whose conviction for disorderly conduct was reversed by a 5-4 decision of the Supreme Court. While the technical ground on which the justices divided was the right of the Court to examine an issue which had not been raised in the lower courts (the character of the judge's charge to the jury), it appeared from the language of the majority and minority opinions, that they differed on the limits of free speech.⁵

Several cases affected citizenship and related questions. The Supreme Court remanded for rehearing a case in which a California federal district court had denied citizenship to an applicant named Wixman, on the ground that he believed in "collectivism." Two district courts admitted conscientious objectors to citizenship over the opposition of the Department of Justice. And the Circuit Court of Appeals, sitting in New York, ruled that an alien who had

⁵ See also *Anti-Jewish Agitation*, pp. 114-115.

applied for citizenship could not be deported until his application had been denied. The courts also handed down a number of decisions articulating the rights of defendants to a fair trial and immunity against illegal search and seizure by federal officers acting without "probable cause." On the other hand, the Supreme Court upheld the use of evidence illegally obtained by state officers and of evidence obtained by federal officers without a search warrant, where probable cause existed.

Several major issues were currently before the courts for decision. The constitutionality of the non-Communist oath requirement of the Taft-Hartley Act was before the Supreme Court on an appeal from a lower court decision upholding it. The courts were also faced with a number of cases involving the rights of aliens and admission to citizenship, the rights of conscientious objectors on other than religious grounds, and the right of individuals to advise others not to register for the draft.

MAURICE J. GOLDBLOOM

HOUSING

THE NATIONWIDE housing shortage reached a high point during the year under review, with competition for dwellings keen. In August, 1949, a long delayed federal housing bill was enacted authorizing 810,000 low-rental dwelling units in six years for low-income families. By the same legislation, \$1,500,000,000 in federal loan funds and subsidies were made available to cities for redevelopment of their blighted neighborhoods. During the year, states and cities also increased their aid to housing through local loans and subsidies. Government therefore burgeoned forth as one of the main economic factors and influences in the dwelling market.

The greater intervention by government in the housing field placed an increasing emphasis upon the attitudes and policies of public officials with respect to minorities living in slums. They were faced with making and carrying out policies either to benefit slum-residents by subsidies or to displace them in the interest of neighborhood betterment. Administrative and judicial decisions as well as legislative safeguards assumed a growing importance.

Those aspects of the report of the President's Committee on Civil Rights in 1947 which emphasized the inequality of housing for minorities were therefore of particularly timely importance. The report projected its influence into the housing market and protagonists of minority causes, who up to 1947 had been fighting a rear-guard battle against discrimination in housing, began at last to reap the dividends of their persistence.

The civil rights report had emphasized the growing problem of housing bias and pointed up significantly the responsibility of federal and local governments to help assure a better distribution of housing facilities to minorities. "Equality of opportunity to rent or buy a home should exist for every American. Today, many of our citizens . . . encounter prejudice and discrimination based upon race, color, religion or national origin, which places them at a disadvantage in competing for the limited housing that is available." The report then singled out for special mention the existence and spread of racial

restrictive covenants. These covenants, written into deeds or leases, bound property-owners not to sell or lease to certain "undesirable" tenants, who included Negroes, Jews, Mexicans, Syrians, Japanese, Chinese, Indians, Filipinos, Puerto Ricans, and Hawaiians, and "non-Caucasians."

In pursuit of the principles enumerated in the report, the federal government in 1948 set a precedent by intervening on behalf of the minority position in the restrictive covenant cases.¹

"The Government is of the view that judicial enforcement of racial restrictive covenants on real property is incompatible with the spirit and letter of the Constitution and laws of the United States," said the government's brief.²

While the restrictive covenant decisions were a historic victory in the sense that they banned judicial enforcement of private restrictive practices, racial restrictions between private parties were not outlawed. "The restrictive agreements standing alone," said the opinion, "cannot be regarded as a violation of any rights guaranteed to a petitioner by the Fourteenth Amendment. So long as the purposes of those agreements are effectuated by voluntary adherence to their terms, it would appear clear that there has been no action by the state and the provisions of the amendment have not been violated."³

Thus, through the medium of club ownership, for example, minorities could still be prevented from buying into a neighborhood except upon approval by the club's overseers. The system of long-term leaseholds continued to prevent the occupant from leasing or selling the lease without consent of the community trustees. So, too, agreements among real estate brokers could bind them through "codes of ethics" not to rent or sell property to certain races.

In a few areas, resistance to minority infiltration slackened. But in the main the effect of the decision was simply to increase the pressure upon the "gentleman" to stand by his "gentleman's agreement." Since it was social pressure as much as the written covenant which restrained minority infiltration, the gain might be regarded more as the advancement of a principle than as the practical broadening of housing opportunities.

This gain in principle was not negligible however, and its effect began to penetrate the Federal Housing Administration (FHA), an agency which was one of the most notorious and effective instruments for creating and enforcing racially-segregated neighborhoods.

In a letter dated November 19, 1948, Assistant FHA Commissioner W. J. Lockwood had indicated that no loans would be made for mixed cooperative projects: "The Federal Housing Administration has never insured a housing project of mixed occupancy," said Lockwood.⁴ He then ventured "the unofficial and informal statement that we believe that such projects would probably in a short period of time become all Negro or all white."

Explaining FHA's "underwriting philosophy," Lockwood emphasized FHA's sensitivity to "local real estate market reaction. . . . If infiltration will

¹ *Shelley v Kramer* (334 U.S., 1) and *Hurd v Hodge* (334 U.S., 24). (See also AMERICAN JEWISH YEAR BOOK, Vol. 50, p. 210.)

² Tom C. Clark and Philip B. Perlman, *Prejudice and Property, An Historic Brief Against Racial Covenants* (Washington, D.C.: Public Affairs Press, 1948), pp. 22-23.

³ *Shelley v Kramer*, *Supra*.

⁴ Letter to James Cassels, Executive Secretary, National Cooperative Mutual Housing Association, Chicago, Illinois.

be unacceptable to the local real estate market and desirability of properties will be reduced in the market's mind, [FHA must] recognize the conditions. . . . [It must have due regard] for the influence of such conditions not only upon a certain parcel of realty but also . . . the reflection of those conditions upon properties owned by other citizens."

In a letter to the National Association for the Advancement of Colored People (NAACP), dated November 1, 1948, FHA Commissioner Franklin D. Richards said his agency would continue to insure properties subject to racial restrictive covenants. Thus the federal agency not only continued to enforce segregation on its own projects, but also abetted and cooperated with owners who practiced racial segregation. As one result, such projects as the Levittown development in Long Island, New York, expressly excluded Negroes from buying or renting.

Continued protest against FHA policy during the year by NAACP and other agencies, however, brought about further concessions. After pressure by such groups, the written covenants in Levittown were removed, but in practice the segregation continued in full force. On February 18, 1949, the FHA finally modified its ruling of refusing to insure mortgages in areas threatened with racial infiltrations. In a directive to its underwriters,⁵ Commissioner Richards stated: "No application for mortgage insurance shall be rejected solely on the grounds that the subject property or the type of occupancy might affect the market attitude toward other properties in the immediate neighborhood."

The FHA also announced that it would insure mixed cooperative housing acceptable to the community and considered a safe risk. When questioned on the point, Commissioner Richards cited the insurance of the Bell Park Gardens Cooperative Project in Queens, N. Y., as evidence of the FHA's new policy. Bell Park Gardens, however, though subject to a local ordinance banning discrimination in tax exempt projects, had no Negro cooperators; it claimed that none had applied.

There was no direct evidence, however, that modification of the written policy in the *FHA Manual* meant modification of policy in the field, and for all practical purposes segregation continued to be the practice in FHA projects.

Urban Redevelopment Legislation

By the middle of 1949 thirty states had urban redevelopment laws of one sort or another.⁶ Because a project of this nature is dependent upon government aid or power, it was felt that racial discrimination should be prohibited regardless of whether the project be ultimately owned publicly or privately. The legal test, it was thought, should be whether the project was made possible by state action. Moreover, inasmuch as city slum areas usually house minorities, it

⁵ Federal Housing Administration, *To: Directors and Chief Underwriters of All Field Offices; Subject: "Eligibility of Properties for Mortgage Insurance,"* Mimeographed, Washington, D.C., February 18, 1949.

⁶ Urban redevelopment is a program to clear the blighted areas of cities and rebuild them with more wholesome improvements. Whether the urban redeveloper is private or public, he needs the assistance of government to acquire land. Subsidies are usually necessary, too, to write down the land cost, and sometimes tax exemption or other subventions are extended as well.

was feared that urban redevelopment might eventuate into a legalized method for ousting them from their homes. Some observers saw in urban redevelopment schemes a potential successor-weapon to the restrictive covenant and the racial zoning ordinance, and one that was many times more menacing. There was ample basis for this fear, particularly for the minorities who were now threatened with eviction from the old areas and were deemed unqualified for the new private projects.

The first project to face judicial scrutiny was Stuyvesant Town,⁷ a \$93,000,000 undertaking of the Metropolitan Life Insurance Company in the heart of New York City, which accommodated more than 25,000 persons.

An action was brought in 1947 by three Negro veterans of World War II who applied for admission into the project and were turned down, admittedly because they were Negroes. A second action⁸ was brought by a taxpayer to enjoin the city and the Stuyvesant Town Corporation from discriminating in the selection of tenants. Both actions were supported by the American Jewish Congress, the NAACP, and the American Civil Liberties Union (ACLU).

In July, 1949, the New York Court of Appeals, by a 4-3 decision, upheld the right of the Stuyvesant Town Corporation and the Metropolitan Life Insurance Company to discriminate in the selection of their tenants.

Prevailing and dissenting opinions emphasized the gravity of the issue. Stuyvesant Town benefited from the three government powers: It received more than \$50,000,000 in tax exemption from the city; it acquired land when the city invoked its power of eminent domain and thousands of families were dispossessed to make way for Metropolitan's development, while streets equal to 19 per cent of the area were conveyed to Metropolitan.

Metropolitan nevertheless claimed that its Stuyvesant Town undertaking was private and free from the restraints against racial discrimination to which government is subject.

As the majority opinion in the Dorsey case, written by Judge Bruce Bromley, posed it:

The increasing and fruitful participation of government, both State and Federal, in the industrial and economic life of the nation—by subsidy and control analogous to that found in this case—suggests the grave and delicate problem in defining the scope of the constitutional inhibitions which would be posed if we were to characterize the rental policy of respondents as governmental action. To cite only a few examples: the merchant marine, air carriers and farmers all receive substantial economic aid from our Federal Government and are subject to varying degrees of control in the public interest. Yet it has never been suggested that those and similar groups are subject to the restraints upon governmental action embodied in the Fifth Amendment similar to the restrictions of the Fourteenth upon the States.⁹

The dissenting opinion maintained that Stuyvesant Town was a creature of state action and was subject to the restraints of the Fourteenth Amendment. In his opinion Judge Stanley Fuld declared:

⁷ *Dorsey v Stuyvesant Town Corporation*, (299 N.Y., 512).

⁸ *Shad Polier v William O'Dwyer, et al.* (299 N.Y., 512). This action was dismissed unanimously by the Court of Appeals on the ground that a taxpayer was not qualified to raise the issue.

⁹ *Dorsey*, *Supra*.

As long as there is present the basic element, an exertion of governmental power in some form, as long as there is present something "more" than purely private conduct, the momentum of the principle carries it into areas once thought to be untouched by its direction. . . . A private individual who practices discrimination under the constraint of the state power violates the equal protection clause while it performs a function of governmental character, or while it acts in a matter of high public interest with the sufferance and acquiescence of the State . . . even the conduct of private individuals offends against the constitutional provision if it appears in an activity of public importance and if the State has accorded the transaction either the panoply of its authority or the weight of its power, interest and support. . . . As an enterprise in urban redevelopment, Stuyvesant Town is a far cry from a privately built and privately run apartment house. . . . As citizens and residents of the City, Negroes as well as white people have contributed to the development. . . . Stuyvesant Town in its role as chosen instrument for this public purpose may not escape the obligations that accompany the privileges accorded to it. . . . It is impossible to balance the essence of democracy against fireproof buildings and well-kept lawns.

The Dorsey case was being appealed to the Supreme Court of the United States. The decision in the Polier case was final and no appeal was taken.

Anti-Discrimination in Federal Housing Legislation

When the national housing bill came before Congress in 1949, an effort was made to ban discrimination and segregation in projects benefiting under the act. This led to a sharp division of opinion among minority groups on strategy. One view, sponsored by the NAACP, was that future social legislation should contain anti-bias protections, regardless of the consequences to the legislation. Even the motives of the sponsors in pressing such legislation should not be questioned, it held. On the other hand, the position taken by the National Council of Negro Women and other groups was that public housing in itself was breaking down segregated patterns in many Northern cities. Because dwellings were being assigned on the basis of need rather than racial proportion and because minorities were therefore receiving subsidized housing as much as three times the amount they would be entitled to on the basis of their numbers, public housing legislation, it was felt, should not be endangered by the injection of civil rights issues. The application of these two approaches was brought into sharp relief with the introduction of an anti-bias rider to the national housing bill.

Senators Harry P. Cain (Rep.-Wash.) and John W. Bricker (Rep.-Ohio) conceded they were introducing the anti-discrimination amendment in an effort to defeat the housing measure. To the surprise of the minority groups, the Cain-Bricker proposal sought not a ban on racial discrimination or segregation in urban redevelopment, where such legislation was justified and needed, but in public housing, where it was least needed.

Liberal senators, led by Paul Douglas (Dem.-Ill.), Hubert Humphrey (Dem.-Minn.), Wayne L. Morse (Rep.-Ore.), and Glen Taylor (Dem.-Ida.), opposed the nondiscrimination amendment, claiming that it was proffered in bad faith and that it was designed to alienate thirty votes from the housing measure

rather than to advance the cause of civil rights. By a vote of 49-31, the Cain-Bricker amendment was defeated.

After passage of the housing bill by the Senate, Congressman Adam C. Powell, Jr. (Dem.-N. Y.), introduced a bill in the House to give priority to residents dispossessed from urban redevelopment sites. The amendment passed the House, but it had no administration support and was deleted in conference.

That the Douglas position was justified was evidenced in the fact that when the housing bill came before the House, the public housing provisions won by only five votes.

Local Statutes

Efforts to ban racial discrimination in urban redevelopment projects were made at the local level, but little progress was evident up to 1948 except in New York City which had barred discrimination in projects receiving tax exemption since 1944. Laws prohibiting discrimination in public places were in operation in only a minority of the states. New York, the first state to pioneer in banning discrimination in employment, was unable to have an anti-discrimination provision included in its state urban redevelopment law.

In Chicago, Ill., the "Carey Ordinance" sought to outlaw racial discrimination in urban redevelopment projects but after a warm argument and approval in committee in March, 1949, it was rejected when Chicago's Mayor Martin H. Kennelly flatly opposed the legislation.

In St. Louis, Mo., a move to outlaw racial segregation in urban redevelopment projects was tabled and remained dormant. On the other hand, a similar proposal in San Francisco, Cal., won approval in May, 1949, after an unrelenting fight captained by the Council for Civic Unity. A resolution authorized the city's urban redevelopment agency to negotiate with a re-developer to end discrimination on his project, and to enjoin him by court action if his discrimination persisted. Of all the states with enabling legislation, only Pennsylvania forbade racial and other discrimination in urban redevelopment, while Minnesota barred discrimination based on religious or political affiliation.

As the first organized effort of its kind, the New York State Committee on Discrimination in Housing was created in January, 1949, to outlaw discrimination in urban redevelopment projects throughout the state and to minimize racial and religious discrimination in housing generally.

Racial Policies in Public Housing

Public housing continued to point the way in successful interracial neighborhoods. The racial patterns were not uniform, and variations in assignments included token minority representation in some projects, others where the racial groups were about evenly divided, some in which one racial group formed a substantial minority of the whole number and some in which it occupied most of the dwelling units. The most successful projects continued to be those in which the minority was well represented but did not dominate the project in

numbers. However successful it proved where tried, mixed occupancy was still not the general rule in public housing. In the Southern and border states, separate projects were developed for Negroes and whites and even in many of the mixed projects in the North segregation was maintained.¹⁰

The Chicago Council against Racial and Religious Discrimination reported that Negroes were living in eight interracial projects under the city's emergency housing program. The threat of repetition of the violence which accompanied Negro admission into the Fernwood and Airport projects subsided. In New York City, Philadelphia, Pittsburgh, Los Angeles, and other cities, mixed projects have been in effect with success. Connecticut in 1949 joined the states barring discrimination in public housing projects.¹¹ Every project in New York City, except the small "First Houses" project, had Negro as well as white tenants, and the continuation of that policy in the new program for families paying up to \$17.50 monthly per room had not halted the rush of applications for the 21,000 available apartments. In fact, in 1949, 30,000 such applications were received in a single day.

Privately-owned Developments

Though the successful operation of interracial public housing projects in the North should have influenced large private projects, progress in breaking down discrimination in privately-owned developments was slow. Racial restrictions varied with the area and the racial groupings in a community, and depended also upon whether the sponsorship was public, cooperative, or private.

Many cooperative projects endeavored to bar racial discrimination as a policy, but localities often obstructed their efforts by failing to modify zoning or building ordinances or by imposing new obstructive zoning laws.

Restrictive policies operated in private housing against Negroes almost everywhere, against Mexicans in the Southwest, against Orientals in the West. Restrictions against Jews continued in many resort hotels and in some "restricted neighborhoods" under construction at the time of writing. No minority was immune, and the discrimination seemed to ascend with the increasing pressure of the infiltrating minority for dwellings.

In New York City, where the mixed public housing pattern had become accepted, mixed private housing made initial headway and was regarded as an important experiment which was under observation throughout the land. More than \$30,000,000 was invested by leading financial institutions in urban redevelopment projects, and more than \$16,000,000 in limited dividend projects, all of which were subject to the nondiscrimination ordinance, though not all were of mixed tenancy. Curiously, the problem that seemed to emerge was rather one of attracting enough members of the minority to join in the cooperative venture.

CHARLES ABRAMS

¹⁰ In New Jersey, a lower court ruled in *Seawell v MacWithey* (2 N.J. Super. 255) that segregation in a public housing project was discriminatory, but the case was reversed subsequently on other issues. *Seawell v MacWithey* (2 N.J. 563).

¹¹ Act 291—Public Acts of 1949, Connecticut.

EDUCATION

THE PAST year was important in the overcoming of minority barriers in the field of education. Elmo Roper's study, *Factors Affecting the Admission of High School Seniors to College*,¹ released on March 17, 1949, revealed what was already known to some extent: that throughout the country an application filed by a Jewish student had considerably less chance of being accepted than one filed by a Catholic or Protestant student. This knowledge spurred civic groups to take steps to remedy the situation, generally through legislation. In addition, there was great public interest in the complex problem of the relationship between religion and the public schools.

Fair Educational Practices Legislation in New York State

On the heels of the publication of the report of New York's Temporary Commission on the Need for a State University, the state legislature enacted the Quinn-Olliffe Fair Educational Practices Law, barring the practice of discrimination in New York's colleges. The bill was signed into law on April 5, 1948.

In revealing discrimination in colleges and recommending legislation to overcome it, the Temporary Commission became the fourth legislative group to reach these conclusions. The President's Committee on Civil Rights, the President's Commission on Higher Education, and the Special Investigating Committee of the New York City Council had previously made the same findings. Noting that the procedure under existing New York State law was ineffective in eliminating discrimination, the Temporary Commission recommended that "the state should provide an administrative process which will eliminate discrimination in the admission of students." Accordingly, the Temporary Commission advised, and the Quinn-Olliffe bill provided for, the supervision of the admission practices of colleges and universities by an administrative agency which was empowered to act on its own initiative.

The Quinn-Olliffe Act

The Quinn-Olliffe act made it an unfair educational practice for a post-secondary school "to exclude or limit or otherwise discriminate against any person or persons seeking admission as students . . . because of race, religion, creed, color, or national origin." Any other criteria could be used in the admission of students. Religious or denominational schools were expressly permitted to select students exclusively or primarily from members of their own denomination, to give preference to such members, or to select students in a manner "calculated by such institution to promote the religious principles for which it is established or maintained." In order to claim exemption, a school had to be operated, supervised, or controlled by a religious or de-

¹ The study, published by the American Council on Education, Washington, D.C., was sponsored by B'nai B'rith.

nominal organization, and to be certified as such by the Commissioner of Education.

The act thus recognized the right of religious and denominational schools to discriminate on the basis of religion; but not on the basis of race, color, or national origin. Since it was unlikely that any religious school would claim that racial discrimination was calculated to promote its religious principles and only such a claim could bring such discrimination within the exemption provision, the act appeared effectively to bar racial discrimination in religious as well as in other schools.

The act also contained a provision prohibiting schools from penalizing anyone, "because he has instituted, testified, participated, or assisted in any proceedings under this section."

Although the legislation contained no express condemnation of quotas or other discriminatory policies, the intent of the law was to cover such conduct. Any doubts on this point were eliminated by statements on the floor of the assembly on March 11, 1948, by the sponsors of the bill.

The bill had been subject to many pressures and changes, and thus contained certain weaknesses which many critics noted. They pointed out that the exemption given religious schools could have been narrower; that its limitation to "post-secondary educational institutions is a substantial drawback"; that there was no requirement that schools were to keep records of their admission proceedings and supply specific information concerning the criteria adopted in selecting applicants.

ADMINISTRATIVE RULINGS

The objections to the legislation were met, in part, by the administrative rulings adopted by the Board of Regents on October 15, 1948, a month after the law went into effect. The rulings outlined procedures in the filing of complaints, specified the conditions under which a college was to be certified as a religious or denominational institution, and ordered educational institutions to preserve all data relating to admission of applicants for a period of at least three years following the date of admission or exclusion.

ADMINISTRATION OF THE ACT

On May 20, 1949, a number of interested organizations met with the Board of Regents Committee on the Administration of the Fair Educational Practices Law for the purpose of discussing procedures adopted. At the meeting, Frederick W. Hoeng, whom Governor Thomas E. Dewey had appointed administrator of the law, reported that he had been about 90 per cent successful in eliminating questions pertaining to race, religion, and nationality from college application blanks. The Regents were urged by some of these organizations to secure a published statement from each college of its criteria for admission and its admission procedures.

The Regents were further told of the need for continued study of the ethnic, racial, and religious composition of college classes in order to determine the effectiveness of the Quinn-Olliffe law.

The Regents Committee announced that no petitions alleging discrimination on the grounds of race, color, religion, or national origin had been filed

against any institution in the state during the first nine months of the law's operation. A pamphlet explaining the rights of applicants under the law had been widely distributed by the administrator of the Quinn-Olliffe law. It was further stated that the Regents had instructed Hoeing to work closely with the Association of Colleges and Universities of the State of New York with a view to further revision and improvement of application blanks.

Legislation in Other States

Fair educational practices bills were introduced in the legislatures of Connecticut, Michigan, Illinois, and Pennsylvania, but they failed of enactment.

The New Jersey legislature on March 16, 1949, passed the Freeman Law amending the Fair Employment Practices Act to include educational institutions. In addition, the act brought under the jurisdiction of the State Division Against Discrimination such places of recreation and public accommodation as hotels, restaurants, taverns, theaters, swimming pools, bathhouses, boardwalks, gymnasiums, and bowling alleys. The law also increased the penalties prescribed previously by the law which was passed two years earlier. On March 3, 1949, Indiana passed a law prohibiting segregation in public kindergartens, elementary schools, and high schools, but failed to establish administrative machinery.

Massachusetts also passed a Fair Educational Practices Act modeled along the lines of the New York statute but of greater scope. The legislation applies to secretarial, business, vocational and trade schools as well as to primary and secondary schools, and every university "which accepts applications for admission from the public generally and which is not in its nature distinctly private, except that nothing herein shall be deemed to prevent a religious or denominational educational institution from selecting its students exclusively from adherents or members of such religion or denomination . . ." The bill passed the Massachusetts State Senate on August 15, 1949, and within a few days was signed by the Governor.

Education of the Negro in the South

A survey published by *The Journal of Negro Education* in the Summer of 1948 revealed the following higher educational facilities provided for whites through public funds in the seventeen Southern states: fifteen medical schools, sixteen law schools, seventeen engineering schools, fourteen schools of pharmacy, eleven schools of library science, four schools of dentistry, nine schools of social work, and at least one graduate school in each of the thirteen states which offered work leading to the doctorate. This was an incomplete listing. In contrast, the provisions for Negroes included six law schools, one school of library science, and only ten schools in eight states offering graduate work leading to the master's degree.

The Supreme Court as early as 1896 in *Plessy v. Ferguson* ruled that segregated facilities were legal, provided that they were equal. However, the "separate but equal" rule had not been obeyed in practice and this constituted the basis of a suit brought by Ada Lois Sipuel to compel the Law School of the

University of Oklahoma to admit her. Under the constitution of Oklahoma, Miss Sipuel was entitled to a legal education equal to that provided for white students. However, there was no law school for Negroes in Oklahoma and Miss Sipuel demanded admittance to the white law school. Her plea was sustained on January 12, 1948, in the United States Supreme Court, which directed the state of Oklahoma to provide a legal education for Miss Sipuel equal to that of whites. The court, however, did not rule on the constitutionality of the state's segregation laws.

To comply with the ruling, the state of Oklahoma hastened to establish a law school as a branch of its Negro college—Langston University. Miss Sipuel and other Negroes declined to enroll in this school, claiming that the facilities were far from being equal to those provided for the whites. Another suit was promptly instituted by Miss Sipuel and was in the courts at the time of writing.

Oklahoma also had no graduate school for Negroes. Again a suit was brought, and on September 29, 1948, a three-judge federal court ruled that the University had acted unconstitutionally in denying a Negro candidate admission. This time the state did not create a separate graduate school. Instead, the Negro was admitted on a "segregated basis" and he attended lectures sitting somewhat apart from the white students. A month later, the same federal court refused the Negro's plea to prevent the segregation. The court ruled that the Negro was receiving equal educational opportunities with those of the white students and added that it was "within the power of the state to recognize racial distinctions between its citizens and to classify them."

This issue was scheduled to come before the Supreme Court in the case of Heman Marion Sweatt, Negro citizen of Texas, who had been unable at the time of writing to obtain a writ of mandamus ordering the University of Texas to admit him to its law school. Sweatt's attorneys argued that there could be no such thing as "separate but equal" education and that discrimination was an inevitable and necessary consequence of segregation.

The issues of the Sweatt case were dramatized by the mass protest on April 28, 1949, of thirty-five Negro college students who asked—and were refused—admission to the Graduate School, the Dental School, and the Medical School of the University of Texas. They took their appeal, en masse, to the legislature and to Governor Beauford H. Jester. They made representations to the effect that there were no graduate facilities available to them in Texas, and that they were therefore applying for admission to the all-white University of Texas.

In Florida, on May 13, 1949, the State Board of Control turned down the applications of five Negroes for admission to the University of Florida. While rejecting the Negro candidates, the Board offered to give them scholarships to out-of-state institutions of equal or higher rank than the University of Florida. The Negroes, however, were determined to reject this proposal and sue for their educational rights within the state of Florida.

On March 30, 1949, United States District Judge H. Church Ford ruled in Louisville, Ky., that Lyman Johnson, Louisville Negro and a teacher of the social sciences, was entitled to admission to the University of Kentucky Graduate School on the grounds that the defense had failed to prove that facilities at Kentucky State College for Negroes provided equal opportunities. In his decision, Judge Ford made it plain that his ruling in no way affected

the principle of segregation which, he explained, was not an issue in the case.

Dr. H. L. Donovan, president of the University of Kentucky, stated that the school would comply fully with the federal court order to offer instruction to any qualified Negro in its professional colleges, where the same courses were not available in Kentucky State College, the Negro institution. But at the same time, M. B. Holifield, Assistant State Attorney General, stated that Kentucky's segregation law would be invoked to prohibit whites and Negroes from attending classes together.

In Missouri, a writ was issued by Federal Circuit Judge James F. Nangle ordering Harris Teachers College to admit a Negro woman, Marjorie Vanderbilt Toliver, in accordance with the "substantially equal educational advantages" ruling of the Supreme Court. Miss Toliver was upheld in her contention that Harris College offered superior educational advantages not afforded by Stowe Teachers College for Negro students.

It was clear that as a result of these lawsuits the old makeshifts employed by the states for the purpose of establishing a semblance of equality were bound to be found wanting in further federal tests. The suits which were begun in the relatively liberal border states would in all likelihood be extended into states of the Deep South, where the practices of their educational institutions would be scrutinized by the courts.

Public Schools

On May 17, 1949, a group of local Negroes filed a complaint in the United States district clerk's office in Texarkana, Texas, against what it termed illegal discrimination against Negroes in the Texarkana Independent School District. The complainants wished the court to determine whether the alleged practices of the defendants in adopting and maintaining markedly unequal facilities for white and Negro children constituted a denial of the rights guaranteed by the Fourteenth Amendment of the United States Constitution.

Some indication of the difficulties of bringing such a suit in a community hostile to federal intervention was apparent from an editorial in the *Texarkana Gazette* (May 22, 1949). Admitting that the merits of the case were for the federal court to decide, the editorial went on to state that "this suit, if prosecuted to its conclusion, will be a most damaging influence upon the harmony which has heretofore existed between the races. . . ."

Similar suits were filed during the past year in other Southern communities. Discrimination against Negroes was alleged in a suit against the Pleasant Grove (Tex.) Independent School District, as well as in a suit brought against the school board of Durham, N. C. In Virginia, a campaign was begun against unequal facilities and unequal pay for teachers in 124 divisions of the public schools, after a federal court had ordered an end to disparities in the state. Movements for salary equalization were under way in other parts of the segregated South.

The Fraternity Crisis

The problem of discrimination in college fraternities became acute early in 1949. The constitutions of certain leading college fraternities contained dis-

crimnatory clauses which either excluded or could be interpreted to exclude Negroes, Jews, Catholics, and members of other minorities.

AMHERST COLLEGE

The problem assumed national prominence in the course of events at Amherst College. At the close of the war, an Amherst faculty committee recommended that fraternities be abolished. An alumni committee made the same recommendation. The Amherst Board of Trustees ruled in April, 1946, that fraternities were to be compelled to take discriminatory language out of their constitutions or remove from the campus. The deadline for compliance with this ruling was February, 1951.

The action by the trustees found considerable support among the graduates of Amherst, but the reaction of national fraternity organizations was hostile. When the local Amherst chapter of Delta Tau Delta asked permission to re-establish the Amherst chapter at the end of the war, the national organization ordered the chapter to stay closed until it would "conform to the established customs, rules, and standards of the Delta Tau Delta fraternity." This ultimatum proved unacceptable to the local Delta Tau Deltas, who withdrew from the national organization and formed their own local fraternity, Kappa Theta.

Another Amherst fraternity, Phi Kappa Psi, pledged a Negro student. The Amherst chapter informed its national organization that it intended to accept a Negro as a member. The Phi Kappa Psi National Executive Council thereupon expelled the Amherst chapter from the national organization for "unfraternal conduct." This did not prevent the initiation of the Negro boy into the fraternity, which was reorganized as Phi Alpha Psi.

NATIONAL INTERFRATERNITY CONFERENCE

The National Interfraternity Conference, comprising fifty-eight fraternities, held its fortieth annual meeting in New York City in November, 1948. The Conference voted 25 to 13 against the proposition that it was "desirable that fraternities having discriminatory clauses in their constitutions with respect to color eliminate them." However, no vote was taken on the question as to whether national organizations should alter exclusion rules against Jews and Catholics.

The Knickerbocker Case

There was considerable interest in alleged discrimination against Negroes and Jews in the College of the City of New York (CCNY) developed during the period under review. Particular attention was directed to the "Knickerbocker and Davis cases."

The Knickerbocker case began in April, 1945, when four faculty members charged the head of the Romance Languages department, William E. Knickerbocker, with "continual harassment and what looks very much like discrimination. . . ." The Board of Higher Education asked the president of the college and the general faculty to hold a "prompt and complete investigation." This investigation, as well as one which was conducted by the Board of Higher Education, exonerated Professor Knickerbocker of anti-Semitism. On the other hand, the New York City Council conducted an investigation of its own and

found Professor Knickerbocker guilty of "reprehensive" behavior and suggested that he retire.

The Board of Higher Education refused on September 27, 1948, to institute formal public proceedings against Professor Knickerbocker on charges of conduct unbecoming a member of the staff, and to take appropriate action to remedy the elimination of the names of complainants who were opposed to Knickerbocker from the Romance Language department's list of recommendations for promotion. The American Jewish Congress, which had been acting for the plaintiffs in the case, lodged an appeal, which was heard by the New York State Commissioner of Education on April 29, 1949. At the time of writing there had been no decision.

At the same time that the issues of the Knickerbocker case were being debated, William H. Davis, administrator of Army Hall, a campus dormitory, was accused of anti-Negro bias. Davis had admitted making an error of judgment in assigning Negro students to the same rooms without asking them if this was what they wanted. After a faculty investigation, he was removed from his post and reassigned to teaching economics.

The Knickerbocker and Davis cases were joined on March 8, 1949, when Judge Hubert T. Delaney resigned as chairman of the special Alumni Association committee to investigate discrimination charges against Davis and Knickerbocker. This resulted in a much publicized strike of students.

State University

During the period under review, New York's State University made considerable progress. Creation of a State University was recommended in the report of the Temporary Commission on the Need for a State University presented to the state legislature on February 16, 1948. After the legislature had acted favorably on this recommendation, on August 15, 1948, Governor Dewey appointed a fifteen-man board of trustees for the new institution, headed by Oliver C. Carmichael. This group named Alvin C. Eurich to the presidency of the State University.

Within a few months after its establishment, the trustees became engaged in a controversy with the Regents over the control of the new institution. The Temporary Commission had recommended that a state university be set up "under the general supervision of the Board of Regents," and that "for the initial development and over-all operation of the State University the Legislature should authorize the Governor to appoint a board of trustees to serve for a term of six years."

In pressing for an amendment of the law, the Regents argued that the law had divided the educational system into two parts: one consisting of the grammar schools, the high schools, and the private colleges and universities, which were placed under the supervision of the Regents; the other consisting of the state-aided institutions of higher education, which the law placed under the control of the State University trustees. The Regents also felt that because university trustees were to be appointed by the Governor, "political control" would enter the educational system.

The trustees replied that their reduction to a planning and recommending

body would destroy their initiative and hamper the development of needed educational facilities; that the removal of the operation and administration of state-aided higher education from the function of planning and expanding would be a form of "dual control" more dangerous than that threatened in the present law; and that the Regents, usually nominated by county political bosses and elected by the legislature, were as subject to political influences as the University board of trustees.

On March 23, 1949, the state legislature acted in favor of the trustees by defeating the Condon-Barrett bill, which would have halted the transfer of existing state teachers' colleges and other state-aided higher educational institutions to the trustees of the State University.

Religion and the Public Schools

The decision of the Supreme Court in the case of *People ex rel McCollum v. Board of Education of Champaign, Ill.*, on March 8, 1948, which held unconstitutional a system of released time under which classes for religious instruction were conducted within the public school building, heightened interest in the already controversial sphere of church-state relationships. The fact that four separate opinions were written by the judges, although Justice Stanley F. Reed alone voted to uphold the Champaign system, tended to encourage discussion of the subject and in the period under review numerous books and magazine articles of comment appeared.

Once the McCollum decision was promulgated, released-time practices were brought into conformity. The International Council of Religious Education, representing the religious education interest of forty Protestant denominations and thirty-three state councils of churches, observed at its annual meeting on February 7, 1949, that weekday religious education was still legal for public school children on released time. It therefore recommended that the churches refrain from using public school buildings or public school machinery for released-time classes; and, in addition, that the churches refrain from participating in any plan under which school authorities shared in the certification or selection of teachers or curriculum, in the supervising of teaching, or in the disciplining of the pupils. The May 18, 1949, meeting of the Southern Baptist Convention endorsed the decision of the Supreme Court in the McCollum case. The 161st General Assembly of the Presbyterian Church urged its 8,500 local congregations throughout the country to continue weekday classes of religious instruction, "so long as there be no violations of the law."² Other religious denominations, while awarding the majority decision in the McCollum case a mixed reception, nevertheless brought released-time practices into conformity with the ruling of the court.

There was some division of opinion among public school educators. The regional conference of the American Association of School Administrators, a department of the National Education Association, on March 1, 1949, witnessed a sharp division on released time. Dean Ernest O. Melby of the New York University School of Education called the program "divisive" and "harmful"

² For the position of Jewish religious bodies on released time, see p. 155.

in its effect, while Paul C. Reinert, president of St. Louis University, was of the opposite opinion. At the convention of the National Association of Secondary School Principals, held in Chicago on March 4, 1949, John W. Wilson, principal of the David Starr Jordan High School of Long Beach, Cal., urged the introduction in the public schools of religious education of a non-sectarian, secular type. On the other hand, Gabriel R. Mason, principal of Abraham Lincoln High School in Brooklyn, N. Y., called the introduction of religious teaching, even of a non-sectarian type, both dangerous and illegal.

In New York City the released-time issue assumed added significance with the commencement of two suits to end the practice. The first was brought on May 4, 1948, by Joseph Lewis, president of the Freethinkers of America, who charged the New York City Board of Education with violating the state and federal constitutions in permitting children to be released from their classes for religious instruction.

The second suit was brought in Kings County (Brooklyn, N. Y.) early in 1949 by Tessim Zorach and Esta Gluck, who contended that the released-time program had resulted in the "exercise of pressure and coercion upon parents and children to secure attendance by the children for religious instructions." This case was supported by the United Parents Association, the Public Education Association, the American Civil Liberties Union, the American Jewish Committee, and the American Jewish Congress. The Court of Appeals gave its consent on April 11, 1949, for withdrawal of the case brought by Joseph Lewis. Lewis explained through his attorney that the Gluck-Zorach case was more factual and that the petitioners in that case had children in school and were members of religious organizations.

Factual information about the operation of the released-time system in New York City schools was contained in a report which was prepared for the Public Education Association under the direction of Dan W. Dodson of the Center for Human Relations Studies of New York University. Released on June 14, 1949, the thirty-four-page report, entitled *Released Time in the New York City Schools, 1949*, pointed to an increase in truancy, an increased consciousness of differences, and an intensification in group antagonisms as some consequences of the operation of the program.

Federal Aid to Education

By far the greatest controversy centered around the issue of federal aid to education, on which divergent points of view were held by the Protestant and Catholic churches.³ Bishop G. Bromley Oxnam of the Methodist Church, at the "National Convention on Church and State" which was sponsored by Protestants and Other Americans United for Separation of Church and State in Washington, D. C., on January 27, 1949, accused the hierarchy of the Roman Catholic Church of launching a full-scale attack upon the principle of separation of church and state by pressing for the allocation of federal funds for parochial schools. Bishop Oxnam was promptly answered by the Rev. Msgr. John S. Spence, director of education in the diocese of Washington, and other Catholic spokesmen.

³ See AMERICAN JEWISH YEAR BOOK, Vol. 49, p. 1 ff.

The rival Catholic and Protestant viewpoints clashed over the bill which Representative Graham Barden (Dem., N. C.) introduced into the Education and Labor Committee of the House of Representatives on May 11, 1949. The Barden bill strictly prohibited the states from using any of the projected federal aid for education for the benefit of private or parochial schools. In this respect, it differed from a bill which the Senate had passed by a bipartisan vote and which included parochial schools in a separate school-health program. This would enable states which in the past had aided parochial and private schools to continue to do so.

A sharp difference of opinion concerning the virtues of the Barden bill developed. The issues were debated in both religious and lay organs of opinion. As a consequence of the controversy aroused by the Barden bill Mrs. Franklin Delano Roosevelt, in her syndicated newspaper column, "My Day," on June 23, 1949, stated that in her opinion the granting of federal funds to non-public schools might be a violation of the traditional separation of church and state. In a statement issued on July 23, 1949, she was accused by Francis Cardinal Spellman, Roman Catholic Archbishop of New York, of anti-Catholicism and "discrimination."

On August 8, Mrs. Roosevelt and Cardinal Spellman both issued additional clarifying statements. Cardinal Spellman asserted that public funds were requested only for transportation, health services, and non-religious books. The Cardinal denied that the use of such funds for auxiliary services undermined the principle of separation of church and state.

Commenting on this point Mrs. Roosevelt said, "There has been a feeling among many citizens that the use of federal funds for 'auxiliary services' might lead to a change in the interpretation of the constitution. The Cardinal's statement is clear on this constitutional point." Mrs. Roosevelt reiterated that she was without bias against Roman Catholics.

It became apparent that the Federal Aid Bill to Education would not be passed during the current session of Congress. On August 2, 1949, the House Committee on Education and Labor shelved federal-aid-to-education proposals. On August 5, a conference between President Truman and Democratic leaders in Congress on the Thomas bill, which had been given senatorial approval, failed. The conferees were unable to agree on those provisions of the bill which would leave to states the option of using federal funds for auxiliary services to non-public schools.

Local Manifestations

Church-state also became an issue on state and local levels during the past year. On March 13, 1949, District Judge E. T. Hensley of New Mexico filed findings of fact and conclusions of law to the effect that there had been widespread violation of the separation of church and state in the tax-supported schools of New Mexico. Thirty-one schools in eleven New Mexican counties were involved in the decision as were some 200 Catholic nuns, brothers, and priests who served as teachers. The distribution of free state-owned textbooks to parochial schools and free transportation of church school children in

public school busses was banned and the state of New Mexico was ordered to vacate twenty church-owned school buildings.

In Utah, the state Board of Education urged that, while released-time programs would continue, classes should not be permitted in school buildings or on school property.

In June, 1949, a petition demanding that the Middletown, Rhode Island School Board pay tuition costs for pupils who preferred to attend a secondary parochial or a private school instead of a public high school was denied. However, a survey of Rhode Island school boards disclosed that public funds were being used to pay the tuition of nearly 500 high school pupils who attended parochial or private schools. In all, 434 pupils attended Roman Catholic parochial schools in Rhode Island with all or part of their tuition paid from public funds.

EDWARD N. SAVETH

EMPLOYMENT

THE PERIOD under review witnessed a sharp decline in economic activity. Although employment remained at a high level, the number of unemployed at the beginning of 1949 reached 3,500,000, the highest level since the prewar years. Data released by the Bureau of the Census appeared to substantiate the hypothesis that discrimination in employment is intensified during the troughs in the economic cycle. While unemployment among whites increased 176.4 per cent between July, 1945, and April, 1949, there was an increase of 280.0 per cent in unemployment among non-whites during the same period. The Census Bureau concluded that because of the tendency to lay off Negroes before whites, and because of the relative lack of skill required in jobs usually assigned to them, Negroes would suffer an increasingly higher percentage of unemployment in a recession. Other studies conducted in various sections of the country by governmental and private agencies disclosed discrimination in employment to be widespread and growing.

Surveys: Federal, State, and Municipal

A survey of the Illinois labor market by the Illinois Interracial Commission¹ revealed that private fee-charging employment agencies did not even list non-white applicants. Ninety-five per cent of the private employment agencies reported that Jewish applicants faced serious discriminatory barriers in attempting to qualify for jobs; substantial percentages reported similar difficulties facing Catholic workers. The survey also revealed that over 100,000 discriminatory "help wanted" ads were published annually in newspapers in the state of Illinois; that of 1,600 Illinois business firms polled, more than half reported no non-white employment; that 70 per cent of all financial and 75 per cent of all accounting, advertising, and other service firms in the state had no non-white employees; that only 3.6 per cent of the employees of the public utilities of the state of Illinois were non-white.

¹ *Special Report on Employment Opportunities in Illinois*, Illinois Interracial Commission, 1948.

In Missouri, a special committee of the House reported to the General Assembly on March 2, 1949, the results of its investigation of violations of equal rights under the Missouri constitution. Among the violations the committee enumerated discrimination against colored workers in job placement in the metropolitan areas of St. Louis and Kansas City, and exclusion of Negroes from membership by certain building trades and other craft unions.

A Minneapolis (Minn.) self-survey conducted by the Mayor's Commission on Human Relations found that Jews, Negroes, Japanese-Americans, and other minority group members were widely discriminated against by employers. Of 523 Minneapolis firms whose reports were tabulated, 63 per cent hired no Jews, Negroes, or Japanese-Americans while 37 per cent hired one or more Jews, Negroes, and/or Japanese-Americans. Of the latter, 13 per cent hired Jews only; 5 per cent hired Negroes only; 2 per cent hired Japanese-Americans only; 9 per cent hired Jews and Negroes; 3 per cent hired Jews and Japanese-Americans; 1 per cent Negroes and Japanese-Americans. Only 3 per cent hired members of the three minorities studied.

The Ohio State Employment Service reported that two out of every five job openings referred to its offices bore openly discriminatory specifications.

A survey of employment opportunities for Jews in public accounting in Cincinnati² revealed that the fifteen largest public accounting firms, which employed a total of 286 accountants, had only three Jewish employees, and had employed a total of only eleven Jews over the past thirty years.

According to an official publication of the United States Employment Service (*Labor Market Information*, August, 1948), "One of the key factors limiting expansion of Detroit's [Mich.] industrial machine has been the inability to achieve maximum utilization of labor reserves. While the total number of job seekers appears adequate to meet the labor demand, hiring specifications have cut sharply into the 'employability' of certain workers' groups."

Reports from the Colorado State Employment Service (CSES) contained the following observations:

No openings in professional or managerial jobs were found for minority applicants registered at the Denver office of the CSES in January, 1949 . . . Nationality is a factor explaining unemployment among persons under forty . . . Race stood in the way of jobs for one-fifth of all Denver veterans receiving unemployment compensation under the G. I. Bill of Rights.

A survey by the Salt Lake City (Utah) Council on Civic Unity disclosed that 61 of the 167 employers who responded to a questionnaire excluded colored citizens from certain types of employment. Forty-seven out of 162 employers said they were unwilling to give colored citizens the same seniority rights as other citizens. Twenty-seven out of 178 employers were unwilling to pay the same wages to colored people, even though the colored employees had equal skills with whites.

In a report entitled *Segregation in Washington* (November, 1948), the National Committee on Segregation in the Nation's Capitol revealed the extent of all forms of racial discrimination in the seat of the national government.

² *Survey of Employment Opportunities for Jews in Public Accounting in Cincinnati* (Cincinnati Jewish Vocational Service, November, 1948).

Negroes are excluded from most skilled trades by the craft unions, and from whole industries by management policy. In retail trades, utilities, communications, and transportation, they have little chance. The telephone company employs no colored mechanics or linemen. The big department stores deny Negro women a chance to become clerks—even the one large bargain store at which two-thirds of the customers are Negro. Even in the city government, a Negro cannot get a job as a water-meter reader, a building inspector, a weights and measure inspector, or as a guard in a jail.

Fair Employment Practices (FEP) Legislation

Against this background of discrimination in employment there developed on the one hand an increased demand for fair employment practices laws on the federal, state, and local level, and on the other, an intensified opposition to such legislation.

Campaigns for FEP were better organized, better financed, and more widely supported than ever before. Included among the proponents of such legislation were virtually every major religious denomination, the large labor bodies, and numerous civic, welfare, racial, ethnic, and veterans organizations. Many of these groups went so far as to declare FEP "the number one objective" in the entire civil rights program. At a meeting with Presidential Adviser Clark Clifford in June, 1949, spokesmen for the American Federation of Labor (AFL), Congress of Industrial Organizations (CIO), National Association for the Advancement of Colored People (NAACP); and the National Community Relations Advisory Council (NCRAC), coordinating body for national and local Jewish community relations agencies, united in urging that top priority be given to FEP among all civil rights measures.

FEP: THE PRESIDENTIAL CAMPAIGN

Similarly, opposition to the civil rights program crystallized around the FEP movement. During the Presidential campaign in the Fall of 1948, FEP was attacked by the Southern Dixiecrat party as "a Communist-inspired conspiracy—designed to destroy our republican form of government," and there were dire forebodings that enactment of a federal FEP law would lead to "bloodshed" and "violence." Even such Southern liberals as Ralph McGill, Ellis Arnall, and Jonathan Daniels, who supported other civil rights proposals, joined the anti-FEP camp. Following the election of President Harry S. Truman in November, 1948, and his renewed demand for civil rights legislation in his "State of the Union" message, Southern legislators offered to "compromise" on all items in the civil rights program except FEP. Senator John L. McClellan of Arkansas suggested that a filibuster against other parts of the program might be avoided if the President would abandon FEP, and Representative Percy Priest of Tennessee, majority whip in the Eighty-first Congress, stated that "the Southerners might be willing to let some kind of anti-poll tax and anti-lynching bill pass," if the administration did not press for concurrent enactment of FEP.

Northern opposition to proposed state and municipal FEP bills was no less determined. Despite growing support for such legislation among many liberal businessmen, most of the trade associations and chambers of commerce

remained inflexibly opposed. Charging that FEP bills were "Communist-inspired" and represented "bureaucratic interference" with management's prerogatives, these organized business groups expended large sums of money in a concerted effort to defeat such legislation. Thus, FEP became one of the most bitterly fought issues not only in the Capitol, but in state legislatures and city councils as well.

FEP IN THE EIGHTY-FIRST CONGRESS

Immediately upon the opening of the Eighty-first Congress on January 5, 1949, Senator Irving M. Ives (Rep.-N. Y.), on behalf of himself and Senators Dennis Chavez (Dem.-N. M.), Sheridan Downey (Dem.-Cal.), Wayne L. Morse (Rep.-Ore.), James E. Murray (Dem.-Mont.), Francis J. Myers (Dem.-Pa.), Leverett Saltonstall (Rep.-Mass.), and H. Alexander Smith (Rep.-N. J.), introduced a bill (S. 174) "to prohibit discrimination in employment because of race, religion, color, national origin, or ancestry." By the end of the first week of the Eighty-first Congress, no less than seven separate FEP bills had been introduced in the House of Representatives: by Emanuel Celler (Dem.-N. Y.), William L. Dawson (Dem.-Ill.), Helen Gahagan Douglas (Dem.-Cal.), James G. Fulton (Rep.-Pa.), Jacob K. Javits (Rep.-N. Y.), Mary T. Norton (Dem.-N. J.), and Adam C. Powell, Jr. (Dem.-N. Y.).

These bills were virtually identical with one another and with the bills introduced in the Eightieth Congress. All sought to prohibit discrimination by employers having fifty or more employees, by labor unions, and by government agencies, and to establish administrative agencies which would receive and investigate complaints, attempt to eliminate discrimination by "conference, conciliation, and persuasion," and, if unsuccessful, hold hearings and issue orders enforceable in the courts.

On April 29, 1949, an administration measure was introduced by Senator J. Howard McGrath (S. 1728) and Congressman Adam C. Powell, Jr. (H. R. 4453). The McGrath-Powell bill differed from earlier measures only in minor details. These included the reduction of the proposed commission from seven to five members, elimination of the provision permitting Congress to disapprove of commission regulations, application of the act to government contracts exceeding \$10,000 instead of basing it upon the number of employees, and omission of the phrase "or ancestry."

The Senate Labor and Public Welfare Committee, to which the Senate bills were referred, failed to take any action. In the House, extensive hearings were held before a subcommittee of the Education and Labor Committee consisting of Congressmen Powell, chairman; Thomas H. Burke (Dem.-Ohio), Carl D. Perkins (Dem.-Ky.), Walter E. Brehm (Rep.-Ohio), and Richard M. Nixon (Rep.-Cal.). Spokesmen for more than a score of national religious, labor, and civic organizations, including the major Jewish community relations agencies, presented testimony in support of the bill. Opposition testimony was confined to the Southern Congressmen. On June 2, 1949, by unanimous vote (Congressman Nixon was absent) the subcommittee reported favorably on H. R. 4453, and further amended it so as to make it applicable to discrimination because of ancestry. No further action had been taken when the period under review came to a close.

STATE FEPC

The emergence of FEP as a major political issue was also evidenced by the number of state party platforms which included FEP planks, and by the many governors, Republicans and Democrats alike, who urged enactment of FEP in their messages to their legislatures. Among the advocates were Governors Luther W. Youngdahl of Minnesota; Adlai E. Stevenson, Illinois; G. Mennen Williams, Michigan; James H. Duff, Pennsylvania; John O. Pastore, Rhode Island; William Lee Knous, Colorado; Henry F. Schricker, Indiana; and Frank J. Lausche, Ohio.

Northern legislatures, most of which met only biennially, were all in session in 1949, and comprehensive FEP bills were introduced in nineteen of them (Arizona, California, Colorado, Delaware, Illinois, Indiana, Kansas, Michigan, Minnesota, Montana, Nebraska, New Mexico, Ohio, Oregon, Pennsylvania, Rhode Island, Utah, Washington, and West Virginia). All of these bills, while varying in some respects, followed the pattern of existing state FEP statutes and of the pending federal bills. In two states, Oregon and Indiana, the bills were designed to strengthen existing laws which contained no enforcement provisions, while in Wisconsin, a bill was offered to strengthen the investigative powers without providing for the addition of enforcement powers. In North Dakota and Iowa, measures were introduced prohibiting discrimination in employment but containing no administrative machinery, and in Missouri a bill was submitted to prohibit discrimination by the state and its political subdivisions.

Four states (New Mexico, Oregon, Rhode Island, and Washington) succeeded in enacting comprehensive FEP laws. Added to the statutes previously in effect in New York, New Jersey, Massachusetts, and Connecticut, this made a total of eight states with effective legal prohibitions against employment discrimination. Kansas established a temporary commission to investigate employment discrimination, and Minnesota appropriated \$5,000 per year to its interracial council for an educational campaign against employment discrimination.

In both Colorado and Ohio, effective FEP bills were passed by substantial majorities in the House of Representatives, only to be rendered ineffective in the Senate by elimination of enforcement features. In Colorado, a joint conference committee of the two houses could not agree on a compromise before the legislature adjourned. In Ohio, a conference committee reported a bill in which some of the usual enforcement provisions were omitted but which might nevertheless have been effective if passed. A motion to bring this report to a vote in the Senate was defeated, and the bill was thereby killed.

In Illinois a bill introduced by fifty-seven representatives was passed in the House by a vote of 81 to 43, only to be voted down in the Senate by a vote of 25 to 23.

In these and other states (i.e., Indiana, Michigan, Minnesota, Pennsylvania), FEP was among the most hotly debated issues of the legislative session. The narrow margin by which many of the bills were defeated and the broad-based representative movements which were organized in their support augured well, however, for the enactment of additional statutes in the future.

MUNICIPAL FEP ORDINANCES

Richmond became the first city in California and the seventh in the country³ to enact a municipal FEP. The Richmond ordinance, adopted by unanimous vote, forbade discrimination in hiring by the city or by holders of city contracts and franchises, and provided a misdemeanor penalty of \$500 fine or six months in jail for violations of the ordinance. A proposed ordinance in Cleveland, Ohio, was shelved by the City Council and one in Los Angeles, Cal., was under consideration at the end of the period under review. Chicago, Ill., the first city to adopt an FEP ordinance, included a clause in the franchise of Commonwealth Edison forbidding racial or religious discrimination in employment.

Administration of FEP Laws

While the merits and demerits of FEP were being hotly debated in the halls of Congress and in the state legislatures, the existing commissions continued to provide a convincing demonstration of the effectiveness of fair employment practices legislation.

During the period covered by their 1948 annual reports, the agencies administering the laws in New York, New Jersey, Massachusetts, and Connecticut handled a total of 869 cases.⁴ As in previous years, all cases were settled by conciliation without resort either to public hearings or court proceedings. The reports were unanimous in declaring that Negroes and other minority groups were being employed in industries and occupations previously closed to them, that questions about race and religion had virtually disappeared from employment applications, and that workers from minority groups were increasingly being admitted to membership in unions from which they had formerly been excluded. The reports stressed that these gains had been accomplished "without confusion or recrimination," and without a single complaint that compliance had resulted in a loss of efficiency, customers, or revenue. In March, 1949, the Division Against Discrimination of the State of New Jersey wrote to 158 representative employers requesting their frank appraisal of the New Jersey FEP law. Of 65 replies received during the first week after the mailing of the inquiry, not a single one expressed any negative or unfavorable reaction.

A number of independent surveys provided substantial corroborative evidence for the claims of the administering agencies.

The United States Bureau of the Census in a study published on October 4, 1948, revealed a marked shift in the Negro labor force in Greater New York from menial labor and non-skilled work to sales, clerical, and semi-skilled jobs.

A survey of Negro white-collar workers in twenty-five selected cities made public by the National Urban League on October 20, 1948, showed that of a

³ Other cities with FEP ordinances were Chicago, Ill.; Milwaukee, Wis.; Minneapolis, Minn.; Philadelphia, Pa.; Cincinnati, Ohio; and Phoenix, Ariz. The ordinances of Chicago, Minneapolis, and Philadelphia applied both to public and private employers, while those in Milwaukee and Phoenix applied to the city and to agencies contracting with it. The Cincinnati law applied only to city employees. Philadelphia and Minneapolis established Fair Employment Practices Commissions to administer their ordinances.

⁴ New York 453, New Jersey 210, Massachusetts 142, Connecticut 64.

total of 7,734 such employees, more than half were working in four cities—and these were in states with FEP laws. Another third was in Chicago, which had its own anti-discrimination ordinance.

In November, 1948, the Jewish Occupational Council published a survey describing the job-seeking experiences of 4,142 applicants to Jewish vocational agencies. While 26.2 per cent of these applicants were asked about their religion in states without FEP laws, only 4.3 per cent were asked for such information in the states having such legislation.

Customer resistance to the integration of Negro sales personnel in New York City department stores was found to be minimal in a study by Gerhart Saenger which was published in September, 1948. Forty per cent of the customers interviewed failed to show any prejudice; a similar number approved of Negro sales personnel but showed stereotyped notions concerning Negro inferiority; 21 per cent approved of Negro sales clerks except for the more "intimate" departments such as clothing, lingerie, or food; the remainder—19 per cent—opposed the hiring of Negro sales personnel generally.

It is especially revealing that of the customers who objected to Negro clerks only in "intimate" departments, those who had seen Negroes in the food department never objected to their handling food, but did not want them in the clothing department. And those who had seen Negroes in the lingerie and clothing departments objected only to Negroes handling food.

Furthermore, fully one-third of all customers talking to a white clerk standing beside a Negro salesperson, and one-fourth of all customers talking to a Negro clerk, stated within an hour after this contact that they had never seen any Negro clerks in department stores.

Inconsistencies in the attitudes of the respondents were explained as follows:

In the average American, prejudicial attitudes co-exist with his belief in the fundamental right of equal opportunity for all. The prejudiced person, if confronted with the presence of Negro sales persons, believes that others must have accepted the fact of these Negro clerks. The existence of a law against discrimination will further reinforce his reluctance to object and run counter to what he believes to be public opinion.

In November, 1948, the Legislative Reference Service of the Library of Congress published a comprehensive study⁵ giving the historical background of FEP laws as well as the arguments for and against such legislation. "In the early stages of development," the report states, "there were many—even some who were favorably disposed towards the idea—who doubted whether such legislation could be made to work. Today, with three years of experience on which to judge—there is ample evidence to support their most sanguine hopes."

Despite the gains detailed in the study, however, discrimination was far from eliminated. In April, 1949, the American Jewish Congress conducted a survey of Manhattan employment agencies supplying white-collar personnel. Although the proportion of agencies accepting discriminatory job orders had declined 24.2 per cent as compared with a similar study made in December,

⁵ Graves, W. Brooke, *Anti-Discrimination Legislation in the American States*, "Public Affairs Bulletin 65" (Washington: Library of Congress Legislative Reference Service).

1946, fully two-thirds of the agencies were still willing to fill an order for a "white Protestant" stenographer in violation of the New York law. A partial explanation for this widespread violation and for the relatively small number of complaints filed with the State Commission Against Discrimination (SCAD) was suggested in another study by the American Jewish Congress showing that only 8 per cent of New York City residents were aware that there was a state law prohibiting discrimination in employment and a state agency to which they could bring their grievances.

Experience with municipal FEP ordinances paralleled that of the states: those cities whose ordinances provided administrative machinery (Minneapolis and Philadelphia) showed a record of constructive achievement, while the others showed no appreciable activity.

During the first nine months of operation (June 1, 1948, to March 1, 1949) the Philadelphia Fair Employment Practices Commission (FEPC) processed 147 complaints, 96 of which were settled, while the remaining 51 were still under investigation. As in the case of the state laws, all settlements were achieved by "conference, conciliation and persuasion." The report of the Philadelphia FEPC cited increased employment of Negroes in sales and clerical positions in department stores, public utilities, and insurance companies.

The Minneapolis experience was virtually identical: a decline in the traditional exclusion of Negro clerks and office workers, and the adjustment of all complaints without resort to the courts. In October, 1948, the City Council broadened the scope of the Minneapolis ordinance to cover employment agencies and made it unlawful for an employer, union, or employment agency "to elicit or record information concerning the race, creed, color, national origin, or ancestry of an applicant."

Executive Order 9980

Perhaps the most significant development on the federal level was the issuance by President Truman on July 26, 1948, of Executive Order 9980 governing fair employment practices in the federal establishment.

The order did not initiate any new public policy. The Ramspeck Act of 1940 revising civil service procedures had specifically directed: "There shall be no discrimination against any person on account of race, creed, or color" (Public Law 1881, Seventy-sixth Congress, Third Session, Title 2, Section 3E). There was no effective implementation of this directive however, with the result that members of racial and religious minorities were conspicuously absent from certain government agencies and in others were confined to segregated units or menial categories. Thus, approximately one-fourth of all the cases handled by the wartime FEPC related to discrimination in government employment.

Executive Order 9980 set up administrative machinery to realize the public purpose clearly set forth in the Ramspeck Act. The order provided first, that all personnel actions taken by federal appointing officers were to be based solely on merit and fitness, without regard to race, color, religion, or national origin; second, responsibility was placed with the head of each department in

the executive branch of the government to develop an effective program for the observance of fair employment policies in all personnel actions within his department; third, provision was made for the designation of a Fair Employment Officer by the head of each department, and for this officer to have full operating responsibility for carrying out the fair employment program.

The Fair Employment Officer of each department was empowered to appraise the personnel actions of the department at regular intervals; to receive complaints or appeals concerning alleged discriminatory actions taken in the department; to appoint departmental control or regional deputies, committees, or hearing boards to investigate or receive complaints of discrimination; and to take necessary corrective or disciplinary action in consultation with, or on the basis of delegated authority from, the head of the department.

The order also established a seven-member Fair Employment Board to entertain appeals involving discrimination and to advise with and assist the departments in carrying out a fair employment program.

On October 7, 1948, the Civil Service Commission appointed the seven-member Fair Employment Board, naming as chairman Guy Moffett, former White House aide. Other members included: Fred C. Croxton, former special commissioner of the United States Conciliation Service; Daniel W. Tracy, president of the International Brotherhood of Electrical Workers, American Federation of Labor, and former Assistant Secretary of Labor; Jesse H. Mitchell, president of the Industrial Bank of Washington, D. C.; Ethel C. Dunham, former director of the Division of Research in Child Development, United States Children's Bureau; Eugene Kinckle Jones, general secretary of the National Urban League; and Annabel Matthews, former attorney in the Chief Counsel's Office of the Bureau of Internal Revenue.

Even before the FEP Board was appointed however, the executive order was put to a test when Mortimer Jordan, internal revenue collector for Alabama, announced that he would refuse to comply with its provisions. Secretary of the Treasury John Snyder acted promptly. "I construe your contumacious action," he wrote, "to be a tender of resignation from the position now held by you." A new collector was then appointed who pledged to abide by the President's directive.

Effectiveness of Executive Order

The period under review did not provide sufficient basis on which to evaluate the effectiveness of Executive Order 9980. To be sure, Fair Employment Officers were appointed in sixty-two agencies and procedures were developed for the redress of individual complaints. On the other hand, no positive program had as yet evolved, no decision had been reached as to whether segregation necessarily constituted discrimination under the terms of the order, nor had any reports been issued on complaints and adjustments, despite the fact that such reports were to have been submitted by April 15, 1949.

Whatever procedural or administrative weaknesses might ultimately be revealed, however, the very issuance of Executive Order 9980 was of profound

and continuing significance. For unlike any previous order of this kind, it was not issued in a "national emergency" but within the scope of the normal peacetime authority of the President. In practical political terms, therefore, it was not likely to be repudiated by any succeeding Chief Executive. It thus represented a condition to which every government personnel officer in the foreseeable future would be forced to give heed and within which the equitable administration of the civil service code could progress.

Armed Services

One other action on the federal level which merited mention, and which ultimately might prove to be extremely significant, was the announcement that, effective July 1, 1949, all armed services procurement contracts would be required to include a non-discrimination clause. The specific clause which would have to be written into future contracts was as follows:

In connection with the performance of this contract, the contractor agrees not to discriminate against any employee or applicant for employment because of race, creed, color, or national origin; and further agrees to insert the foregoing provision in all subcontracts hereunder mentioned, except subcontracts for standard commercial supplies and for raw materials.

Voluntary Anti-Discrimination Actions

Spurred by the growing demand for legislation to curb discriminatory employment practices and by the narrow margin by which so many FEP bills were defeated, employer groups began to advocate "fair employment practices through voluntary cooperation." The most comprehensive program of this kind was that submitted to the Cleveland City Council by the Cleveland Chamber of Commerce in a frank—and successful—move to prevent the adoption of an FEP ordinance. Entitled the "Cooperative Employment Practices Plan," the Cleveland program declared:

The Employer accepts his responsibility, as a part of the community, to assist in the improvement of economic opportunity for all. Accordingly, he will (if he has not already done so) adopt the following procedures to improve employment opportunities:

1. Take steps to educate his employees and supervisors in their obligation to work harmoniously with all groups of people.
2. Declare that persons with equal training, experience, and other qualifications shall have equal opportunities for employment.
3. As the need arises, permit any qualified persons to be employed in or advanced to the economically more desirable positions.

To assure the effectiveness of the plan, a Committee on Employment Practices was established, consisting of sixteen members, one-half of whom were appointed by the Chamber of Commerce and the rest by the mayor.

An extensive educational program was initiated, including the production of a manual entitled *How to Apply Cooperative Employment Practices*. A report covering the first four months of the plan (December 15, 1948, through April 15, 1949) claimed acceptance of its principles by more than 150 com-

panies, a decrease in discriminatory advertisements, and "several instances" in which members of minority groups were placed in positions not previously open to them. At the close of the period under review, a number of cities in Ohio, as well as communities in other sections of the country, were exploring the possibility of undertaking similar programs.

Pilot Placement Projects

The "pilot placement project," aimed at integrating qualified technical, professional, and administrative workers from among minority groups into American industry, was employed in several cities. The National Urban League reported increasing success in its "pilot" project for Negroes, citing progress in Chicago, Ill.; Detroit, Mich.; St. Paul, Minn.; San Francisco, Cal.; and Washington, D. C.

The General Cable Corporation in Perth Amboy, N. J., was the site of another "pilot" experiment in industrial group relations. Sponsored jointly by the National Conference of Christians and Jews, in cooperation with the Bureau of Applied Social Research of Columbia University, the experiment consisted of a series of weekly seminars with a group of employees on the supervisory level of labor and management. These seminars aimed at "taking the term race relations out of its academic context and showing how it influences work, production, and community relationships." It was anticipated that similar experiments would be conducted in a number of major industrial concerns.

Professions

The professions, too, reflected the broadening base of employment opportunities for minorities. Allison Davis of the University of Chicago became the first Negro ever to hold the rank of full professor on a permanent appointment in a non-Negro university, and the well-known Dr. William Hinton became the first Negro to hold a professorship in Harvard University when he was named Professor of Bacteriology and Immunology at the Harvard Medical School. The Missouri Medical Association opened its membership to Negro physicians, and the American Nurses Association voted to give direct membership to the 3,000 Southern Negro nurses who were barred from membership in district and state associations. Efforts of the Medical Society of New York to deal with a similar situation by amending the constitution of the American Medical Association to provide that "no constituent association shall exclude from membership any physicians for other than professional or ethical reasons" were defeated when the House of Delegates voted to continue the policy of local autonomy. Thus, Southern states were permitted to continue their exclusion of Negro doctors from local medical societies and, consequently, from the American Medical Association.

Government Service

The problem of employment discrimination continued to be inextricably tied to all other forms of discrimination. This truism was dramatically illus-

trated when Ralph Bunche declined an invitation to become Assistant Secretary of State, the highest government post ever offered to a Negro. Although the ostensible reason for refusing the position was his inability to take a pay cut, Bunche let it be known that he had no desire to submit to the indignities which he had previously experienced in Washington. "Frankly," he said, "it's a Jim Crow town and I wouldn't relish exposing my family to it again."

ARNOLD ARONSON

ANTI-JEWISH AGITATION

ORGANIZED anti-Semitic activity, which began to decline after the war, continued at a low ebb during the year under review. Anti-Semites, however, were far from dormant. There was a greater tendency of individual agitators to combine operations, as well as increasing stress on the distribution of inflammatory literature as the principal form of overt activity, in preference to the holding of meetings and demonstrations.

Propaganda Line

The principal theme exploited by anti-Semitic agitators was the identification of Jews as Communists and as conspirators for world control. Topical subjects and issues, such as the United Nations, atomic bomb control, the Presidential campaign, the DP problem, and the events in Palestine, were labeled as instances of "Jewish communism and conspiracy." At the same time, the pleas of the anti-Semites for more tender treatment of the Germans, and their denunciations of the alleged brutality of the Western powers were more frequent and vehement than at any other period since the war's end.

Gerald L. K. Smith

The most active campaign was conducted by Gerald L. K. Smith under the name of the Christian Nationalist Crusade (or party). Although he maintained headquarters at St. Louis, Mo., Smith resided at Tulsa, Okla., and after October, 1948, made most of his rabble-rousing appearances at Los Angeles, Cal., where his many meetings were bolstered by the following of Wesley T. Swift. Also assisting Smith as members of his staff were Jonathan E. Perkins of Los Angeles, preacher of "Anglo-Saxon" race-supremacy doctrines, Emory C. Burke, convicted leader of the defunct Columbians of Atlanta, Georgia, and John W. Hamilton, of Boston, Mass. In December, 1948, Perkins broke with Smith, and in February, 1949, published a book "unmasking" Smith as "America's No. 1 Hypocrite." During Smith's demagogic excursions, the staff at St. Louis held periodic CNC meetings. Attendances, however, seldom exceeded fifty. Besides the conduct of Smith's publishing activities,¹ the St. Louis staff busied itself with the widespread distribution of petitions for a city ordinance segregating Negroes at all places of public

¹ *The Cross and the Flag*, monthly (circ. approx. 20,000); more than forty pamphlets, leaflets, brochures.

accommodation and amusement. In February, 1949, the St. Louis Board of Elections denied an application of the Christian Nationalist party to be placed on the ballot for municipal elections.

In an attempt to capitalize on the Presidential campaign, Smith on August 21 to 23, 1948, staged a "national convention" of the Christian Nationalist party at St. Louis, Mo., where he had himself nominated for the presidency. The attendance at the various sessions consisted mainly of the local lunatic fringe. Among the score of anti-Semitic "delegates" who addressed the sessions were keynote speaker General George Van Horn Moseley (ret.), manager of George W. Armstrong's propagandist ventures at Fort Worth, Tex.; Wesley T. Swift; Catherine V. Brown, Philadelphia, Pa., leader of an anti-Semitic "mothers" group; Joseph Stoeffel, Buffalo, N. Y., Coughlinites and money-reform propagandist; Stephen Nenoff, Denver, Colo., "anti-Communist" publisher; Harry A. Romer, of St. Henry, Ohio, leader of the United Farmers of America, and Ernest Elmhurst, pamphleteer and international liaison for many anti-Semites. Newspapers, and civic and other pro-democratic groups and leaders applied the "quarantine" (silent) treatment to the convention; the event received a minimum of publicity, and was poorly attended. During the Democratic national convention at Philadelphia, Smith attempted to exploit the civil rights issue. His lieutenant, Donald Lohbeck, set up headquarters of the CNC in that city in the hope of attracting dissident Southern delegates. Though some of these delegates attended a small CNC meeting on July 13, 1949, none accepted the invitation to align themselves with Smith. At the same time, Smith was in Birmingham, Ala., in advance of the rump Dixiecrat convention, hawking his support among the leaders with the assistance of Jonathan E. Perkins. On July 19, 1948, South Carolina's Governor J. Strom Thurmond, Dixiecrat presidential nominee, publicly stated: "We do not invite and do not need the support of Gerald L. K. Smith or any other rabble-rousers who use race prejudice and class hatred to inflame the emotions of the people." At the close of the period under review, Smith was conducting a series of "rallies" at Los Angeles, and on June 1, 1949, had announced another "national convention" to be held at St. Louis September 28 through 30, 1949.

Religious Area

In the religious sphere, there was a large exploitation of the Anglo-Saxon cult as a springboard for anti-Semitic propaganda. The extremist wing of this movement held that only the "Aryan" English-speaking peoples were the true Israelites, and not the Jews. Most vitriolic and effective in injecting anti-Semitism into his sermons was Wesley T. Swift, leader of the Anglo-Saxon Christian Congregation of Los Angeles, who held many meetings and "conventions" in that city and in other cities along the West Coast. Swift, whose collaboration with Gerald L. K. Smith has been discussed, and who delivered hate-inciting sermons in dynamic fashion, was head of the bigoted Great Pyramid Club in Los Angeles, and an apologist for the Ku Klux Klan. Others active in the dissemination of hatred within the movement were Millard Flenner of Dayton, Ohio; J. A. Lovell, of Fort Worth, Texas, publisher of

The Kingdom Digest; William L. Blessing of Denver, Colo., publisher of the monthly *Showers of Blessing*, and Howard Rand of Haverhill, Mass., Eastern leader of the movement, whose magazine, *Destiny*, increased in venom as the Israeli army won victories in Palestine.

Gerald Winrod of Wichita, Kan., Harvey Springer of Denver, Colo., and Lawrence Reilly of Detroit, Mich., and Del Rio, Tex., continued to mingle bigotry with their evangelism. Winrod's monthly magazine *The Defender* devoted to religious topics as well as race hatred, was widely distributed. Harvey Springer continued publication of his *Western Voice*. Reilly's organization "front," The Lutheran Research Society, was disavowed on June 10, 1949, by The National Lutheran Council, official church body, in a statement which pointed out that Reilly "was not a member of the ministerium of any of the Lutheran bodies in America." During the period under review, Reilly published a pamphlet, *Moscow's Master Plan*, attacking Jewish organizations as Communist because of their support of civil rights legislation.

Mothers' Groups

Of the groups exploiting the theme of motherhood for anti-Semitic ends, the National Blue Star Mothers in Philadelphia, Pa., led by Catherine V. Brown, was the most active. It met regularly during the period reviewed, distributed literature, and achieved notoriety by picketing the conventions of both major political parties at Philadelphia. The United States Attorney General on April 27, 1949, officially listed the group as Fascist and subversive. We, The Mothers, of Chicago, headed by Lyril Van Hyning, confined its activities to the publication of its monthly paper, *Women's Voice*, and did not hold meetings. Agnes Waters of Washington, D. C., a lone agitator in the women's sphere, picketed the Republican convention, and walked down the aisle while the Democratic convention was in session, shrieking anti-Semitic slogans until escorted to an exit.

"Patriotic" Groups

The Loyal American Group of Union, N. J., headed by Conde McGinley, and the Nationalist Action League of Philadelphia, headed by W. Henry MacFarland, Jr., merged forces on June 1, 1949. McGinley's semi-monthly *Common Sense* became the official publication of the Nationalist Action League, while steps were reported to have been taken for that organization to absorb the Loyal American Group. The Nationalist Action League, which was named as subversive by the United States Attorney General on April 27, 1949, discontinued publication of its monthly, *National Progress*. Up to June 1, the Loyal American Group held meetings in northern New Jersey, its principal function having been the support and distribution of *Common Sense*, which, in addition to publishing anti-Semitic and pro-German material, also defended Robert H. Best, later convicted of treason. While the circulation of *Common Sense* was between 2,000 and 7,000, its issues of October 3 and 31, 1948, were distributed through the mails in large quantities. These two issues were exclusively devoted to attacks on Zionism with anti-Semitic overtones,

and were subsidized by a wealthy pro-Arab supporter of McGinley. W. Henry MacFarland, Jr., self-styled "nationalist coordinator," worked closely with the National Blue Star Mothers and other minor groups, such as the National Renaissance Party, operational front of James Madole, of Beacon, N. Y.

The Nationalist Unity Congress was formed at a "Nationalist Convention" convoked by Andrew B. McAllister at Hinckley, Ill., where he conducted the Pro-American Information Bureau. The event, held June 15 to 17, 1949, was poorly attended, drew no bigots of consequence other than Salem Bader, pro-Arab propagandist; Kenneth Goff, Nationalist "youth leader"; and Lyril Van Hyning, Chicago "mothers'" leader, who was elected chairman. The Nationalist Unity Congress, despite its ambitious program for effecting a coalition of anti-Semitic forces in the United States, gave no indication of having such strength.

German Groups

German agitators in the United States pressed their campaign for a "soft" peace for Germany mainly by distributing literature, an endeavor in which they received substantial cooperation from the anti-Semitic press. The principal themes exploited were "Allied brutality" and "the Morgenthau Plan." Such pamphlets as *Ravishing the Women of Conquered Europe*, by Austin App; A. O. Tittman's *Planned Famine*; and *Gruesome Harvest*, by Ralph Keeling were among the materials widely distributed.

Few active German groups remained, however. In New York, Kurt Mertig's Citizens' Protective League, which was declared subversive in 1948 by the United States Attorney General, was moribund, while A. O. Tittman's Voters' Alliance for Americans of German Ancestry held small meetings in a restaurant. Leonard Enders' Organized Americans of German Ancestry in Chicago met regularly and issued a monthly bulletin. A segment of the German-language press carried anti-Semitic material, especially in comments on DP's, Jewish American Military Government officials, the German black market, and related topics. Articles by Otto Strasser, notorious former Hitlerite, appeared in several papers.

Judge Armstrong Foundation

George W. Armstrong, 84-year-old millionaire of Fort Worth, continued the operation of his Judge Armstrong Foundation with the aid of George Van Horn Moseley. Incorporated in 1945 for charitable purposes, Armstrong announced two years later that it had been established for the purpose of publishing his anti-Semitic pamphlets. During the period reviewed, two pamphlets, *Traitors* and *Zionist Wall Street*, appeared under the Foundation's imprint. During the Presidential campaign, Armstrong inserted many bigoted political advertisements in southwestern newspapers.

Ku Klux Klan

The bitter controversy over the issue of civil rights legislation during the national political campaign provided much impetus for the growth of the Ku

Klux Klan. More than fifty instances of terror and violence in the South during 1948 were attributed to increased Klan activity, as localities throughout the region, especially in Georgia, Alabama, Tennessee, and Florida, were visited with Klan parades, initiations, and cross-burnings. Floggings, kidnappings, shootings, threats, and other forms of terror and violence were perpetrated on both Negroes and whites by white-robed hoodlums. On April 27, 1949, the United States Attorney General officially listed and declared the Association of Georgia Klans and the Original Southern Klans, Inc. (a schismatic offshoot) to be organizations which have "adopted a policy of advocating or approving the commission of acts of force or violence to deny others their rights under the Constitution of the United States." The principal organizational structure of Klanism continued to be Grand Dragon Samuel Green's Association of Georgia Klans, with headquarters at Atlanta, Ga. While accurate estimates of Klan strength were unobtainable, Green publicly boasted that there were 140 Klaverns (units) in Georgia, 20 in South Carolina, and 15 each in Tennessee, Alabama, and Florida, no unit with less than 100 members. While Klansmen were chiefly motivated by race-hatred, an increasing tendency toward violence against whites for alleged moral lapses became apparent. At the close of the period under review, no abatement of Klanism was discernible. In sharp contrast to the apathy displayed by Klan-infested regions in the 1920's, however, the press, church, chambers of commerce, civic, veterans', and other community groups, legislative bodies, and law-enforcement agencies in the states affected, vigorously combated the Klan, and the vast preponderance of Southern public sentiment was vehemently opposed to it. Statutes and ordinances prohibiting the wearing of masks or other forms of Klan conduct were enacted in Atlanta, Augusta, Macon, Columbus, and Wrightsville, Ga.; in Chattanooga, Tenn.; in Tallahassee, Miami, and Coral Gables, Fla.; other state and local legislation was pending at the close of the period under review. The governors of South Carolina, Alabama, and Florida ordered enforcement agencies into action. On January 22, 1949, an official of the Southern Baptist Social Service Commission was reported to have warned churches against accepting Klan donations, which he termed "bribe-money." In Chattanooga, important church members resigned over the election of a Klansman pastor. The mayor of Soperton, Ga., on May 21, 1949, ripped the masks off three Klansmen and arrested them, receiving President Truman's congratulations for this action. At Gainesville, Ga., Negroes openly jeered a Klan procession, without incident. As this report was written, Alabama's Klan leader, William Hugh Morris, was jailed for his failure to deliver membership records to a grand jury at Birmingham, while at Rome, Ga., a federal grand jury began a probe of Klan activities there.

Legal Proceedings

The Reverend Arthur W. Terminiello, Catholic priest who retired from anti-Semitic activity in 1947 and was later reinstated by his bishop, attained nation-wide notice on May 16, 1949, when the United States Supreme Court reversed his conviction for inducing a breach of the peace. The conviction was the result of disturbances at a meeting jointly held by Terminiello and

Gerald L. K. Smith. Based on a highly technical interpretation of the local ordinance, the decision did not affect the basic principles of law involved. Also on May 16, 1949, the Federal Parole Board at Washington, D. C., denied parole to William Dudley Pelley, Silver Shirt leader, who was convicted of sedition in 1942 and was serving a fifteen-year sentence. Homer Loomis, Jr., Columbian leader convicted of inciting a riot, was denied a new trial by a Georgia court on June 25, 1949. Both Loomis and his colleague, Emory C. Burke, who was convicted of usurping police power, were at large pending appeal. August Klapprott, former Bund leader of New Jersey, was denied reinstatement to United States citizenship by a Newark Federal Court on June 23, 1949. Also on June 23, 1949, at Muncie, Ind., Court Asher, publisher of the weekly, *X-Ray*, was sentenced to ninety days and fined \$100 for assault and battery.

Reappearances and Departures

Long inactive in the organizational field, Allen Zoll was revealed in July, 1948, to be the moving spirit behind the National Council for American Education in New York, which had been formed with the stated objective of combating subversive influences in the schools. A decade before, Zoll had headed the American Patriots, Inc., which was listed as subversive by the United States Attorney General. On learning of Zoll's connection with the National Council for American Education, several prominent citizens withdrew from that organization.

Formerly active as Father Coughlin's representative, Leo F. Reardon attracted attention as director of the American Education Association of Detroit, which had patriotic objectives similar to the National Council for American Education, and published a semi-monthly newsletter, *Crossroads*. The early March, 1949, issue of *Crossroads* attacked Brotherhood Week as sentimental and Red-inspired, and boasted that ". . . the native energy and dishonesty [*sic*] of the people always pulled the Nation through to greater prosperity."

Eugene Flitcraft abandoned his Chicago anti-Semitic boycott organization, the Gentile Cooperative League, and discontinued publication of its organ, *The Anti-Communist*.

International Collaboration

An increase in the collaboration between agitators in the United States and those abroad was noted. Communication was maintained largely through liaison agents in the various countries who provided an international anti-Semitic network for the purpose of facilitating literature distribution, exchange of information, and editorial, and other forms of mutual assistance. The anti-Semitic leaflets of Einar Aberg of Sweden continued to be widely distributed in United States. The writings of Arnold Leese, G. F. Green, and Oswald Mosley of England were quoted by the anti-Semitic press of the United States. A pamphlet by Adrien Arcand, Canadian Fascist leader, *The Key to the Mystery*, was distributed by Russell Roberts of Detroit. Ray K. Rudman, a South African Nazi publisher, projected an international anti-

Semitic organization, "nominating" many of the United States' agitators as directors or officials. The plan was, however, abortive. According to G. F. Green, an international anti-Semitic conference was planned for 1949, but this meeting had not materialized at the time of the preparation of this report.

Publications

The publications of the anti-Semitic press ranged in style from the mimeographed hate-sheet to the intellectual newsletter and the well-printed magazine. New publications were: *Williams' Intelligence Summary*, a monthly newsletter issued by Robert H. Williams, anti-Semitic pamphleteer, in Hollywood, Cal.; *The National Renaissance Bulletin*, monthly newsletter published by James A. Madole, at Beacon, N. Y.; *Dan Gilbert's Washington Letter*, a monthly newsletter, whose first issue, attacking socialized medicine, bore the salutation "Dear Christian American."

GEORGE KELLMAN

INTERGROUP AND INTERFAITH ACTIVITIES

THE OUTSTANDING development of the year under review was the emergence of the local community as the focal point for intergroup relations. In the wake of the report of the President's Committee on Civil Rights issued in October, 1947, there was increased interest on the part of the American public in the problems of group prejudice and discrimination and a greater professionalization of community relations work. Accompanying an emphasis on community organization for civil rights, there was less generalized mass education for democracy and more specialized education in human relations, carried on through civic and special interest groups and through community-centered programs of adult education.

Community Planning for Intergroup Relations

Beginning in 1943, government assumed more responsibility for local intergroup relations. Interracial commissions on a state-wide basis came into existence in Connecticut, Illinois, Minnesota, and Wisconsin. In addition, state commissions to deal with problems of discriminatory employment were operating in Connecticut, Indiana, Massachusetts, New Jersey, New Mexico, New York, Ohio, Oregon, Rhode Island, Washington, and Wisconsin.¹ Of these, the Indiana, Ohio, and Wisconsin commissions lacked enforcement powers; the other commissions could enforce their orders through the courts. On June 9-10, 1949, a four-state conference of anti-discrimination administrators in Connecticut, Massachusetts, New Jersey, and New York was held in New York City. The purpose of the conference was to provide an opportunity for an interchange of experience and to consider methods for improving the administration of the respective laws against discrimination. State commissions

¹ See also p. 104.

set up to deal specifically with the problems of Negroes existed in New Jersey, North Carolina, and West Virginia, and the Texas Good Neighbor Commission concerned itself with the problems of Mexicans and Mexican-Americans.

MAYORS' COMMITTEES ON UNITY

Locally, mayors' committees were developed to discharge municipal responsibility for good intergroup relations within a community. Official committees of this type were set up in Fresno, Los Angeles, Oakland and San Francisco, Cal.; New Britain, Conn.; Denver, Colo.; Savannah, Ga.; Chicago, Galesburg, Peoria, and Rockford, Ill.; Evansville and Indianapolis, Ind.; Brookline, Cambridge, Lynn, and Springfield, Mass.; Detroit, Mich.; Minneapolis and St. Paul, Minn.; St. Louis, Mo.; Omaha, Neb.; Buffalo, Mt. Vernon, New Rochelle, and New York City, N. Y.; Cincinnati, Cleveland and Toledo, Ohio; Philadelphia and Pittsburgh, Pa.; and Milwaukee, Wis.

In general, these official committees, operating as boards of arbitration and moderation, attempted through conference and conciliation to resolve specific intergroup problems which arose in the community. They dealt with intergroup incidents, arranged for police training in human relations, and employed public relations programs via the radio, newspapers, and other media in order to lessen discrimination and tension in employment, education, housing, public accommodations, and welfare. Emphasis was placed on the publication and distribution of literature publicizing the facts about discrimination rather than on specific counteraction.

CIVIC UNITY COUNCILS

In some communities the local citizenry organized private unity committees to undertake social action, as distinct from negotiation. The Civic Unity Council of Denver campaigned for the creation of an official mayor's commission which, after its appointment in the Autumn of 1947, conducted a civil rights survey in the city. The Civic Unity Council of San Francisco played a leading role in securing in May, 1949, an anti-discrimination resolution from the city Board of Supervisors in connection with urban redevelopment housing. The Civic Unity Council of Seattle and the Spokane Council on Race Relations were active in the 1949 campaign for fair employment practices legislation in Washington. The Trenton Committee for Unity stimulated the public to support the omnibus civil rights bill passed during the 1949 session of the New Jersey state legislature.

In other communities, the local organizations interested in group relations combined their resources and consolidated their programs to service the total community. The Philadelphia Fellowship Commission, the Interracial Federation of Milwaukee County, the Chicago Council against Racial and Religious Discrimination and the Los Angeles County Conference on Community Relations were illustrative of this trend.

NATIONAL ORGANIZATIONS

In addition, field offices and local chapters of national group relations organizations operated throughout the country. Table 1 presents a break-

down of the number of professionally staffed field offices (regional, state, and local) maintained by the major organizations active in intergroup relations.

TABLE I
FIELD OFFICES OF NATIONAL GROUP RELATIONS AGENCIES^a

Organization	Regional	State	Local
American Friends Service Committee	5	—	4
American Jewish Committee	6/3 ^b	—	4
American Jewish Congress	5	6	10
Anti-Defamation League	18/3 ^b	—	2
Fellowship of Reconciliation	7	—	1
Friends of Democracy	1	1	1
Japanese American Citizens League	5	—	1
Jewish Labor Committee	—	1	8
National Association for the Advancement of Colored People	2	—	7
National Conference of Christians and Jews	—	—	62
National Urban League	1	—	57
Southern Regional Conference	—	7	—
Workers Defense League	—	—	2

^a Only organizations with budgets in excess of \$50,000 and with one or more field offices as of June 30, 1949, are included.

^b Maintained three offices jointly.

Catholic interracial councils existed in eleven cities; the Council for Social Action of the Congregational Christian Churches maintained 32 state conference committees and 308 local church social action committees; the United Council of Church Women operated 40 state and 1,500 local branches; the Department of Race Relations of the Federal Council of Churches of Christ in America worked through Protestant councils in the major urban centers; Jewish community councils affiliated with the National Community Relations Advisory Council existed in 27 regions and cities.

COMMUNITY CONSULTATION SERVICES

Community consultation services were maintained by the Race Relations Department of the American Missionary Association, the Anti-Defamation League, the American Jewish Committee, the American Friends Service Committee, the American Jewish Congress, and the National Conference of Christians and Jews. The American Council on Race Relations served as an information clearing house and consultation bureau for the approximately 385 independent and 749 affiliated intergroup relations agencies listed in the 1948-49 *Directory of Agencies in Intergroup Relations* published by the Council. In 1949 the Council also published two digests, *Studies in Reduction of Prejudice* and *Inventory of Research in Racial and Cultural Relations*, as well as selected bibliographies on the several aspects of community and group relations programs. Furthermore, the Council stimulated the development of an advisory group, the National Association of Intergroup Relations Officials.

NEIGHBORHOOD COUNCILS

Several years of rapid population shifts in New York City provided the basis for projects involving neighborhood group work. In the East Bronx, private group relations organizations, the Mayor's Committee on Unity, and

city and state departments combined with the local population to foster the development of community councils, to open the public schools as community centers, to develop civilian boards for handling problems of truancy and juvenile delinquency and for providing facilities for adult education. The New York chapter of the American Jewish Committee, the New York Urban League, the New York office of the Anti-Defamation League, the Bronx Roundtable of the National Conference of Christians and Jews, the City-State Youth Board, Police Precinct Coordinating Councils in the area, the Department of Community Activities, Board of Education, and Sachs Quality Furniture Stores participated in this project. Similar work was undertaken by the Catholic Interracial Council in South Jamaica; and in Brooklyn, by the Commission on Community Inter-relationships of the American Jewish Congress, and the Brooklyn Jewish Community Council.

In Cincinnati, Ohio, the Mayor's Friendly Relations Commission worked with the school principal at Washburn Elementary School in a mixed, low-income area to develop an inter-racial faculty and a school-community center. In New Haven, Conn., with the aid of the National Conference of Christians and Jews, an intergroup neighborhood council was developed in a middle-income area. The "Back of the Yards" Neighborhood Council of Chicago, formed in 1939 as an early experiment in neighborhood organization, reached a membership of 120,000 individuals and 186 cooperating organizations. The Industrial Areas Foundation of Chicago which had supported the "Back of the Yards" movement also contributed to the development of the Los Angeles Community Service Organization which provided a community relations service for that city's Mexican-American community. *Adventure in Cooperation*, published by the Bureau of Adult Education of the New York State Education Department, outlined a pattern for community organization in a central school district serving rural communities.

For the most part, however, local community relations were merely the local counterpart of activities which were formerly the major preoccupation of national organizations—the day-to-day handling of specific incidents, the staging of large public meetings embracing interfaith or inter-racial themes and the mass distribution of "good will" educational materials. It is against this background of community relations in transition that the record of accomplishment in combating prejudice and discrimination must be assessed.

Community Organization for Civil Rights

COMMUNITY SELF-SURVEYS

As part of the community education process, a technique known as the community audit, or self-survey, became increasingly popular. The prime objective of this type of community project was to involve the local citizenry in self-examination.

Three distinct types of surveys were developed. Charles S. Johnson of Fisk University, a pioneer in the field, developed self-surveys in Pittsburgh, Minneapolis, San Francisco, and Kalamazoo, Mich., which were later duplicated in Denver and Cincinnati. The Fisk type of survey was a fact finding project publicly undertaken by an official mayor's committee. The Montclair

type of survey, developed by the Montclair (N. J.) Forum and the American Veterans Committee and later promoted by the National Citizens Council on Civil Rights, was a fact finding project undertaken by a group of private organizations dedicated to the fight against discrimination. The "Northtown" type of survey, developed by the Commission on Community Inter-relationships of the American Jewish Congress, involved the organization of citizens' committees which included interested citizens and all civic organizations, not only those active in civil rights work.

The "Northtown" survey placed greater emphasis on total community participation in the audit and on the scientific validity of the facts found; the other surveys placed their emphases on the education of the community. All three surveys envisaged the organization of the community for action programs as the end result.

SOCIAL ACTION CAMPAIGNS

The period under review was marked by the development of two organizational frameworks for social action. One was the nonsectarian council, such as was utilized in the 1949 Illinois campaign for fair employment practices legislation. The other was the state-wide citizens' committee, such as was utilized by the New York State Committee on Discrimination in Housing. The pattern of operation was similar in both approaches. The first objective, the education of the community to the problem, was met by the use of newspaper stories, public meetings, radio forums, and the distribution of literature. Although campaigns were inevitably initiated in urban centers with large minority groups, the development of state-wide movements necessitated the creation of county organizations throughout the state, in rural as well as urban areas. Community organization also required the support of church groups and of the organized special-interest groups within the community, including veterans, labor, and business.

Intergroup Relations in the Public Schools

Intercultural education is the term used to describe any organized attempt to educate young people in public schools and colleges toward a better understanding of themselves and their milieu, and particularly of people who are of different religion, race, or color. The period under review witnessed the conclusion of the field work initiated in 1944 by the major organizations in the area of intercultural education and the beginning of an evaluation of results.

THE BUREAU FOR INTERCULTURAL EDUCATION

The Bureau for Intercultural Education carried on a series of school-community projects throughout the years 1944-1948 for the purposes of investigating the extent of group antagonisms in public school systems and devising techniques to overcome them; of creating a reservoir of competent professionals to conduct programs of intercultural education; and of testing and developing the best materials for teachers and school administrators. The

emphasis was on securing the cooperation of school administrators and teachers and on training them in intercultural education practices and techniques. The Bureau worked with the school systems and community leaders in Detroit, Kalamazoo and Battle Creek, Mich.; Gary and East Chicago, Ind.; Philadelphia, Pa.; and White Plains, N. Y.

Perhaps the most significant accomplishment was the development in Gary of a non-segregated school system. The initiation of this policy led to school strikes in 1946 which were resolved successfully, and at its 1949 session, the Indiana legislature provided for an end to segregation in the state's public schools.

In Philadelphia, the "Early Childhood Project" was carried on with the cooperation of the Philadelphia public schools, the Philadelphia Fellowship Commission, and the Research Center for Group Dynamics of the Massachusetts Institute of Technology. The aim was to develop ways in which the school could deal with prejudice on the kindergarten, first- and second-grade levels. In White Plains, the Bureau cooperated with the New York State Commission against Discrimination and Westchester County school superintendents in developing the White Plains Human Relations Center, designed principally to provide in-service training for teachers in the techniques and content of education for democratic human relations.

THE AMERICAN COUNCIL ON EDUCATION

The American Council on Education, aided by financial grants from the National Conference of Christians and Jews, completed during the past year two projects which had been started in 1944. The "Intergroup Education in Cooperating Schools" project was an experimental program of in-service teacher education originally begun in Cleveland, Milwaukee, and Pittsburgh, and later extended to seventy-two school systems from Massachusetts to California. The approach of this project differed from that of the Bureau for Intercultural Education in that work began with group conflicts in the school or the community before the cooperation of educational leaders was secured. The project sought to integrate intergroup education into all subjects in the curriculum and to develop school-community relations. Four publications were produced as part of the project's "Work in Progress" series. They were: *Reading Ladders for Human Relations* (1947), *Literature for Human Understanding* (1948), *Sociometry in Group Relations* (1948), and *Curriculum in Intergroup Relations* (1949).

The second project, "The College Study in Intergroup Relations," was designed to discover how to effect changes in the behavior of prospective teachers. During the past year twenty-four colleges participated in the project.

OTHER PROJECTS IN INTERCULTURAL EDUCATION

The Pacific Coast Council on Intercultural Education, formerly affiliated with the Bureau for Intercultural Education, devoted 1946-49 to the development of an intercultural education program in the San Diego city schools. The Council also organized a pre-service teacher education project in seven state colleges in California. In cooperation with the University of California

at Los Angeles (UCLA), the Council undertook a study of personnel policies and practices with reference to minority groups in public education in California. The Council furnished a consultative service to the local school system and to thirteen local city schools. It also sponsored annual Summer workshops in intercultural education at UCLA.

In New York City, a sharp controversy over the intercultural education program for the public schools arose over the decision of the Board of Education to disband Youthbuilders. This was a private organization established in 1938 to help public schools furnish children with opportunities to deal with school and neighborhood problems. The program was officially approved as a school activity in 1946, but in 1949 the Board of Education voted to take over the Youthbuilders program. The decision was criticized by the Protestant Council, the Board of Jewish Rabbis, the National Association for the Advancement of Colored People, the Public Education Association, the United Parents Association, and the Commission on Christian Social Relations of the Episcopal Diocese of New York.

The Commission on American Citizenship at Catholic University in Washington, D. C., promoted intercultural education within the parochial school system. The Commission prepared textbooks and study guides for school use, and published a series called "The Faith and Freedom Readers," written for elementary school students and emphasizing the intergroup approach to community problems. Parental responsibility was stressed in the programs of the Association for Childhood Education which operated in New York, Cleveland, in Baltimore, Md., and in Louisiana, and in the program of the Workshop for Cultural Democracy which attempted, through the medium of the school system, to secure the social integration of parents in mixed neighborhoods.

In addition to these organizations whose primary interest was intercultural education, the National Conference of Christians and Jews, the American Jewish Committee, and the Anti-Defamation League also emphasized intercultural education as part of their overall programs and made funds and resources available to organizations specifically engaged in this field.

Adult Education in Intergroup Relations

With the enlistment of the school in the program for bringing intercultural education to youth, adult education assumed the task of training American adults for citizenship and community organization. Organizations such as the American Association for Adult Education, the Institute of Adult Education at Teachers College of Columbia University, and the New York State Citizens Council, and adult education councils in California, Connecticut, Indiana, Iowa, Kansas, the Missouri Valley, New Jersey, and the Southeast, were active in this program. In addition, the Armed Services and the Department of Justice, as well as departments of education in the several states, developed education for citizenship programs. On the community level, the work of the boards of education of Chicago, Detroit, New York City, N. Y., and of Springfield, Mass.; and of mayors' committees in Buffalo, N. Y., and Cincinnati were typical of the activities of municipalities.

DISCUSSION GROUPS

One of the most effective techniques for adult education was the discussion group organized in 1946 and 1947 on a professional basis by the National Institute of Social Relations. Discussion groups generally were organized within a specific community or neighborhood. Material outlining the substance and conduct of the discussions was made available to leaders, and audio and visual aids were furnished. In general, the discussions were framed in terms of local, national, or international problems, into which elements of the intergroup problem were woven.

When the National Institute of Social Relations ceased operations in October, 1948, its program was assumed by the American Jewish Committee, which also undertook publication of the discussion series "Straight Talk." Similar in nature were the "Fireside" discussion group program and the "Interfaith Seminars" developed by the Anti-Defamation League.

WORKSHOPS

Workshops were a second technique of adult education. A workshop was generally limited to the formulation of a program of action to deal with a specific problem. Summer workshops for youth, teachers, and citizens, involving living with members of different groups and sharing experiences, became increasingly popular.

Illustrative of the workshops held during the year were the "Encampment for Citizenship" sponsored by the American Ethical Union, the "Institute of Community Leadership" sponsored by the New York State Citizens Council, the "New Jersey Institute on the Community" sponsored by the New Jersey Citizens Conference, the "Annual Institute of Race Relations" sponsored by the Race Relations Department of the American Missionary Association, the "Institute on World Affairs" sponsored by the American Friends Service Committee, the "Workshop in Community Action" sponsored by the New York State Citizens Council, and the "National Conference on Citizenship" sponsored by the Citizenship Committee of the National Education Association in cooperation with the Department of Justice. The American Jewish Congress through its Commission on Community Inter-relationships conducted a series of "personal incident" workshops designed to equip laymen to deal with overt prejudice.

FORUMS

A third technique of adult education was the forum, offering programs of panels, town meetings, roundtables, and other types of educational meetings which afforded the audiences an opportunity to participate through question-and-answer or discussion periods. Among those forums which were intergroup in their composition were the Anselm Forum of Gary, Ind., the Hamilton County Forum in New York State and the Pilgrim Interfaith Forum in New York City.

Effective adult education furnished the springboard for community under-

takings in the group relations field. The community self-survey project² frequently began in a discussion group or workshop. These techniques likewise proved useful in involving the members of special interest groups in group relations problems. For example, a series of "Turnover Talks" on civil rights problems prepared by the National Labor Service was utilized by the educational departments of labor unions. National Labor Service and the Jewish Labor Committee also helped trade unions and university labor extension divisions to develop anti-discrimination courses and teaching materials for workers' education institutes. On March 23, 1949, the Troy Area Industrial Union Council of the Congress of Industrial Organizations (CIO), in cooperation with the Troy Council of the State Commission against Discrimination, held a conference in Troy, N. Y., for shop stewards, chairmen, and committeemen on "Democracy at Work."

COLLEGE-CENTERED PROGRAMS

Adult education on the college campuses took the form of leadership training in community organization and community problems. The National Conference of Christians and Jews concentrated on the development of programs of community integration, using the college as a focal point. A five-year program of leadership training sponsored by the Conference began in February, 1948, at Teachers College of Columbia University in New York City. Other Conference-financed projects, emphasizing research into the nature of prejudice as well as leadership training, were being carried on at Wayne University in Detroit and at the Center of Intergroup Relations at the University of Chicago.

The Conference also cooperated in projects relating to curriculum planning, faculty training, entrance requirements, and extracurricular activities, with the Department of Human Relations at Miami University in Florida, Western Reserve in Cleveland, Ohio, and the School of Mines at El Paso, Texas. The Race Relations Department at Fisk University in Nashville, Tenn., the Human Relations Center at New York University (NYU) in New York City, the Research Center for Human Relations at the New School for Social Research in New York City, the Social Research Laboratory at the City College of New York (CCNY), the Social Science Foundation at the University of Denver, and the Research Center for Group Dynamics at the University of Michigan were other college-centered projects designed to integrate adult education, community planning, and scientific research in the area of intergroup relations.

In this connection, the American Friends Service Committee continued to provide a unique service by making available to schools and colleges visiting Negro lecturers and teachers who were persons of recognized competence in their specific fields of learning. The object was to create a situation in which a Negro assumed leadership on the campus. The American Council on Race Relations and the Bureau for Intercultural Education were among other national organizations which provided a consultative service to college-centered intergroup relations projects during the year.

² See p. 119.

Education for Democracy

To achieve a climate of opinion favorable to healthy intergroup relations, several organizations developed intensive educational programs addressed to the public at large. In the conduct of these programs, the media of mass communication—radio, newspapers, magazines, motion pictures—played a central role. Through these media, the message of cordial intergroup relations was directed to an estimated audience of more than eighty million persons during the year.

ADVERTISING MEDIA

The Advertising Council, Inc., composed of eleven private advertising firms, sponsored a large advertising campaign, "United America," stressing the responsibility of the individual citizen for making democracy work. The Council cooperated with the Institute for American Democracy in the large-scale production and distribution of mass-appeal educational materials, including blotters, billboard posters, car cards, matchbooks, school book covers, and other advertising items. The Institute distributed its materials through mayors' committees, junior chambers of commerce, veterans posts, YM and YWCA's, ministerial associations, and other local civic groups.

Six feature advertisements dealing with the theme of human rights in the United States and abroad were prepared by the American Jewish Committee and distributed to newspapers and magazines throughout the country from January to June, 1949. More than 200 publications reprinted one or more of these advertisements. Increasing numbers of private business firms—such as the Latex Corporation, Shell Products Co. Inc., Sachs Quality Stores—devoted a share of their advertising to public service items emphasizing pro-democracy themes.

DRAMATIZING INTERGROUP RELATIONS

Dramatizing good intergroup relations was part of the mass education process. "Brotherhood Week," sponsored by the National Conference of Christians and Jews, was observed nationally from February 20 to February 27, 1949 and was marked by the presentation of awards for outstanding contributions to good will among Americans. "Race Relations Sunday," sponsored by the Federal Council of Churches of Christ in America, was held for the twenty-first successive year on February 13, 1949. "Inter-racial Justice Week," sponsored by the National Catholic Commission on Inter-racial Justice, was observed in 147 Catholic colleges from February 28 through March 6, 1949. "Religious Book Week," sponsored by the National Conference of Christians and Jews, was held from October 24 to October 31, 1948. On Jefferson Day, April 13, 1949, the Council against Intolerance in America announced awards for the advancement of democracy in 1948.

To dramatize the observance of "Rededication Week" in communities throughout the nation, the project of the "Freedom Train" was conceived in the Fall of 1947 by the American Heritage Foundation. Displaying to the American public the cherished documents that established and perpetuated

American freedom, the "Train" toured America from September 17, 1947 through January 22, 1949, covering 37,250 miles and visiting 322 communities. The exhibit was witnessed by 3,521,841 persons, with an estimated forty-five to fifty million persons participating in "Rededication Week" ceremonies. Included on the "Train" was George Washington's letter to the Jewish community of Newport, R. I., in which he enunciated as an American creed: "To bigotry no sanction. . . ."

On March 2, 1949, President Harry S. Truman signed a bill authorizing the United States government to purchase the Freedom Train and extend its tour. Congressional appropriation to this end was under consideration at the time of writing.

The "Panel of Americans," a project originated at the University of California in Los Angeles (UCLA) in the Fall of 1947 under the sponsorship of the University Religious Conference, featured a sextet of attractive girl students of different nationalities, colors, and religions. During the Spring of 1948, these girls toured the country together, visiting Cincinnati, Pittsburgh, Philadelphia, New York City, and Kansas City, Mo., as well as other communities, recounting the stories of their personal problems and triumphs to high school students. Beginning in the Fall of 1948, local "Panels" were developed in St. Louis, Cleveland, and Cincinnati, and plans for "Panels" were being made for San Francisco and Seattle.

An exhibition on superstition, prejudice, and fear, organized by the National Committee of Thirteen Against Superstition and Fear, started a ten-day showing on Friday, August 13, 1948, at the Museum of Natural History in New York City. The American Jewish Committee undertook to publicize the exhibition and to promote its presentation in other communities.

THE SPECIALIZED APPROACH

Materials produced by the American Jewish Committee, the Anti-Defamation League, and the Jewish Labor Committee were channelled to large audiences in America through the special interest groups to which they belonged—labor unions, veterans organizations, business associations, church groups, youth groups, and others. In the form of cartoons, feature stories, editorials and pamphlets, these materials were picked up by the publications and house organs of the various special interest groups, distributed by these groups as a service to their members, and displayed at conventions where they were made available to the membership. The National Association for the Advancement of Colored People also maintained a service to labor and veterans groups. Much of the material produced by the Jewish organizations was made available to veterans groups by the Jewish War Veterans of America.

TRENDS IN EDUCATION FOR DEMOCRACY

During the period under review, two trends were observable: first, the material emphasized specific cooperation to secure civil rights in the United States and dramatized successful intergroup projects; second, special interest groups assumed increased responsibility for the production and distribution of group relations materials. For example, the Methodist Women produced an outstanding pamphlet analyzing the report of the President's Committee on

Civil Rights and calling for implementation of the recommendations on the local level. The February, 1949, issue of *The Woman's Press*, YWCA publication, dealt with "Progress in Civil Rights." American Federation of Labor (AFL), CIO, and independent labor unions distributed materials to their members to mobilize support for fair employment practices (FEP) legislation. The National Social Welfare Assembly, representing twenty-two national youth organizations, produced and distributed materials describing the activities of youth councils and recommending organization of youth groups. Veterans' publications called upon the American Legion, Veterans of Foreign Wars, and other veterans' organizations to support civil rights as part of their Americanism programs. *Business Looks Ahead—To Fair Employment Practices*, a pamphlet citing business support for FEP, was prepared for use in campaigns for fair employment practices measures in the Middle and Far West.

Nevertheless, the American Council on Race Relations, on the basis of a survey of the role of organized labor in civil rights and intergroup relations (*ACRR Progress Report*, April 4, 1949, covering the period January through March, 1949), stressed the fact that labor had not exerted as positive an influence in these areas as its potential would indicate.

In general, while education in the area of intergroup relations among and within special interest groups was part of the programs of these groups nationally, there was a dearth of programs on local levels.

EDWIN S. NEWMAN

IMMIGRATION AND NATURALIZATION

MORE THAN one hundred bills touching upon immigration and naturalization were introduced in Congress during the period under review—from July 1, 1948, to June 30, 1949. The vast majority of these bills dealt with minor or technical matters. Aside from the "war brides" measures authorizing the admission of war fiancées whose cases were pending, only one other measure was passed by Congress. This was H.R.2663, passed by the House on March 7 and by the Senate on May 27, 1949, section 8 of which provided for the permanent admission, regardless of existing immigration laws, of not more than 100 aliens a year if their entry "is in the interest of national security or essential to the furtherance of the national intelligence mission." It was to be administered by the Central Intelligence Agency.

Three bills were approved by the House: 1. the Judd bill (H.R. 199), passed on March 1, 1949, eliminating racial discrimination from our immigration and naturalization laws. This would make quotas available to Asian and Pacific peoples and set a limit of 100 immigrants to be admitted annually from each colony, chargeable to the quota of the governing country; 2. Resolution 238, passed on June 6, 1949, which would permit the naturalization of aliens permanently admitted to the United States, regardless of race. This bill was narrower than the Judd bill in that it did not eliminate racial restrictions from our immigration laws. It was acted on by the House as an interim measure while the Judd bill was being held over to 1950 for further study by the Senate

Subcommittee to Investigate Immigration and Naturalization; 3. the Celler bill (H.R. 4567), passed on June 2, 1949, to amend the Displaced Persons Act.

Statistics

After the end of the second World War immigration to the United States was small but steadily increasing. During the fiscal years ending June 30, the number of immigrants admitted was 108,721 in 1946; 147,292 in 1947; 170,570 in 1948. Official figures for the year ending June 30, 1949, were not available, but for the first half of the period, from July 1 to December 31, 1948, the number admitted was 88,157. The principal countries of birth of the immigrants were Germany (17 per cent), Canada (14 per cent), United Kingdom (12 per cent), Italy (8 per cent), Poland (5 per cent), and Mexico (5 per cent). Quota immigrants filled about one-fourth of the quota authorized for the year. They increased, however, during the latter part of the fiscal year, owing to the acceleration of the DP program. Most of the non-quota immigrants were "war brides." It was impossible to ascertain with any degree of exactness how many of these immigrants were Jewish.

The number of aliens naturalized has been declining since 1945. For fiscal years ending June 30, the numbers were 150,062 in 1946; 93,904 in 1947; and 70,150 in 1948. The decline was especially marked in cases of members of the armed forces and of persons married to United States citizens. Since a minimum of five years' residence is required for naturalization, it will be some years before displaced persons and other recent immigrants enter the ranks of naturalized citizens.

Displaced Persons

The Displaced Persons Act of 1948, which became effective on July 1, 1948, authorized the admission into the United States of 205,000 DP's within a period of two years. Because of the law's preferential provisions favoring Balts and farmers and because of its complicated procedure, the program was slow in getting under way. The first group of DP's to be admitted under the act did not arrive until October 30, 1948. They were greeted by Attorney General Tom Clark, representing President Harry Truman, as "The Pilgrims of 1948." By December 31, 1948, only 2,499 DP's had been admitted. In 1949 the movement gained momentum, and by June 30, 40,435 DP's had been admitted, but this was far short of the estimated goal of at least 75,000 during the first year of the act.

Estimates supplied by the major voluntary agencies indicated that about 50 per cent of the DP's who had entered this country by June 30, 1949, were Catholics, 30 per cent were Jews, and 20 per cent Protestants.¹ There was some overlapping in reporting by various agencies and some DP cases were not processed by any of the voluntary agencies. The percentage of Jews among the DP's admitted to the United States declined over the period, in part because of the increasing activity of non-Jewish agencies in processing cases and in part because Israel was opened as a country of DP immigration. The National Catholic Welfare Conference estimated that of the 205,000 DP's to

¹ For more detailed figures, see p. 74.

be admitted eventually under the act about 55 per cent would be Catholics, 27 per cent Protestants, and 18 per cent Jews.

Forty-five per cent of the DP's who had been admitted to this country by June 30, 1949, were Poles, 16 per cent Lithuanians, 9 per cent Latvians, 6 per cent Russians, 4 per cent Estonians, and 3 per cent Czechoslovaks. Other nationalities accounted for less than 3 per cent each. Three and one-half per cent were listed as stateless.

Federal and State DP Commissions

The Displaced Persons Act of 1948 provided for a three-member commission to be appointed by the President with the advice and consent of the Senate, to formulate and issue regulations under the provisions of the act for the admission of eligible DP's. The members appointed included Ugo Carusi, chairman; Edward M. O'Connor, and Harry N. Rosenfield. The first step in the process of bringing a displaced person into the United States was the securing of assurances. A basic statutory condition of eligibility was that there be provided, in behalf of the displaced person, assurances of suitable employment and of safe and sanitary housing which would not displace a resident of the United States, and an assurance against his becoming a public charge. The most important source of assurances was the voluntary agencies and the most common type of assurance was one for unnamed persons.

In addition to the voluntary agencies, more than twenty states established commissions or committees for the resettlement of displaced persons. Their membership generally included representatives of the state government, business and industry, the three major religious faiths, public and private welfare organizations, labor organizations, and citizens at large. These official state bodies acted on behalf of sponsors when so requested in submitting assurances to the Displaced Persons Commission, conducted state-wide surveys of resettlement opportunities, provided information regarding the program, coordinated the resettlement activities within the state, and carried out plans for the rapid integration of the DP's into the local community. Most active was the New York State Commission on Displaced Persons, under the chairmanship of Industrial Commissioner Edward Corsi, which was the model for many of the commissions set up in other states. As a result of these agencies and activities, the validation of assurances from all over the country proceeded at a faster rate than the arrival of DP's under the provisions of the act.

Record of DP Arrivals

The great majority of the DP's arrived on ships that docked at New York, Boston, and New Orleans, where they were warmly welcomed by official and voluntary committees. Others, especially orphans, pregnant women, and mothers with small children, were brought in by plane. About one-quarter of those who entered the United States under the Displaced Persons Act remained in New York City, but the percentage was declining as community programs in other parts of the country proceeded. Displaced persons settled in every state of the Union, the District of Columbia, Hawaii, and Alaska. The lead-

ing states in the reception of DP's were, in order, New York, Pennsylvania, Illinois, New Jersey, Michigan, Ohio, Connecticut, Massachusetts, Maryland, Louisiana, California, and Mississippi. From the two Southern states of Louisiana and Mississippi came reports that the DP's were mistreated as "slave labor," but Commissioner Carusi stated: "We investigated and found the reports without basis. It is true work in the South is hard, pay low, and living conditions, in some cases, below the Northern average. But our checks showed, first, that the DP's themselves were not unhappy and, second, that they were not being discriminated against. Their pay and working conditions were identical to those of the native Americans around them." According to figures supplied by the Displaced Persons Commission, 55 per cent of the DP's went to large cities, 22 per cent to smaller urban areas, and 23 per cent to rural areas.

In numerous communities the DP's helped to ease a shortage of skilled labor, and their employment in turn provided employment for American citizens. The same result ensued when DP's set up their own businesses and hired others. While skilled and unskilled workers had little or no difficulty after they arrived, some trouble was experienced by those in the professions. Doctors and lawyers, for the most part, had to conform with the laws of the states in which they settled by obtaining the required schooling and taking examinations before being admitted to practice. The Wisconsin State Board of Medical Examiners, for example, ruled in November, 1948, in the case of a DP Polish doctor engaged by a small town that "it is contrary to the policy of the state to allow doctors who are graduates of foreign universities to practice in the state." The doctor in question was given a minor position in a Chicago hospital. The International Refugee Organization stated on August 17, 1948, that most countries participating in the resettlement program were reluctant to take in persons in the professional groups, especially physicians, whom the IRO termed the "forgotten men" of Europe's DP camps.

Under the Displaced Persons Act of 1948 every adult DP admitted was required to submit a report to the Displaced Persons Commission twice a year for a period of two years. The report called for information regarding the alien registration number, place of residence, kind of job or occupation, name and address of employer, and whether wages received were the prevailing ones. These records showed that the DP's had done well, had made a good adjustment, and had been successful in their varied occupations. Not a single DP had to be deported as a public charge, or for any other reason. Reports of the Immigration and Naturalization Service and of private welfare agencies showed that the DP's had become accepted members of their communities. It was estimated that an average of six months was needed to get individuals or family groups settled and completely self-supporting. Children on the whole were most successful in becoming integrated, as reflected in their excellent school records.

Public Opinion

Most of the public expression of sentiment concerning immigration was related to displaced persons and to the question of liberalizing the Displaced

Persons Act of 1948. No major organizations came out in opposition to the immigration of DP's; at any rate, no major opposition was reported in the press. A few columnists and editors supported the current DP act, arguing the needs of the native unemployed, the shortage of housing, and the like. In reply, it was pointed out that under the act assurances were required of jobs and housing that did not displace native Americans, and that the total immigration permitted under the act would add less than .2 per cent to the population of the United States.

Various Catholic spokesmen stated that the current law was not discriminatory as far as Catholics were concerned. The National Catholic Resettlement Council proposed on January 13, 1949, that the number of DP's be increased to 400,000 in four years, that the "cut-off" date be advanced to December 31, 1948, and that all future immigration be in proportion to the racial and religious groups and elements represented in the DP camps in Europe. Protestant groups invariably spoke in favor of a more liberal and effective DP law and against discrimination on grounds of race, religion, or national origin. The same applied to Jewish groups which, in addition, expressed the fear that ex-Nazis and anti-Semites might enter as DP's unless there was the most careful screening.

Besides the religious groups, some 140 national institutions, including the major welfare, civic, and labor organizations, publicly supported the McGrath-Neely bill [see below]. Prominent among these groups were the national labor organizations, the CIO and AFL, which unequivocally endorsed the effort to secure adequate and non-discriminatory legislation—a fact of considerable significance since organized labor was traditionally opposed to a liberal immigration policy.

The Displaced Persons Act of 1948 played a prominent part in the Fall election. President Truman made a number of speeches against it and asked for its amendment. Governor Thomas Dewey of New York attacked the law and refused to support his fellow-Republican Chapman Revercomb for re-election to the Senate because of his sponsorship of the act. Senator Revercomb was defeated by Matthew M. Neely who demanded repeal of the act of 1948 and the substitution of a "humane" immigration law that would permit the entrance of 400,000 DP's. The Democratic platform contained a plank to that effect, and Senator J. Howard McGrath, chairman of the Democratic National Committee, co-authored such a measure on July 27, 1948, in Congress.

Amendment of the DP Act of 1948

The Displaced Persons Commission, in its *First Semi-Annual Report* and in the testimony by its chairman before the House Judiciary Subcommittee, declared that the Displaced Persons Act of 1948 was discriminatory and "all but unworkable." It recommended the following amendments:

1. The eligibility date be changed from December 22, 1945, to April 21, 1947; 2. the 40 per cent limitation for *de facto* annexed areas be eliminated, and in lieu thereof there be a provision to assure the selection of displaced persons without discrimination as to race, religion, or national origin; 3. the 30 per cent preference for agricultural pursuits be eliminated, and agricul-

tural pursuits remain within the occupational preferences; 4. the assurance for employment and housing be deleted, and instead there be a requirement for assurances of reasonable and suitable resettlement opportunities; and the assurance against public charge be sufficient to meet the requirements of all immigration laws relating thereto; 5. the charging of visas to future quotas be discontinued; 6. the in-camp priority be removed; 7. the number of visas authorized be increased to 400,000 for issuance over a four-year period; 8. a revolving fund be established for loans to recognized voluntary agencies to meet the expenses of reception and transportation of immigrants from ports of entry; 9. provision be made for recent political refugees whose admission into the United States was in the national interest; 10. provision be made that no visas be issued to anyone who advocated or assisted in persecutions of others for reasons of race, religion, or national origin; 11. the provision relating to the adjustment of status of displaced persons already in the United States [see AMERICAN JEWISH YEAR BOOK, Vol. 50, p. 435] be amended to cover those arriving by January 1, 1949, and the Attorney General's action in such cases be made final; 12. Section 12 of the act [making 50 per cent of the German and Austrian quotas available exclusively to persons of German ethnic origin] be transferred to its appropriate place in the regular immigration laws, since it was not a part of the displaced persons program.

These legislative recommendations were embodied in the McGrath-Neely bill (S. 311) and its companion bill (H.R. 1344), introduced in the House by Emanuel Celler. By June 30, 1949, no action had been taken in the Senate, nor did it appear likely that action would be taken during that session of Congress. The House, however, by a resounding voice vote, passed a modified Celler bill (H.R. 4567) on June 2, 1949.

The Celler Bill

This bill sought to liberalize the Displaced Persons Act of 1948 by permitting a total of 339,000 DP's to enter the United States over a three-year period (ending June, 1951) instead of 205,000 over a two-year period. This number would include 5,000 orphans (an increase of 2,000 over the present provision), 4,000 refugees living in Shanghai, 18,000 veterans of the Polish army resident in England, and 15,000 carefully screened political refugees from behind the Iron Curtain. It would advance the cut-off date of eligibility to January 1, 1949, and eliminate the requirements that 30 per cent of the immigrant DP's be farmers and that 40 per cent be of Baltic origin. It retained, however, the requirements of assurances of employment and housing and the practice of mortgaging quotas against future admissions. It specified that the selection of DP's should be made without discrimination in favor of or against a race, religion, or nationality, and it established a revolving fund of \$5,000,000 for loans to public or private agencies to help finance the reception of DP's and their inland transportation to places of permanent settlement. While not perfect and admittedly a compromise, the DP bill as passed by the House of Representatives went far to redeem the hitherto timorous and ungenerous position of the United States on the refugee question.

The Senate

In the Senate, on the other hand, the opponents of liberal DP legislation successfully adopted the strategy of delaying action. Chief among them was Senator Patrick A. McCarran of Nevada, Democrat, who occupied the powerful position of chairman of the Senate Judiciary Committee and of all three of the subcommittees dealing with immigration and naturalization. Senator McCarran declared that the current law had been "falsely criticized" as being discriminatory, and introduced his own bill to increase the number of DP's admissible but retain all the current provisions which administration leaders called unjust and unworkable. His committee had taken no action on DP legislation by June 30, 1949, and it appeared that Senator McCarran intended to kill the House proposal by refusing to do anything about it. Against such tactics, the only parliamentary maneuver was a motion by a member of the committee to override the chairman and to bring the bill to the floor, or the introduction of a motion on the floor of the Senate itself to discharge the committee. Such a tactic, however, would involve an outright repudiation of a committee chairman, a rare event in Senate annals, and it did not appear likely that it would be invoked. Meanwhile, an appeal for Senate action on DP legislation was issued by prominent citizens and business leaders from all sections of the United States, and similar demands were made by a bi-partisan group of senators. Moreover, the subcommittee of the Senate Committee on Expenditures in the Executive Department, in a summary of an extensive inquiry into the outlook for 700,000 refugees still in Europe, declared on January 9, 1949: "If our Government is to maintain leadership in this vital matter it must carry out its declared policy [of asylum] by effective measures aimed at liberalizing the admission of displaced persons." The committee's chairman, Senator Herbert R. O'Connor of Maryland, Democrat, made it plain that the report was, in part, an appeal for action in the Senate Judiciary Committee on a liberalized displaced persons bill already passed in the House. At the time of writing, the prospect was for no final action in the current session of Congress unless Senate leaders forced the bill from committee.

MAURICE R. DAVIE

UNITED STATES AND ISRAEL

THE YEAR under review was one of increased intercourse between America and Israel. With Israel on the agenda in the United Nations, the American government was in the forefront of the negotiations that were to decide the eventual political fate of Israel.¹ The position of Harry S. Truman and his administration on the original United Nations Partition Plan of November 29, 1947, was a major issue in the Presidential elections in the United States in November, 1948. The American people were frequently reminded of the problem of the Arab refugees and the internationalization of Jerusalem, major obstacles in the way of the final solution of Arab-Israeli conflict.

¹ See Israel and the United Nations.

In addition to their interest in Israel as Americans, American Jews were concerned with the heavy responsibility of financing the mass immigration into Israel from the displaced persons (DP) camps and from North Africa. Jewish organizational life was also involved in constant self-questioning concerning the nature of the future relationship between the American Jews and Israel. Zionist organizations of every political shade, in particular, were engaged in a re-evaluation of their future roles and structures.²

American Politics and Israel

In the Summer of 1948, the platforms of the major parties contained resolutions unequivocally supporting the partition plan of November, 1947. This stand was altered after the endorsement on September 27, 1948, by United States Secretary of State George C. Marshall of the plan submitted by Count Folke Bernadotte, the United Nations Mediator.³ Without specifically detailing its position on the Bernadotte plan, the Republican party through John Foster Dulles, one of the leading members of the United States delegation to the General Assembly, indicated that Secretary Marshall's statement was not a part of the bi-partisan foreign policy, but was a unilateral decision of the State Department. The whole month of October, 1948, during the Presidential campaign, was notable for the silence of both major parties on the subject of Israel. This common evasion was breached on October 23, 1948, when President Truman, speaking in New York City, recommitted himself to the boundary lines set down in the United States partition plan of the previous spring, and ignored completely the Bernadotte plan endorsed by Marshall. Governor Thomas E. Dewey, the Republican candidate, then issued his first statement of policy on October 21, 1948, in which he pledged his whole-hearted support of the partition plan as endorsed in the Republican platform.

Campaigners in the elections to Congress also cited their support of Israel as proof of their worthiness for election. This was particularly true in New York City where Jules J. Justin and City Councilman Eugene P. Connolly, candidates of the Republican and American Labor party respectively, sought to unseat Sol Bloom, who had represented the Congressional district for twenty-six years.⁴ Israel was also an issue when Representative Leo Isacson, vied with State Senator Isadore Dollinger, and when Franklin Delano Roosevelt, Jr. contended with Municipal Court Justice Benjamin Shalleck, Democratic candidate.

De Jure Recognition of Israel

On January 31, 1949, President Truman fulfilled one of his major promises of October, 1948, by granting American *de jure* recognition of Israel upon the election of a permanent government in Israel. The Arabs were compensated by a simultaneous announcement extending full diplomatic recognition to Trans-Jordan as well.

² See *Zionist and Pro-Israel Activities*, p. 167.

³ For a description of the Bernadotte plan, see *AMERICAN JEWISH YEAR BOOK*, Vol. 50, p. 264 ff.

⁴ Congressman Sol Bloom, who was re-elected, died on March 7, 1949. See *Obituaries*.

On February 25, 1949, James G. McDonald was nominated by President Truman to serve as ambassador to Israel, a move which evoked considerable favorable comment in Israel, for the United States maintained legations in several Middle-Eastern countries. At the same time, Eliahu Elath, who was Israel's special representative to the United States, was named as the first Israeli ambassador to the United States.

Official relations between the two governments were cordial. Several official visits were paid by Israeli officials to the United States. The celebration of Israel's first anniversary on May 4, 1949, was the subject of a congratulatory message from President Truman to Israeli President Chaim Weizmann. On May 3, 1949, sixteen congressmen, including both Jews and Christians, arose in the House of Representatives during a two-hour special order on Israel to register their endorsement of the new nation.

Economic Cooperation Between the United States and Israel

The establishment of friendly political relations between the two governments extended into economic spheres as well. On January 19, 1949, the Export-Import bank authorized a credit of \$100,000,000 to Israel. An immediate credit of \$35,000,000 was allocated to assist in financing Israel's purchase in this country of equipment, materials, and services for the development of agricultural products; in addition, \$65,000,000 was earmarked to be available until December 31, 1949, to help finance projects under study in the fields of communication, transportation, manufacturing, housing, and public works. On June 9, 1949, the Bank of America advanced \$15,000,000 to the Keren Kayemet L'Israel, Limited, Jerusalem, representing the first major large-scale loan of a non-governmental or non-charitable character made to an Israeli corporation. The funds were understood to be needed to compensate Arabs who fled their homes during the hostilities.

American Interest in the Middle East

American interest in the Middle East as a whole was to be viewed in the light of the East-West conflict for spheres of influence throughout the world. In January, 1949, President Truman concerned himself, in Point Four of the program outlined in his inaugural address, with the improvement of undeveloped areas as a factor in the role of "advancing world trade and checking Communism."

It was generally believed that President Truman's call for a "bold new program" referred specifically to the Near East, for on May 18, 1949, a joint resolution sponsored by forty-five legislators of both houses of Congress proposed a Near East Survey Commission. The sponsors declared that "the fate of Israel is now to be unalterably linked with the fate of the whole region," and said their plan offered "a way to bring permanent peace between Israel and other Near East countries." They pointed out that an expenditure of \$500,000,000 on power and irrigation alone could transform some 15,000,000 acres into fertile farms in the valleys of the Jordan, the Tigris, and the Euphrates, and in the area of the White Nile.

ARAB REFUGEES

The problem of the Arab refugees from Palestine evoked considerable interest both on governmental and non-official levels. On January 27, 1949, President Truman sent a special message to Congress urging a \$16,000,000 contribution to the United Nations to assist in the relief of Palestinian refugees, and on March 15, 1949, the House of Representatives authorized the contribution. In signing the bill, President Truman expressed the hope that "Before this relief program is ended, means will be devised for the permanent solution of the refugee problem." The American position on the resettlement and repatriation of the Arab refugees was never published officially. It was generally believed that this policy was based on the "McGhee Plan," named after George C. McGhee, the new Assistant Secretary of State for Near Eastern and African Affairs. In line with Point Four, the McGhee Plan emphasized the need for higher living standards if a further breakdown of the Arab economy were to be avoided and if a half-million Arabs were to find new homes in the Arab world.

PRIVATE REACTIONS TO ARAB REFUGEE QUESTION

In private American circles, too, there was considerable interest in the Arab refugees and in the criticism of Israel's attitude toward their resettlement. On March 7, 1949, Millar Burrows, a Yale Divinity School professor, criticized not only the attitude of Israel with respect to the Arab refugees but also, more specifically, the attitude of the American Jews because they did not "show a sincere and active concern for the Arab refugees." Henry Smith Leiper, associate general secretary of the World Council of Churches, took a similar tack. At a meeting of the American Council for Judaism on February 28, 1948, he asserted that in order to allay a rising tide of anti-Semitic feeling the "Jewish leaders ought to come out publicly with an expression of sympathy for the 800,000 victims of the violent expulsion of Arabs from Israel." Millar Burrows' assertion was answered by Harry Zinder, press adviser to the State of Israel Mission, who pointed out that the flight of Arabs from Palestine was not created or encouraged by the state of Israel, and that the Jews had publicly requested the Arabs to remain.

A debate on the same subject appeared in *The New York Times* in April, 1949, between Karl Baehr, executive secretary of the American-Christian Palestine Committee, and Mary Garvin. Miss Garvin demanded compensation for the homes of the dispossessed. She laid particular emphasis on the fact that the "United States has a very real strategic interest in the security of the area, and a deep political interest in the good will of the 300,000,000 Mohammedans who separate the western powers from Russia and Asia." Baehr replied that the Israeli constitution guaranteed the compensation of expropriated private property, that repatriation of Arab refugees was impossible until peace was secured, and "that the best solution for Arabs and Jews is for a resettlement program to be undertaken immediately."

Dual Loyalty

In his speech before the American Council for Judaism, Leiper warned that "Americans of the Jewish faith must be on their guard against a dual nationality which would divide their allegiance between Israel and the United States."

In response, Aaron Zeitlin, well-known Yiddish journalist, attacked the American Council for Judaism for inviting "a non-Jew to its meeting to threaten American Jews."

The arrival of British Foreign Secretary Ernest Bevin in the United States in February, 1949, to sign the Atlantic Pact brought about a demonstration protesting his alleged "anti-Semitic statements" and "hostile policy towards Israel." The picketing of Bevin led to a brief melee with mounted and foot patrolmen and the arrest of several youths involved. Magistrate Morris Rothenberg, in whose court the hearing was to be held, disqualified himself on the grounds of prejudice against Bevin. This disqualification evoked criticism by Milton Konvitz of Cornell University at the annual conference of the American Council for Judaism (April 22-24, 1949), who declared that the magistrate "should have used the occasion to tell the defendants that . . . they have the unqualified duty to obey the laws of the United States. . . ." ⁵

LOUIS SHUB

⁵ For related information, see p. 172.