Civic and Political

CIVIL LIBERTIES

The war in Korea intensified the trend toward restriction of civil liberties that had been growing in the United States since the end of World War II. The Korean fighting did not produce sharp or dramatic changes, but the tensions which had been mounting during the continuing conflict between the free world and Soviet Russia were magnified by the outbreak of fighting in Korea. As a result, pressure on civil liberties grew and attitudes hostile to the free exercise of civil liberties became more general.

Korea dramatized the threat of Communist imperialism to world peace and security. This necessarily increased concern that proper safeguards be taken to protect against dangerous activities of native Communist agents of Soviet Russia. However, much of what was done or proposed in the name of protecting American security served instead to produce an atmosphere in which defense of vital civil liberties became more difficult and more unpopular, and in which unjustified attacks on civil liberties were increasingly successful. Civil liberties issues became less a matter for rational debate, particularly when they were involved with politics. New post-war legal or extra-legal restrictions—such as loyalty programs—were generally accepted. There was relatively little opposition to proposals for new restrictions, and there seemed to be widespread indifference to the dangers of existing or potential curbs. Criticism of repressive measures was expressed—notably by President Harry S. Truman in his veto of the McCarran Act—but on the whole the critics were ineffective.

The causes of this situation were complex. The fears and hostilities aroused by the post-war conflict with the Soviet Union, and sharpened by the Korean fighting, exacerbated native hostility to Communism. This, together with the cumulative effect of the activities of such groups as the House Committee on Un-American Activities, tended to exaggerate the strength of the Communist movement in the United States. Disclosures of espionage dramatized the real dangers of Communist activity. There resulted a disposition to regard repression of Communists per se as an effective security measure.

The situation, of course, in no sense justified Communist assertions that the United States had become a police state. Nevertheless, there was little room for complacency. Liberty of speech and association diminished, and the climate of opinion was unfavorable to that "atmosphere of freedom" which the president declared to be fundamental to American institutions.

Irresponsible partisan attacks on basic concepts of freedom increased.
These were mounted with greater audacity and virulence than in previous years, although the pattern of indiscriminate name-calling and tenuous charges of guilt by association was familiar. These attacks had considerable effect—in government service, in politics, and in many sections of private life. Men became fearful lest criticism of certain policies and expression of concern for civil liberties lead to false but damaging charges of pro-Communism. Communist propagandists benefited from this by identifying themselves with the non-Communist targets of these attacks, seeking to obscure the distinction between the suppression of civil liberties and the adoption of necessary protective measures against dangerous Communist activity.

The political effect of Senator Joseph McCarthy's charges of Communist influence in the State Department was considerable. The temper of the times was reflected in the prestige and political power achieved by Senator McCarthy, in spite of a Senate committee report which found his charges baseless. It was characteristic of the period that politicians could make effective partisan political use of indiscriminate charges of Communism. A dramatic example was the successful campaign waged against Millard Tydings, former senior senator from Maryland, who had headed the Senate investigation of the McCarthy charges.

McCarran Act

The Internal Security Act of 1950 (McCarran Act) passed on September 23, 1950, over the veto of the president, introduced new restrictions on liberty of association and expression, and placed drastic curbs on the immigration and naturalization of aliens. It made it a punishable offense for any person to conspire to perform "any act" which would "substantially contribute" to the establishment within the United States of a totalitarian dictatorship directed and controlled by any foreign individual, organization, or government. It established categories of "Communist action" and "Communist front" organizations, and set up a Subversive Activities Control Board for the purpose of designating which organizations fell within these categories and who were its members. It required that "Communist organizations" register with the Attorney General and file the names of their officers and the sources of their funds; that "Communist action" organizations submit membership lists; and that all such organizations identify all their mail, publications transmitted in interstate commerce, and radio and television broadcasts as emanating from a "Communist organization." It further barred members of "Communist organizations" ("action" and "front") from receipt of United States passports and from non-elective federal employment. It excluded members of "action organizations" from employment in "defense facilities," and required members of "front organizations" employed in "defense facilities" to disclose their membership.

The Act also provided that the Subversive Activities Control Board, in designating a Communist action organization, should take into consideration various factors, including "the extent to which its views and policies do not deviate from "those of foreign Communist governments or organization"
[emphasis mine—N.W.]; and likewise with respect to Communist front organizations, the board was to consider “the extent to which the positions taken or advanced by it . . . on matters of policy do not deviate from those of any Communist action organization, Communist foreign government, or the world Communist movement. . . .” The Attorney General of the United States was charged with instituting proceedings to require registration.

Another section of the statute provided for emergency detention of persons believed likely to commit espionage or sabotage in the event of war, invasion, or insurrection in aid of a foreign enemy. The detention plan had been introduced as a substitute for other provisions of the bill, but instead was adopted by Congress to supplement those provisions. It required that suspected individuals receive administrative hearings, and subjected administrative detention orders to judicial review; but the full protection of traditional judicial procedure was not provided. Nor, of course, was detention to be based on actual commission of an offense.

Of the sections dealing with immigration and naturalization, the one excluding from the United States aliens who had ever been affiliated with any Communist or other totalitarian organization, caused the most concern. Another clause excluded any alien who had ever advocated Communist or other totalitarian doctrines. An attempt to enforce these regulations caused immediate confusion and an international outcry. The irrationality of excluding former casual members of proscribed organizations became sufficiently apparent for Congress to amend the law, in March, 1951, to permit the entry of aliens whose affiliation had been nominal. [See the article “Immigration and Naturalization” below.]

However, there was no relaxation of the provision barring aliens regardless of whether they had since renounced Communist or other totalitarian allegiances. No matter how far in the past the affiliation, or how profound the rejection of past ties, the alien was permanently excluded from entry into the United States. In addition, nationals of countries having friendly relations with the United States were ineligible to immigrate so long as they were affiliated with or advocated the “doctrines of world Communism or any other form of totalitarianism.”

The act also required the deportation of any alien who had been affiliated with a proscribed organization, or who had expressed proscribed ideas at any time after entry into the United States. As a result, there was a sharp increase in deportation proceedings. In one case deportation action was taken against a man of fifty-six who had resided in the United States for thirty-seven years, and one of whose three children had died fighting in World War II. The alien had disclosed, in applying for citizenship, that he had been a member of the Communist party from 1936 to 1937.

In vetoing the bill the president charged that the provisions requiring registration of Communist organizations were unworkable; that the government would waste “immense amounts” of time and energy trying to enforce registration; that its final effect would be to aid Communists in the United States and throughout the world; and that the bill would give government officials vast power to “harass all of our citizens in the exercise of their right of free speech.”
As critics of the law had foreseen, there was no voluntary registration of "Communist organizations" under the act. Accordingly, each group which the Attorney General considered subject to the registration provisions would be entitled to administrative hearings, and might thereafter submit a registration order to court review. The first action to require registration was begun against the Communist party. There was no doubt that the registration order, which was not expected to be issued until after months of hearings, would be contested in the courts.

Nimitz Commission

The need for sober evaluation of the problem of protecting civil liberties, without unduly sacrificing national security, was recognized by President Truman when he appointed the Nimitz Commission on Internal Security and Individual Rights, on January 24, 1951. Before the appointment of this commission there had been a rapid increase of sweeping anti-Communist restrictions. A presidential commission had been proposed by the Tydings Committee which investigated the McCarthy charges, as well as by independent liberals who feared that measures taken in the name of security—notably the federal employees loyalty program—unnecessarily curtailed vital freedoms.

The commission was directed by the president to "consider in all of its aspects the question of how this nation can best deal with the problem of protecting its internal security" while "maintaining the freedom of its citizens."

In May, 1951, the entire commission resigned because it had been impossible to obtain congressional action exempting its members from the "conflict of interest" statutes (which are intended to prevent government employees from utilizing their positions for private gain). Exempting legislation was enacted by the House of Representatives, but the Senate Judiciary Committee, hostile to the commission, failed to recommend similar legislation. President Truman refused to accept the resignations of the members of the commission, but as of July 30, 1951, the commission had not commenced operations.¹

Smith Act

The long-awaited Supreme Court ruling on the constitutionality of the Smith Act was announced on June 4, 1951. Conviction of the eleven top Communist leaders was upheld by a 6–2 decision. The court thus sustained criminal punishment for conspiring to advocate the overthrow of the government by force and violence. The constitutionality of the conviction had been questioned, since the Communists were not convicted for conspiring to overthrow the government by force and violence, or for committing overt revolutionary acts, but for conspiring to teach and advocate the forcible overthrow of the government.

¹On October 27, it was announced that the President had accepted the resignation of the members of the commission.—ED.
It had been widely thought that such a conviction failed to meet the "clear and present danger" test of when free speech might constitutionally be abridged. However, four judges of the majority ruled that, as the defendants were found to have intended to overthrow the government "as speedily as circumstances would permit," there was "a clear and present danger of an attempt to overthrow the government by force and violence." This revision of the classic view of what constituted a clear and present danger was criticized by Justice William Douglas in a dissenting opinion; he urged the view expressed by earlier judges, that "to justify suppression of free speech there must be reasonable ground to fear that serious evil will result if free speech is practiced." Justice Douglas, arguing that there was no proof to justify such a conclusion, wrote: "Communism has been so thoroughly exposed in this country that it has been crippled as a political force. Free speech has destroyed it as an effective political party. . . . How it can be said that there is a clear and present danger that this advocacy will succeed is therefore a mystery." Justice Hugo Black also dissented, arguing that the Smith Act was "unconstitutional on its face and as applied." Justices Felix Frankfurter and Robert H. Jackson concurred with the majority, but on different grounds.

There was little public criticism of the court's decision, and the Department of Justice almost immediately secured indictments against nineteen "second-string" Communist leaders for the same offense. A few weeks later another group of twelve California Communists were similarly charged. By the midsummer of 1951 it appeared that the effect of the Smith Act prosecutions would be to make the Communist party virtually illegal and to send it underground.

**Other Court Decisions**

In two other cases (*Kunz v. New York*, *Niemotko v. Maryland*) involving the right of free speech, the Supreme Court, adhering to established doctrine, held unconstitutional city requirements that speakers in public places secure permits (January 15, 1951). In the *Kunz* case, a permit had been denied a religious speaker on the ground that his anti-Catholic and anti-Semitic discourse had led to complaints and revocation of a permit on a previous occasion. The court held that the ordinance requiring a permit was an unconstitutional prior restraint on speech, and said that the state could invoke appropriate remedies if disorders were caused. In a case decided the same day (*Feiner v. New York*), the court allowed wide discretion to a state to suppress controversial speech as an incitement to disorderly conduct, seeming to adopt the principle that speech might be suppressed if it tended to arouse disorder among listeners out of sympathy with the speaker. The minority argued that, where threats of disorder came from an unsympathetic audience, restraint should be applied against those who sought to disrupt a meeting, not against the speaker.

Infringement of procedural rights was made more difficult by the decision of the Court of Appeals for the Second Circuit, on December 6, 1950, reversing the conviction of Judith Coplon. The court found the defendant
had been, illegally arrested without a warrant and that the conviction was not shown to be free of evidence obtained by illegal wire-tapping. The trial of this case had divulged extensive use of wire-tapping by the F. B. I., including taps of conversations between the defendant and her attorney. There was also evidence of destruction of records of the taps prior to the judicial proceedings. Another case in which a federal court defended procedural rights against arbitrary government action, was that in which the Court of Appeals for the Ninth Circuit ruled that Harry Bridges might not be denied bail following his conviction for perjury (August 24, 1950). The trial court had denied bail on the ground that Bridges, with the advent of the Korean war, had become a menace to the nation's security. The Circuit Court found that no evidence had been presented showing that it was dangerous to free Bridges on bail, except that he had been found, during his trial for perjury, to be a Communist. Holding that this was an insufficient basis for denial of bail, the Circuit Court said: "There was a period in English history when high judges prostituted themselves to the role of mere instruments of carrying into effect the arbitrary will of the Crown. . . . However hard and disagreeable may be the task in times of popular passion and excitement, it is the duty of the courts to set their faces like flint against this erosive subversion of the judicial process."

The Federal Loyalty Program

As in previous years, only a handful of federal employees were found to be "disloyal" under the federal employees loyalty program. The program continued to be applied to all federal employees—whether or not they held "sensitive" positions. There was no liberalization of the program with respect to procedural fairness or over-all standards. The absence of the accused employee's right to confront and cross-examine witnesses appeared to have been irrevocably established in loyalty procedures with the automatic affirmance, on April 30, 1951, by an equally divided United States Supreme Court, of the lower court validation of this procedure in the Bailey case (see American Jewish Year Book, 1951 [Vol. 52], p. 23). The doctrine which thus became governing rested on the proposition that the Executive had plenary power to hire and fire employees, and therefore had no constitutional obligation to grant a full hearing in loyalty cases. While no Supreme Court opinions were written in the Bailey case, the views of the divided court were suggested by the opinions expressed in the related case of the Joint Anti-Fascist Refugee Committee (see below). Justice Stanley F. Reed in the latter case indicated concurrence with the view of the Court of Appeals in the Bailey case; Justice Douglas expressed the opinion that the procedures upheld in the Bailey case were "abhorrent to fundamental justice."

In the case of organizations on the Attorney General's list, the Supreme Court, on April 30, 1951, held, by a vote of 5 to 3, that it was unlawful to list an organization without notice or hearing (Joint Anti-Fascist Refugee Committee v. McGrath). The majority was divided on the grounds of the ruling, three judges viewing the ex parte listing by the Attorney General
as unconstitutional. The result of these two cases was to validate truncated administrative hearings for individuals, but to require judicial review (whose scope was left obscure) of the listing of organizations. That the entire loyalty program was unconstitutional was asserted by Justice Douglas, and suggested by Justice Black, in concurring opinions in the case of the Joint Anti-Fascist Refugee Committee.

During the period under review Congressional criticism of alleged “softness” in the loyalty program continued. Legislators publicly challenged the loyalty of various employees cleared by the loyalty boards and criticized individuals in charge of the program. Mounting pressure led, in early 1951, to a new and more severe basic loyalty standard. Where employees previously could be condemned “only if reasonable grounds exist for belief that the person involved is disloyal,” the new rule required an adverse finding if there was “reasonable doubt” of the employee’s loyalty. The American Civil Liberties Union pointed out that the new test had the effect of requiring federal employees to prove their loyalty beyond a reasonable doubt.

Members of Congress, local governments, and private enterprise tended to use the Attorney General’s list as a “rule of thumb” blacklist. Fear of being accused of disloyalty affected individuals not only in the government service, but also in large areas of private enterprise and academic life.

State and Local Action against Communism

One of the results of the Korean war was a flurry of municipal and state legislation aimed at repression of Communism. In some towns laws were passed requiring registration of Communists; in others, ordinances were enacted barring Communists from the city limits. Subsequently, a number of such laws—the registration provisions adopted by Los Angeles, Calif., and the “get out of town” laws of Birmingham, Ala., Jacksonville, Fla., and McKeesport, Pa.—were invalidated by state courts (see American Jewish Year Book, 1951 [Vol. 52], pp. 26–27). In a number of states bills to outlaw or register Communists were before the legislature.

The attempt to combat Communism by the requirement of a loyalty oath also spread. California imposed a loyalty oath on all state employees as did Oklahoma; in New York and Iowa a loyalty oath was required of state civil defense employees. The loyalty oath laws in effect in July, 1951, including those adopted before the Korean war, variously affected public employees in general, civil defense employees, teachers, and candidates for public office. Efforts were in progress in some areas to extend oath requirements to lawyers and doctors, as well as to other publicly licensed trades or professions.

COURT DECISIONS

The validity of the two types of loyalty oaths was passed upon by the United States Supreme Court. The Maryland Ober Law requiring an oath from candidates for public office was unanimously upheld on April 17, 1951. However, the court’s approval was based on a narrow construction of the law advanced by the Attorney General of Maryland. Thus, the ruling validated only the requirement that a candidate need swear that he “is not a
person who is engaged in one way or another in the attempt to overthrow the government by force or violence and that he is not knowingly a member of an organization engaged in such an attempt" (Gerende v. Board of Supervisors). The court's cautious approach to the Ober law was not reflected in the subsequent case of Garner v. Board of Public Works, in which on June 4, 1951 by a 5–4 vote, a Los Angeles loyalty oath ordinance for city employees was sustained. This ordinance required an employee to swear that he had not been, since 1943, a member of any organization advocating the overthrow of the government "by force or violence or other unlawful means." Justice Frankfurter’s dissenting opinion argued that this oath was a "deterrent to people contemplating even innocent associations. How can anyone be sure that an organization with which he affiliates will not at some time in the future be found by a State or National official to advocate overthrow of the government by unlawful means?"

In California, the non-Communist clause in the contract for faculty members of the University of California (see American Jewish Year Book, 1951 [Vol. 52], p. 27) was held unconstitutional by the state courts on April 7, 1951; in New Jersey, on March 12, 1951, a loyalty oath for public school teachers was upheld in the state courts.

In New York and Hawaii new schemes for investigation into the loyalty of public employees were adopted. The New York program showed improvement over that of the federal government by limiting the scope of the inquiry to sensitive positions, and by allowing transfer of suspected employees as a substitute for discharge. However, its procedural safeguards for accused employees were considered deficient by the American Civil Liberties Union.

THE FEINBERG LAW

The New York Court of Appeals on November 30, 1950 validated the Feinberg Law, which barred members of "subversive" organizations from the public school system. This law authorized the Board of Regents to promulgate a list of "subversive" organizations, which might include those listed by the United States Attorney General. The constitutionality of the Feinberg Law was under review by the United States Supreme Court at the time of writing.

House and Senate Committees on Un-American Activities

The House Committee on Un-American Activities was primarily engaged in continuing its investigation of the movie industry. The United States Supreme Court refused review of the conviction of the "Hollywood Ten" for contempt of Congress in refusing to answer questions relating to Communist affiliation. This had the effect of upholding the committee's power to pursue this inquiry, and a new Hollywood group was brought before the committee.

In the Senate a new Internal Security Committee to investigate un-American activities was established on September 24, 1950; it was charged with investigating subversion in general and with supervising the administration of the McCarran Act. Senator Patrick McCarran was chairman of the committee; its other members were supporters of the McCarran Act. The com-
mittee began to conduct investigations into alleged Communist influence in the development of the United States Far Eastern policy.

**IMMUNITY FROM SELF-INCRIMINATION**

The disposition of some congressional committees to override the claim of witnesses to constitutional immunity from self-incrimination was checked by rulings of the federal judiciary. In the District of Columbia the courts held that witnesses before congressional committees were entitled to claim the privilege of immunity in proper cases, and many persons cited for contempt of Congress after claiming the privilege were subsequently acquitted. The United States Supreme Court ruled that questions relating to Communist affiliation were subject to the claim of privilege, reversing cases in which lower court judges had ruled the privilege to be unavailable before a grand jury. However, in one case, *Rogers v. United States*, the Supreme Court on February 26, 1951, divided on the circumstances in which the privilege might be held to have been waived.

**Private Action against Disloyalty**

There was a marked tendency for private industry to extend loyalty programs and oaths to fields involving no significant elements of national security. The loyalty program in these areas became, in effect, an effort to exclude from employment persons accused of present or past Communist or pro-Communist leanings. In the broadcasting field, steps were taken, after adverse public reaction to arbitrary blacklistings (as in the cases of Jean Muir and Irene Wicker) to establish procedures which would prevent future dismissals based on mere accusation. However, performers banned on the basis of charges in the pamphlet *Red Channels* were still unemployed. The Columbia Broadcasting System (CBS) instituted loyalty oaths for all its employees, and the National Broadcasting Company (NBC) announced that it required loyalty statements from new employees. One network, however—the American Broadcasting Company (ABC)—refused to fire a performer listed in *Red Channels*, after the group accusing the performer declined to offer proof to substantiate the accusation; the ABC subsequently received the George Foster Peabody Award for its “courageous stand in resisting organized pressure and its reaffirmation of basic American structure.”

In Hollywood the industry continued to penalize individuals who refused to co-operate with the House Committee on Un-American Activities, banning those who refused to testify on grounds of self-incrimination. One performer, who admitted to earlier Communist affiliation but was reluctant to testify against other persons, seemed to have been placed on the blacklist also. However, one of the “Hollywood Ten” was reinstated after he agreed to testify, and two performers received “Oscar” awards despite adverse publicity in connection with their having been named in *Red Channels*.

A proposal to require loyalty oaths of all lawyers was made by the American Bar Association, but opposed by many prominent members of the bar and of the Bar Association of New York City.

In many instances organizations on the Attorney General’s list were re-
fused private facilities such as halls and hotel space. Private groups also attempted, on a number of occasions, to prevent speeches or meetings where persons or groups involved were said to be affiliated with subversive organizations. Owen Lattimore, one of the individuals accused by Senator McCarthy (and "cleared" by the Tydings Committee) was barred from speaking at a resort hotel on one occasion; in another instance, however, Baltimore authorities refused to yield to pressure to prevent Lattimore from speaking at a local school.

The United States Supreme Court issued a ruling in a case testing whether private interference with the right of free assembly could be punished under federal law. In *Collins v. Hardyman* suit was brought against a group of persons who had broken up a meeting held to protest against the Marshall Plan. The plaintiffs claimed that this had interfered with their constitutional rights to petition Congress and was in violation of a federal civil rights statute (*see American Jewish Year Book, 1951 [Vol. 52], p. 28*). The court, however, ruled, on June 4, 1951, that the civil rights statute was not applicable to the case. Justices Harold Burton, Black, and Douglas dissented.

**WILLIAMS CASE**

On April 23, 1951 the United States Supreme Court decided a group of cases which were of great significance to the federal government's program of seeking to protect individuals against deprivation of civil rights by state agencies or representatives. In one of these cases (*Williams v. United States*) the court reaffirmed earlier doctrine to sustain a conviction under Section 242 of the United States Code, where an individual "under color of law" (i.e., assertion of state authority) obtained a confession by third degree methods. The court held that this offense could be constitutionally prosecuted by the federal government as an invasion of the victim's federally protected right to trial by due process of law. Four judges dissented, thus continuing the division on this subject which had existed previously. In a companion case (*United States v. Williams*) the court (again sharply divided) held that a related section of the United States Code (Section 241) should be given a much more restricted scope. In this case it was ruled that Section 241, the conspiracy section of the civil rights laws—which carries a heavier penalty than Section 242—did not extend to deprivation of the right to trial by due process of law where a confession had been obtained by force. This statute, it was found, provides for federal prosecution only in the case of conspiracy to deprive individuals of rights specifically created by federal law. The result of the decision in *United States v. Williams* was to substantially weaken the legal weapons available to the Department of Justice for use against infringement of the civil rights by state action.

NANCY F. WECHSLER
EDUCATIONAL DISCRIMINATION

The period from July, 1950 to July, 1951 was marked by the continuation of previously initiated trends in the educational opportunities afforded minority groups. The Supreme Court decisions in the Sweatt and McLaurin cases (Sweatt v. Painter and McLaurin v. Oklahoma [American Jewish Year Book, 1951 (Vol. 52), pp. 41-43]) which, without proclaiming segregation illegal, had nevertheless shaken the system of segregation in education to its foundations, were the subject of continued litigation in the lower federal courts. During the period under review, additional state legislation governing fair educational practices was enacted, although pressure upon the enforcement agencies by individuals who claimed to have been discriminated against continued to be light. On-campus discrimination attracted the attention of fraternities and undergraduate organizations, and certain outside agencies sponsored conferences in the hope that free and frank discussion would help promote solutions. To an increasing extent, the Jewish community took pride in Jewish-sponsored institutions of higher learning insofar as they were examples of communal creativity and helped ameliorate the impact of discrimination. Brandeis University made continued progress during this period, and Yeshiva University seemed on the way toward achieving its goal of a medical school.

Segregation in Education

Resistance on the part of the supporters of segregated schooling in the South to the Supreme Court decisions in the Sweatt and McLaurin cases, continued to mount during the year under review. The heart of the resistance was in Georgia, where on August 9, 1950, a resolution was adopted at the state convention of the Democratic party which pledged a fight to preserve racial segregation in the schools and colleges, “court decisions to the contrary notwithstanding.”

Nevertheless, opinion of this sort did not prevent the initiation of suits both on the public school and college levels to secure for the Negro population of Georgia what the Supreme Court had decided was their constitutional right. Horace P. Ward, Negro graduate of Morehouse College, made application for admission to the University of Georgia Law School at Athens. In Atlanta, on September 19, 1950, a complaint was filed against the Board of Education by 200 Negro petitioners charging that Negro children were being deprived of educational opportunity equivalent to that provided for whites.

STATE RESISTANCE

The administration of Governor Herman Talmadge countered these tactics with legislation. In its 1951 session, the Georgia legislature made a substantial appropriation for the improvement of segregated Negro public schools, so that the pro-segregation forces could at least claim that the sepa-
rate facilities provided Negroes were equal to those provided for whites—as the equal protection clause of the Fourteenth Amendment to the United States Constitution demands. On the other hand, the appropriation bill also provided that if segregation barriers were to be let down by any school, that school would lose all state funds; and if any court were to abolish segregation in Georgia, all common school funds for the entire state would be cut off. This punitive provision applied also to the University of Georgia and to other state-supported institutions of higher learning.

Despite this action by the legislature, the Atlanta suit had not been withdrawn as of July, 1951; when on June 13, 1951 Ward was denied admission to the law school of the University of Georgia, it was plain that the rejected candidate, with the support of the National Association for the Advancement of Colored People (NAACP), would bring suit.

Georgia was not alone in attempting to mitigate the effects of the Supreme Court decision cited above. In Florida, the legislature early in 1951 passed a measure very similar to that which became law in Georgia, but it was vetoed by Governor Fuller Warren. In Mississippi, Governor Fielding Wright declared that segregated schools would be continued in that state “regardless of the cost or the consequences.” Governor James F. Byrnes of South Carolina appointed a fifteen-member “preparedness” committee to study the situation and chart a future course of action in the light of the Supreme Court decisions. It was Governor Byrnes’ express intent to retain segregated schools and at the same time assure equality of opportunity by improving facilities for Negro education. Governor Byrnes’ position was strengthened when, on June 23, 1951, a special three-judge federal court upheld the right of South Carolina to have separate public schools for white and Negro pupils. The court also ordered the trustees of the Clarendon County schools, who were defendants in a suit brought by sixty-six Negroes, to supply equal facilities for both whites and Negroes and to report within six months on what they had done in this direction.

Despite the Supreme Court decisions, it was necessary for qualified Negro applicants to the University of Virginia Law School to secure a court order to gain admission at the beginning of the 1950–51 academic year. In Delaware, Negroes had to demonstrate in a court proceeding that the facilities at Dover State College for Negroes were “grossly inferior” to those of the University of Delaware before they could gain admittance to the State University. Again, it was through a court order that the first Negro student, Parren J. Mitchell, gained admittance to the University of Maryland Graduate School in October, 1950.

In Tennessee, the State Attorney General ruled that the Supreme Court decision in the Sweatt and McLaurin cases gave Negroes the right to attend the University of Tennessee. However, the trustees of that institution insisted that Negroes should be barred because of a provision in the Tennessee constitution stating “that there shall be segregation in the education of the races in schools and colleges of this state.” Negro candidates for admission to the University of Tennessee then went to the courts, and on April 20, 1951 the Federal District Court ruled that equal protection under the Fourteenth Amendment to the federal constitution had been denied. But at the same
time the court refused to grant an injunction restraining enforcement of the state of Tennessee's ban on unsegregated classrooms. On May 8, 1951, the Negro candidates appealed to the United States Supreme Court.

In North Carolina, four Negroes attempted to enter the Law School of the University of North Carolina, although the North Carolina College for Negroes at Durham maintained a separate law school. The issue was almost identical with that in the Sweatt case. The judge, if he had followed the Sweatt ruling, would have held for the plaintiffs, who offered the testimony of experts, including Erwin Griswold, Dean of the Harvard Law School, in support of their contention that facilities were not equal in the Negro and white law schools. However, on October 9, 1950, the Federal District Court decided that the facilities were equal, and denied the right of the four Negro candidates to register at the University of North Carolina Law School. The Negroes appealed to the Circuit Court of Appeals on March 27, 1951, which overruled the lower court and asserted the right of the complainants to attend the University of North Carolina Law School. The Supreme Court, on June 4, 1951, upheld the Circuit Court action.

STATE ACCOMMODATION

In other states, there was less reluctance to abide by the Supreme Court decisions. On September 11, 1950, the University of Missouri Board of Trustees announced details of its new policy governing admission of Negroes to the University of Missouri and the School of Mines at Rolla. These rules were for the purpose of bringing Missouri practice into accord with the Supreme Court decisions respecting segregation.

By February 1, 1951, the Board of Regents of the University of Maryland had declared that Maryland's bi-racial educational system must be radically altered or abandoned. Negro students had to be admitted to the schools of the university on an equal basis, the Regents said, unless the state was to spend a great deal of money for the equalization of facilities. During the period under review Arizona amended its education law to empower local school boards to establish unsegregated public elementary schools, and the Senate of New Mexico adopted a resolution asking all state school authorities "to improve the segregated schools attended by colored pupils toward the end that until such segregation disappears the pupils attending those schools may have as happy and as profitable school duties as other children."

Meanwhile, on June 3, 1951, the United States Office of Education, in a special report on the problem, indicated that during the previous fifty years great gains had been made in the higher education of Negroes in the United States. Students, graduates, faculty income, property, and endowments of Negro institutions of higher education had increased greatly since 1900.

Fair Educational Practices

In New York, the Brydges bill extending the state's fair educational practices law to cover business and trade schools became law after Governor Thomas E. Dewey signed it on March 24, 1951. The bill had been sponsored
by the State Education Department and the State Commission Against Discrimination. In Oregon, legislation was enacted on April 19, 1951 which made it illegal for "vocational, professional, and trade schools" to discriminate, either in admissions or in the type of instruction afforded, against any person on the ground of such person's race, color, religion, or national origin. Any school violating this law could have its license suspended or revoked by action of the state licensing agency. In California, a bill introduced on January 18, 1951 would have made it illegal to refuse employment in a public or private business and enrollment in a vocational or professional school, on the ground of the race of the applicant. The bill was killed in Senate committee. In Connecticut, the Senate on May 23, 1951 unanimously passed a fair educational practices bill, but the General Assembly adjourned on June 6, 1951 without the House having taken action on the bill.

ADMINISTRATION

In New York, New Jersey, and Massachusetts, where previously enacted fair educational practices statutes continued in effect, the dominant administrative pattern was educational—acquainting people with their rights under the terms of the legislation. Administrators had some success with the removal of allegedly discriminatory questions from application blanks, but there was continued reluctance on their part, where empowered to do so, to make inquiries on their own initiative into situations in which there was reason to believe discrimination existed. At the same time, individuals were loath to file complaints because the procedure might prove time-consuming and because of fear that the publicity involved might prove damaging.

With the relatively few complaints and the paucity of administrative investigations, it was difficult to determine the effectiveness of fair educational practices laws. An attempt was made to test the New York statute in a survey which compared admission practices in 1946 with those current in 1949 (Theodore Bienenstok and Warren W. Coxe, *Decrease in College Discrimination: A Repeat Study and Comparison of Admission of High School Graduates to College in New York State in 1946 and in 1949*). The report based on this survey was released on September 22, 1950 by the New York State Board of Regents. According to the interpretation placed upon it by the Regents, a considerable reduction in discriminatory admission practices since the passage of the Quinn-Olliffe law was indicated. However, an analysis of this same report, made jointly by the American Jewish Committee and the Anti-Defamation League of B'nai B'rith, as well as an analysis prepared by the American Jewish Congress, both released on October 13, 1950, drew strikingly different conclusions from those of the Regents. Not only did these three agencies criticize the methodology of this study, but they also asserted that the decrease in discrimination was less than the Regents had indicated.

SURVEYS

A survey conducted by the American Jewish Congress and released on May 21, 1951, maintained that there was continued discrimination by New York State medical schools against Jewish applicants. The study was based upon the medical school admission experiences of the seventy-two premedical stu-
students who had received state scholarships in 1950 and had applied to one or more of the nine medical schools in New York. Replies to questionnaires came from sixty-one of the winners—forty from Jews, twelve from Protestants, and nine from Catholics.

The answers showed that the Jewish applicants had as high a percentage of ultimate success in getting into one or another medical school as had non-Jewish students, but the Jews filed more applications. Jewish students had filed an average of 8.1 applications for each acceptance, while the Catholic students filed 6.1 and the Protestants 3.7. Cornell Medical School was singled out as a particularly bad offender, because figures showed that of twenty-seven Jewish winners of scholarships who applied for admission to Cornell, fourteen had had interviews and none was accepted. "The other eight schools," the report concluded, "as a group, did not give these [Jewish] applications significantly unfavorable treatment." On the basis of the survey the Congress demanded a full-scale investigation by the administrator of the Quinn-Olliffe law.

On November 2, 1950, the Anti-Defamation League issued a report on the results of its drive to have discriminatory questions deleted from the application blanks of institutions of higher learning. A total of 102 discriminatory questions had been removed from the application blanks of forty-three colleges in seven states—New York, Colorado, Montana, Massachusetts, New Jersey, Oregon, and Washington.

**Conferences**

The Midwest Regional Conference on Discrimination in Higher Education, sponsored by the American Council on Education with the co-operation of the Anti-Defamation League, conducted a two-day session in Chicago on November 3, 1950, attended by 175 educators from about 75 colleges and universities in Illinois, Indiana, Michigan, and Wisconsin. One of the recommendations of the Conference was that all educational institutions in these states "engage in a self audit of their policy and practices" for the purpose of discovering "areas of discrimination or practices and areas in which promising progress has been made in removing cultural misunderstandings and contentions."

A National Student Conference on Discrimination in Higher Education took place from March 29 through 31, 1951, at Earlham College, Richmond, Ind. Ninety-five colleges and universities from 27 states, widely distributed geographically, were represented by 265 delegates. This conference was sponsored by the Committee on Discrimination in Higher Education of the American Council on Education, and by a number of other organizations. The conference made a number of recommendations aimed at reducing discrimination in admissions, housing and boarding facilities on and off campus, athletics, recreation, health, teacher employment, student-teacher training, economic aid to students, and student employment. Other recommendations advocated the introduction of human relations courses into the curriculum and the enactment of fair educational practices legislation.
On March 6, 1951, members of the Mountain States Committee on Discriminations in Higher Education called for the removal of all “potentially discriminatory” questions from college application forms.

**Fraternities**

There was continued progress during the period under review in the removal of racial and religious barriers to membership in fraternities.

On September 15, 1950, Phi Alpha Delta, honorary legal fraternity, lifted its racial bans on membership. On October 7, 1950, Alpha Gamma Rho, an agricultural fraternity, took a similar course of action. On December 28, 1950, Phi Epsilon Pi dropped its ban on the admission of Negroes to the fraternity. Previously, a Negro had been pledged by the Epsilon chapter at the University of Connecticut and the national organization had suspended the charter of the chapter for taking this action. Approval of the resolution also cleared the way for reinstatement of the Epsilon chapter.

However, resistance to liberalization of the rules governing admission to fraternities and sororities was not ended. At the University of Rhode Island, a constitutional clause restricting membership to white girls split the campus chapter of the Alpha Delta sorority. At the University of Oregon, a student stated on May 21, 1951 that she had been forced to move from the Gamma Phi Beta sorority house because she had dated a Negro student.

The student body at the University of Michigan and at Columbia University proposed that campus fraternities be given a period of six years in which to eliminate bias clauses from their constitutions. At the end of that period, if the fraternities refused to concur, they were to be barred from the campus. However, in neither institution had this proposal as yet received final approval by July, 1951.

At the University of Wisconsin a student-faculty committee recommended that no new organization with a bias clause in its constitution be permitted to function on the campus. It was further recommended that on-campus fraternities with bias clauses should be required to report to a university committee on human relations; continued approval of such organizations was to be made contingent upon a reasonable effort being made to eliminate racial and religious barriers to membership. The report of the student-faculty committee was rejected by the University Regents, who substituted for it a resolution guaranteeing the constitutional rights of all students. The Regents’ proposal was, in turn, termed inadequate by the student paper.

**Brandeis and Yeshiva**

Brandeis University had begun operation in 1948 with a pilot class of 107 students. In May, 1951, it had 470 students and a faculty of 50. In addition, the resources of the university were augmented by the establishment, in July, 1950, of the Michael Tuch chair in Hebrew literature and ethics, and the endowment, in March, 1951, of the Samuel Rubin chair in anthropology.
EMPLOYMENT

In December, 1951, Yeshiva University was empowered by the New York State Board of Regents to grant degrees in medicine and dentistry.

In June, 1951, it was announced that the City of New York would give the facilities of the new Bronx Municipal Hospital Center, then under construction, to the Yeshiva University Medical School. The hospital would cost $36,500,000, while the cost of the medical school was estimated at $25,000,000. The city was to contribute the former sum, Yeshiva the latter. The school was intended to be entirely non-sectarian and no reference was to be made to the applicant's race, religion, creed, color, or national origin. An ambitious fund-raising campaign was in progress as the period under review came to a close.

Edward N. Saveth

EMPLOYMENT

The period under review (July, 1950, through June, 1951) coincided with the first year of the war in Korea. During that year, the United States laid the foundation for a steady increase in military strength and productive power. By the end of the year, orders placed for military supplies, equipment and facilities totaled $42 billion and the goal of an armed force of 3,500,000 men was rapidly being realized. This vast mobilization program, superimposed upon an economy which continued to produce consumer goods at near-record levels, led to increased demands for manpower and a general tightening of the labor supply. Unemployment, which stood at upwards of 3,500,000 in April, 1950, was below 1,750,000 twelve months later. The hiring rate in many manufacturing plants, which was 45 per 1,000 employees in April, 1951, was the highest since April, 1947; the layoff rate of 9 per 1,000 employees was the lowest since April, 1945. In many localities, the demand for labor far exceeded the available supply, and acute shortages began to appear in certain occupations.

In this situation, Jews and other minorities experienced little difficulty in obtaining employment. The Urban League of New York City reported that it had "more good paying jobs than we have people to fill them," and the number of job openings received during the period under review by the Jewish vocational agencies almost tripled the number of placements.

Evidences of Discrimination

Discrimination is not synonymous with unemployment, nor does full employment automatically ensure fair employment. Despite the manpower shortage and the increased placement of minority group workers, many employers persisted in their refusal to employ Negroes, Jews, and members of other minorities, while many others offered them employment only at levels far below their highest skills.

In his first quarterly Report to the President (April 1, 1951), Charles E. Wilson, Director of the Office of Defense Mobilization, declared that, "Many
American workers are still employed on jobs which do not utilize their skills to the fullest extent," and called for the "modification of job specifications to eliminate underutilization of persons with needed skills, particularly among minority groups." An analysis by the Los Angeles Metropolitan offices of the Department of Employment revealed that 67.5 per cent of the 5,535 job openings received during the two-week period January 8–22, 1951, contained discriminatory specifications. Most of the discriminatory orders applied to Negroes, Orientals, and Mexicans; approximately 17 per cent discriminated against Jews. One-third of all professional and managerial openings were discriminatory; more than one-half of these included anti-Jewish specifications. Slightly over three-fourths of all clerical openings bore discriminatory specifications, approximately 27 per cent of which were anti-Jewish.

The Illinois Interracial Commission found that at the end of 1950 at least one-third of the business and industrial firms in the state employed no Negroes, 45 per cent of the orders received in the Chicago offices of the State Employment Service specified white only, about one-seventh of the openings received by high school and college placement offices included religious restrictions, and about one-twelfth had nationality specifications.

Harry C. Markle, Executive Director of the Michigan Unemployment Compensation Commission, testifying on April 18, 1951 before a committee of the Michigan House of Representatives, stated that as of March, 1951, most employers serviced by seven major employment offices in the Detroit area demanded white workers only. While reporting a critical need for workers, they refused to accept referrals of non-whites. In a number of categories the employment service had in its files more than enough qualified non-white applicants to fill the job openings which went unfilled because of discrimination. In a review of 2,265 job orders received by three employment service offices, it was found that 55 per cent were closed to non-whites by written specifications. Most of the others said that whites were "preferred."

As of January 1, 1951, non-whites constituted 16 per cent of the active registrants with the Ohio Employment Service, while constituting only 5 per cent of the state's population. Spot checks revealed that more than half of the openings were restricted and that five of every six openings without restrictions were in the unskilled and service occupations, the most undesirable and lowest paying of all.

A commission appointed by the Kansas Legislature to make a study of employment discrimination found that Negroes and Mexican-ancestry groups were "hired by about one-half of the state's employers, and then almost exclusively in a custodial or service position." A similar study group appointed by the Nebraska Legislature reported that "discrimination does exist in Nebraska," and recommended legislation to eliminate such discrimination.

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2 Testimony of Chester J. Gray, Area Supervisor, Ohio State Employment Service, before the Industry-Labor Committee, Ohio House of Representatives, April 10, 1951.
3 Report of the Kansas Commission Against Employment Discrimination, March 5, 1951.
**FEP Executive Order**

These evidences of continued discriminatory employment practices, in the face of the critical need for manpower, gave rise to widespread demands that President Harry S. Truman follow the example of his predecessor, President Franklin D. Roosevelt, and issue an executive order establishing a Fair Employment Practices (FEP) Commission to prevent discrimination in defense industries or government.

The initial call for an FEP order was made within three weeks after the outbreak of the Korean fighting. On July 16, 1950, the National Council for a Permanent FEPC, through its co-chairman, A. Philip Randolph, wired the president urging that he "issue an Executive Order similar to President Roosevelt's 8802 . . . as an integral factor in the mobilization of manpower against North Korean Communist aggression."

By mid-August, a committee of the National Council, comprising representatives of church, labor, civic and minority groups, had pressed this recommendation in conferences with Secretary of Labor Maurice J. Tobin, and Stuart W. Symington, Chairman of the National Security Resources Board, and then head of the mobilization program. Similar conferences subsequently were held with various other government officials, including Defense Mobilization Director Charles E. Wilson. By early January, a draft order had been approved by the Labor Department and submitted to the Bureau of the Budget with the following notation from Secretary Tobin:

For some time to come the Federal Government will be spending billions of dollars for defense purposes. It is unthinkable that the Government should permit these funds to be expended without imposing on those favored with government business the obligation to refrain from discriminatory employment practices and without providing effective means of enforcing such an obligation.

Within Congress two leading supporters of FEP legislation, Senators Irving M. Ives (R., N.Y.) and Hubert H. Humphrey (D., Minn.) called for a presidential executive order. The reaction of congressional opponents of FEP was prompt. Senator Olin D. Johnston (D., S.C.) declared flatly that Congress would "never appropriate any money for an Executive Order Commission unless we are really at war and we are not now." Senator Harry F. Byrd (D., Va.) similarly predicted that Congress would refuse funds to an FEPC created by Executive Order. And in the House, a bill to grant the president authority to expedite emergency reorganizations of federal agencies (H.R. 1545) was rejected on March 13, 1951, by a vote of 227-167, in part because of the professed fear of some southern members that Mr. Truman might use the authority to set up an FEPC.

FEP opponents claimed that the so-called Russell amendment approved by the Congress on June 27, 1944 (Sec. 213 Independent Offices Appropriation Act of 1945; Public Law 358, 78th Congress) specifically barred the allocation of funds to an FEPC except by direct congressional appropriation. Civil rights supporters, on the other hand, maintained that the Independent
Offices Appropriation Act of 1945, the Defense Production Act of 1950, and especially the Supplemental Appropriations Act of 1951 (Public Law 843, 81st Congress, approved September 27, 1950) provided ample authority within which the president could act. Moreover, they asserted that even a strict interpretation of the Russell amendment empowered the president to finance an FEP out of his emergency funds for at least a twelve-month period.

In further support of their contention that there was no legal barrier to the establishment of an FEPC by executive order, proponents pointed out that the president had created a Fair Employment Board to handle complaints of discrimination in federal employment (Executive Order 9980, July 26, 1948) and that neither the function of this board nor its right to expend funds had ever been challenged.

On February 2, 1951, by coincidence the third anniversary of his original civil rights message, the president issued an executive order (10210) authorizing the Department of Defense and the Department of Commerce to exercise certain functions and powers with respect to government contracts. Section 7 of that order provided that "there shall be no discrimination in any act performed hereunder against any person on the ground of race, creed, color or national origin, and all contracts hereunder shall contain a provision that the contractor and any subcontractor thereunder shall not so discriminate." Administration of the order rested with the contracting agencies.

Adherents of FEP maintained that effective implementation of Section 7 required the creation of a commission with responsibility and authority to enforce its provisions. They pointed out that non-discrimination clauses, as called for in order 10210, had for some years been standard practice in government contracts. They further asserted that, in the absence of enforcement machinery, these clauses had proved as inadequate and ineffective as had similar declarations of policy by President Roosevelt prior to the establishment of the wartime FEPC under Executive Order 8802.

The climax of the campaign for a new executive order came on June 25, 1951, the tenth anniversary of the issuance of Order 8802, and, coincidentally, the first anniversary of the Communist invasion of South Korea. In commemoration of these twin anniversaries, proclamations designating June 25 as Fair Employment Practices Day were issued by the governors of Connecticut, Illinois, Massachusetts, Michigan, Minnesota, Ohio, and Rhode Island. Similar proclamations were issued among others by the mayors of New York City, Bridgeport, Buffalo, Boston, Cleveland, Cincinnati, Milwaukee, and Minneapolis. Resolutions memorializing the tenth anniversary of Executive Order 8802 and requesting the promulgation of a new order were introduced in the Congress by Representative Dollinger (D., N.Y.—H.R. 261) and Addonizio (D., N.J.—H.R. 280). A number of city governments, including those of New York, Philadelphia, Cleveland, and Cincinnati adopted similar resolutions. A number of newspapers, including The New York Times and the New York Herald Tribune, took the occasion to editorialize in favor of an FEP Order; a telegram urging such action was
sent to the president over the signatures of the heads of sixteen nationally prominent religious, labor, civic, and veterans organizations.

Despite these evidences of widespread support for executive action to assure equality of employment opportunity in the defense program, no executive order was forthcoming when the period under review came to a close.

**Federal FEP Legislation**

The increased strength of the Republican-Dixiecrat coalition resulting from the November, 1950 elections dimmed hopes for the enactment of civil rights legislation in the Eighty-second Congress. The strength of the anti-civil rights forces was clearly demonstrated on the opening day of the Congress when Ernest W. McFarland (D., Ariz.) and Lyndon B. Johnson (D., Tex.), both outspoken opponents of cloture and of the civil rights program, were elected Senate Majority Leader and Senate Majority Whip respectively. In the House of Representatives, also on opening day, a coalition of Republicans and Southern Democrats succeeded in repealing the “twenty-one day rule” and restoring the power of the Rules Committee (long the graveyard of civil rights bills) to prevent any proposal that this committee opposed from coming to a vote. Despite the introduction of the usual large number of civil rights measures, therefore, committee hearings had not even been scheduled on any of them when the period under review came to a close.

Two FEP bills were introduced in the Senate. The first (S. 551) was sponsored by eleven Republicans, and the second (S. 1732), by eight Democrats and one Republican, Senator Wayne Morse of Oregon, who also was a sponsor of S. 551. FEP bills introduced in the House included H.R. 552—Powell (D., N.Y.); H.R. 2092—Javits (R., N.Y.); H.R. 2193—Klein (D., N.Y.); H.R. 2227—Dollinger (D., N.Y.); H.R. 2697—Howell (D., N.J.); H.R. 2709—Hays (D., Ark); and H.R. 4264—Addonizio (D., N.J.). All these bills, with the exception of that introduced by Congressman Hays, were virtually identical with one another and with the bills introduced in the Eighty-first Congress. The Hays bill, however, contained no enforcement powers or sanctions and provided merely for the establishment of a Labor and Minorities Employment Bureau in the Department of Labor which would be authorized to investigate complaints of employment discrimination and attempt settlement by conciliation and mediation.

**State FEP Legislation**

The legislatures of forty-four states were in session during 1951. In eight of these states (N.Y., N.J., Mass., Conn., Ore., R.I., Wash., and N.M.), comprehensive FEP laws had previously been enacted; in two (Wis. and Ind.), efforts were made to amend existing “voluntary” statutes by providing en-
forcement machinery; in sixteen, campaigns were carried on to enact FEP laws (Ariz., Cal., Colo., Del., Ill., Iowa, Kansas, Mich., Minn., Mo., Mont., Nebr., Ohio, Pa., Utah, and W. Va.).

The bills supported by the respective state-wide citizens groups, while varying in some respects, followed the pattern of existing statutes and of the pending federal bills. All sought to prohibit discrimination by employers, labor unions, and 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. When the period under review came to a close, Colorado was the only state to have passed an FEP law; the Pennsylvania bill was still pending. In all other states the campaigns had proved unsuccessful.6

COLORADO FEP LAW

The Colorado law, officially titled the Colorado Anti-Discrimination Act of 1951, became law on March 29, 1951. It contained enforcement provisions which, however, were applicable to discrimination by public employers only. While the Colorado law thus went beyond those of Wisconsin and Indiana, which lacked any enforcement provisions, it fell short of other state FEP statutes which were enforceable against both private and public employers.

In addition to the limited applicability of its enforcement provisions, the Colorado Act was further weakened by three unusual provisions. 1. The act established the right of all employers, public and private, as well as of employment agencies and labor organizations, to ask questions regarding nationality, ancestry, and membership, past or present, in political, social, fraternal or trade organizations. Refusal of an applicant to answer such questions was deemed sufficient cause for denial of employment. 2. The authority of the administrative agency established by the act was limited to conciliation proceedings, authority to issue cease and desist orders being assigned solely to the courts. Thus, it was necessary to employ technical rules of evidence to establish the facts in any case, making it extremely difficult to prove the existence of unfair employment practices. 3. The act expressly declared that under the American system it was discriminatory to require a private employer to employ a person who he "conscientiously" felt was not a desirable employee.

Amendatory bills in Wisconsin and Indiana, as well as comprehensive bills in Kansas, Minnesota, Ohio, and Pennsylvania, passed the lower house by substantial margins only to be pigeonholed in the Senate. In all other states the bills died in committee. The results of the 1951 legislative sessions were thus far less satisfactory to FEP proponents than the preceding session (1949), which saw the enactment of four comprehensive FEP laws.

AMENDMENT OF FEP LAWS

Three states amended FEP laws which they had adopted in previous years. On May 2, 1951, Connecticut changed the name of the commission enforc-

*See Table on p. 117, "Discrimination Prohibited by State Law."
ing the law from the Interracial Commission to the Commission on Civil Rights. By an amendment adopted May 1, 1951, Rhode Island provided that employers might make inquiries relative to, and keep records of, the race, color, religion, or country of ancestry or origin of an individual after he was actually hired and had commenced employment. Employers were still barred from making such inquiries or keeping such records prior to hiring. Wisconsin increased the appropriation to the Industrial Commission's Fair Employment Practices Division from $5,000 to $13,000 per annum. The California legislature passed a bill making it unlawful for employers or labor unions to refuse to accept otherwise qualified employees as apprentices on any public works project solely on the grounds of race, color, or creed.

Municipal FEP Legislation

At the beginning of the period under review (July, 1950), FEP ordinances were in effect in nine cities; by the close of the period (July, 1951) the number had risen to twenty-two. Eight of the new ordinances were in communities in Ohio, bringing to eleven the number of cities in that state with such legislation (Akron, Campbell, Hubbard, Lowellville, Niles, Steubenville, Struthers, and Warren). Monessen, Sharon, and Farrell became the second, third, and fourth cities in Pennsylvania to enact FEP ordinances, with Gary, Indiana, and Sioux City, Iowa, completing the list of new FEP communities.

At a special election in Tucson, Arizona, on September 26, 1950, a proposed FEP ordinance was voted down 6,666 to 947.

SAN FRANCISCO

In San Francisco, a proposed ordinance was defeated by the Board of Supervisors on May 28, 1951 by a 6-5 vote. The final defeat followed a series of unsuccessful amendments which proposed to remove the enforcement provisions of the law. The major opposition spokesman was Almon Roth, president of the San Francisco Employers Council, who charged that the ordinance was Communist supported and would make San Francisco a "mecca for minority peoples." Roth declared that the voluntary plan adopted as an FEP compromise fifteen months previously was working well. Supporters of the ordinance, on the other hand, stated that the voluntary program had produced no tangible results beyond the elimination of discriminatory questions from many employment application forms.

DETROIT

In May, 1951, the Detroit Labor Council undertook a campaign to obtain signatures on initiative petitions to place an FEP ordinance on the ballot at the next city election. The Michigan Committee on Civil Rights and its affiliated organizations, which had long led the fight for FEP in the state, opposed the initiative petition drive as likely to "arouse racial tensions

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7 Chicago, Milwaukee, Minneapolis, Philadelphia, Cincinnati, Phoenix, Richmond (Calif.), Cleveland and Youngstown.
and hysteria," and called for enactment of an FEP ordinance by the Detroit Common Council. The Labor Council was described by the Michigan Committee on Civil Rights as consisting "almost entirely of people expelled from the CIO for Communist sympathies."

**APPLICABILITY**

The municipal FEP ordinances fell into two major groups: those which applied only to employment by the city, its agencies and subdivisions, and contractors with the city; and those which applied also to private employers within the city.⁹

FEP ordinances which applied to private and public employers varied in applicability, depending on the number of employees. Thus, for example, the Philadelphia ordinance applied to all private employers, including those with even a single employee, while the Cleveland ordinance was applicable only to employers of twelve or more employees. Some of the ordinances in this category exempted from coverage religious institutions and private, social or fraternal organizations, and, in most cases, prohibited discriminatory practices by employment agencies and labor organizations as well as by private employers.

**METHOD OF ENFORCEMENT**

Only the Akron and Phoenix ordinances were wholly lacking in enforcement provisions. The Cincinnati ordinance provided only that city officials violating the ban on their discriminating in employment would be subject to dismissal from city employment. Other ordinances generally declared violations to be misdemeanors punishable by fines; a few by imprisonment. Enforcement was left by the Chicago, Milwaukee, and Richmond ordinances to the regular law enforcement agencies of the city. In other municipalities, the FEP ordinances provided for special commissions that were charged with the duty of enforcement of the ordinance, and with carrying out a program of education to encourage compliance.

**Administration of Federal FEP**

The Fair Employment Board established under Executive Order 9980 to implement fair employment practices in the federal establishment was appointed on October 7, 1948. *(See AMERICAN JEWISH YEAR BOOK, Vol. 51, pp. 106-108.)* When the period under review came to a close, however, the board had not yet issued any report of its operations. Major gains in the federal service were achieved in the Post Office Department, where decisions of the board resulted in the employment of Negro postal clerks in San Antonio, Tex., and Mobile, Ala.

In January, 1951, a three year campaign came to a successful conclusion when seventeen Negro war veterans began training as apprentices in the plate-printing craft at the Treasury Department's Bureau of Engraving.

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⁹ Ordinances in the first group included Akron, Cincinnati, Phoenix, Sioux City, and Richmond. The Sioux City ordinance also applied to city franchise holders or licensees. All other ordinances applied to private employers.
This represented the first time that Negroes had been employed, either as apprentices or journeymen, at the plate-printing craft in the government's money making factory.

**Administration of State FEP**

From their inception in mid-1949 through December 31, 1950, the commissions in Oregon, Rhode Island and Washington handled a combined total of only 141 complaints and their reports provided little basis upon which to judge the extent to which discriminatory employment patterns had been changed. Reports concerning the operations of the Connecticut and Massachusetts commissions during the period under review were not to be issued until late in 1951. The Indiana and Wisconsin Commissions, operating on minimal budgets and lacking enforcement powers, failed, as in previous years, to issue any report of their activities. The New Mexico Commission, for which the legislature failed to appropriate funds, likewise issued no formal report.

**NEW JERSEY**

The New Jersey commission issued a biennial report covering the period from July 1, 1949 to July 1, 1951. The report revealed that 270 complaints had been received during the biennium, but failed to provide any detailed information regarding the nature of the cases or of the settlements. The record of the New Jersey commission showed a steady increase in the number of formal complaints from a low of 56 during the commission's first year of operation to a high of 140 complaints filed during 1950–51. Conversely, the number of informal complaints declined from 51 to 20 during the corresponding period.

During the biennium, the New Jersey commission disposed of 311 complaints, all by conference and conciliation, without having recourse to public hearings or other forms of legal compulsion. Of these, 40.8 per cent were “satisfactorily adjusted,” 47.2 per cent failed to show probable cause for action, and 12 per cent were either dismissed for lack of jurisdiction or withdrawn by the complainant.

**NEW YORK**

The New York State Commission Against Discrimination continued its practice of publishing an annual report of its activities, covering both the regulatory and educational programs of the commission, and including the record of cases which resulted in significant rulings or interpretations of the law.

During 1950, the commission handled 1,728 regulatory matters, an increase of 50 per cent over the preceding year. (A total of 835 regulatory matters were handled by the commission during the first six months of 1951.) Of the complaints lodged with the commission during 1950, 65 per cent alleged discrimination because of color, including one complaint from a white person and one from a Cherokee Indian, 20 per cent alleged discrimination because of creed, and 8 per cent because of national origin. Fifteen per cent of the complainants were professional workers, 11 per cent
were in sales work, 30 per cent in office and clerical work, 6 per cent craftsmen, 21 per cent operatives, 2 per cent laborers, and 15 per cent service workers. Twenty-one per cent of the complaints involved respondents who had been charged with discrimination in other years.

A total of 289 verified complaints were closed during 1950. In 47 per cent of these, the specific allegations of discrimination were sustained, including 73 complaints in which discriminatory practices—in addition to the specific allegations—were uncovered; in 43 per cent the specific complaint was dismissed, and the remaining 10 per cent were closed for lack of jurisdiction or withdrawn by the complainant.

Among the cases handled in 1950 was the first in the commission's six year history to result in a cease and desist order and the first to come before the courts. The former involved a man who had been a military intelligence officer during World War II, who charged that he had been asked illegal questions concerning his national background when he sought employment in response to an advertisement by the Kirk Lucas Employment Agency. The complaint was referred for a public hearing because of the agency's refusal to accept the terms of adjustment proposed by the investigating commissioner. Following the hearing on October 17, 1950, the agency was ordered to cease and desist from making inquiries concerning race, creed, color, or national origin and from giving any consideration to these factors in referring applicants to prospective employers. The agency was also ordered to re-interview the respondent for the first available position for which he was qualified.

The court action was brought by Doris M. Ivory in behalf of herself and the Association of Private Office Personnel Agencies, representing some 60 of the 250 commercial agencies in New York City. The suit challenged the validity of the commission's rulings on pre-employment inquiries and sought a declaratory judgment against the regulation requiring the posting of a notice regarding the FEP law. In January, 1951, State Supreme Court Justice Irving Levey supported the commission in its application to dismiss the suit. The Appellate Division affirmed Judge Levey's decision, and the case was pending before the Court of Appeals when the period under review ended.

Two significant cases occurred in the maritime industry. The first involved the discriminatory discharge of a Negro and resulted in a back pay award of $4,000, the largest financial settlement in the commission's history (John B. Clark v. States Marine Corp., June, 1951). The second stemmed from complaints by members of the Seafarers International Union and resulted in an agreement which was expected to produce a marked change in the employment patterns in the maritime industry, insofar as Negroes are concerned. In the past, it had been the policy of the union to divide ships into "colored" and "white" classifications for the steward's department. Negro stewards could be assigned only to ships classified as "colored" and white stewards only to those ships classified as "white." The union agreed to eliminate separate classifications for members of the stewards department.

10 A prior complaint against this agency had been settled early in 1950 but the agency failed to abide by the terms of the settlement.
and to eliminate the designation of ships as either white or colored. Separate hiring halls and "shipping lists" were also eliminated. Under the new system, men would appear on the shipping list and be referred for jobs in regular rotation regardless of race, creed, color or national origin. Although the agreement was effective only within the jurisdiction of the commission, Paul Hall, secretary-treasurer of the union, recommended that port branches in other states voluntarily adopt the same shipping procedure. By the close of the period under review, several branches on the Atlantic and Gulf coasts had acted favorably on this recommendation.

PUBLIC HEARINGS

The Massachusetts and Oregon commissions joined New York in holding the first public hearings under their respective laws. The Connecticut commission, which had held the only such hearing prior to the period under review (see AMERICAN JEWISH YEAR BOOK, 1951, Vol. 52, p. 36), held two additional hearings.

One of the Connecticut hearings (Young v. Travelers' Insurance Co.) resulted in a dismissal of the complaint; all others resulted in cease and desist orders. Two of the hearings, one in Connecticut and that in Oregon, involved labor unions; the hearing in Massachusetts involved an employment agency. In the latter case, the complainant applied to the Massachusetts Superior Court for a review of the commission's order, charging that the failure of the commission to order a money award to compensate him for the loss he had incurred as a result of the respondent's unlawful action, was an abuse of discretion. The case was awaiting trial when the period under review closed. In New Jersey, although no case involving employment discrimination reached the public hearing stage, the commission did hold a hearing under the public accommodations section of the law, which resulted in a cease and desist order against the owner of a swimming pool.

The holding of public hearings and the issuance of cease and desist orders during this period contrasted with the almost exclusive reliance upon conciliation as a means of adjudicating complaints during previous years and suggested a possible trend towards increased recourse to the legal sanctions of state FEP laws.

Administration of Municipal FEP

It was difficult to evaluate the effectiveness of the various municipal FEP ordinances. In many instances, no formal reports had ever been made. In the cases of Chicago, Milwaukee, Phoenix, Cincinnati, and Richmond, none of whose ordinances provided for a commission, available information indicated that the ordinances had never been invoked. Whether or not they had had any effect in altering employment patterns was unknown.

MINNEAPOLIS

The oldest ordinance containing genuine enforcement provisions was that enacted in Minneapolis in 1947. The Minneapolis commission issued its latest report on January 1, 1951. This report stated that there has been "a
gradual but marked improvement in employment patterns” in that city. From June 1, 1947 through May 15, 1950, the commission handled a total of 115 cases, and arrived at a favorable adjustment in 41 per cent of them; it found the complaints unjustified in 30 per cent of the cases, put aside 15 per cent because of insufficient evidence to permit a final adjudication; and dismissed 6 per cent for lack of jurisdiction. The remaining 8 per cent of the cases was still in process when the report was issued.

As for the basis of the complaints, 71 per cent involved discrimination against Negroes, 17 per cent involved discrimination against Jews, and 12 per cent involved discrimination against persons of Japanese, Mexican, or Indian ancestry, or of Catholic faith.

Of the persons charged with discrimination 78 per cent were private employers, 14 per cent were government agencies, 6 per cent were employment agencies and 2 per cent were labor unions.

The Minneapolis commission reported that, before passage of the ordinance, no Negro sales clerks had been employed in any of the city’s department stores. As of January 1, 1951, all major department stores employed Negro sales clerks. While few, if any, Negro or Jewish clerical workers were employed by insurance companies and other financial institutions in the city before 1947, a number of concerns of this type had hired Negro and Jewish workers in office and clerical positions since the enactment of the ordinance. In addition, employment agencies in the city had removed questions of race and religion from application forms.

PHILADELPHIA

On May 31, 1951, the FEP Commission of Philadelphia completed three years of operation. During this period, the commission had investigated and closed 620 cases alleging unlawful discrimination in employment. Unlawful employment practices were found and adjusted in 47 per cent of the cases. Unlawful employment practices were not established in 43 per cent of the cases, and the cases were accordingly dismissed. In the latter cases, although the commission was not able to establish the evidence that the particular complainants were discriminated against, the employers sometimes hired or upgraded the complainants or otherwise effected changes in employment practices. In 6 per cent of the cases the commission did not have enforcement authority. The remaining 4 per cent of the cases were withdrawn by the complainants with the consent of the commission.

During the three year period, complaints alleging discrimination on account of race or color comprised 62 per cent of the total charges; most such cases involved Negroes. Seven per cent of the charges alleged discrimination on account of religion; 3 per cent on account of national origin. Complaints concerning discriminatory questions on application forms constituted 13 per cent of the total; 14 per cent were charges of unlawful “help wanted” advertisements.

The first court case under the jurisdiction of any municipal FEPC was heard in Philadelphia in November, 1950. The case involved a German complainant who charged she had been discharged because she was not Jewish. The complainant refused to accept the decision of the commission.
that her complaint was without merit and demanded a public hearing. The court dismissed the case and ruled that the FEP had the right to determine whether or not to hold a public hearing. The court said in part:

The Ordinance that established FEPC is a modern and a novel type of law. Popular opinion is not clearly set on the question of discrimination, although the loom of consensus appears to be that it is an unlovely thing. It is therefore not surprising to find that governmental steps to combat it are taken tentatively and with caution until experience can declare itself.

A wide band of discretion is necessarily inherent in a legal body to deal with a newly recognized social offense. The Ordinance is obviously cast in such a way as to allow the FEPC to find its feet as a conciliation service and to apply the bite of sanction in proper cases.11

CLEVELAND

Although the Cleveland ordinance had been in force for only one year, the Cleveland Community Relations Board, which was charged with its administration, issued an interim report on December 7, 1950. According to this report, "hundreds of Clevelanders of so-called 'minority-group status' are now employed in factories or are working in job categories which, until recently, were closed to them." The report attributed the change largely to the enactment of the ordinance and the willingness of many employers to comply with its provisions voluntarily. In the brief period covered by the report, sixty-four complaints of discrimination in employment were filed with the board. These complaints charged refusal to hire because of race; the presence of questions relating to race, religion, or national origin on application forms; the segregation of employees on the basis of race; and the publication of help wanted advertisements designating the race acceptable to the employer. These complaints were being handled successfully by discussion and conciliation.

The Cleveland report listed the following direct results of the educational and conciliation activities of the Community Relations Board: Several retail stores which had never before done so had employed Negro sales and clerical employees; two large employers had eliminated racial segregation in their plants; the task of eliminating potentially discriminatory questions from job application blanks was being successfully carried out through conferences with employers and employer organizations.

It was too early to assess the impact of the remaining ordinances enacted in 1950 and 1951. However, it should be observed that the scope of municipal authority with regard to the enactment of FEP ordinances varied according to the powers delegated to the community by the state legislature. Some cities enjoyed grants of very broad police powers, under which they might adopt ordinances directed against all employment discrimination within the city. Others had received only limited grants of police power or home rule authority barring such effective local FEP legislation. Such a limitation in the case of Chicago had made a dead letter of that part of the

Chicago ordinance which prohibited discrimination by private employers. Even the most limited powers of self-government, however, included authority for the city to prohibit discrimination in city employment, by city contractors, and by persons holding city licenses or franchises. Experience indicated that, even in the case of an ordinance so limited, it was desirable to set up a special commission to administer and enforce the ordinance.

It is noteworthy that programs of education and enforcement had been developed only in those communities which provided in their FEP ordinances for the creation of special commissions to enforce the ordinances. Where enforcement of the ordinance had been left to the regular law enforcement authorities, available evidence indicated that nothing had been done to put the ordinance into operation, and that the effects upon employment practices had been negligible.

Striking testimony on this score was presented before the Ohio General Assembly (April 16, 1951) by James L. Myers, president of the Cleveland Chamber of Commerce and of the Associated Industries of Cleveland. Myers had served on the Committee for Cooperative Employment Practices, which had been established at the request of the Chamber of Commerce in lieu of an enforceable ordinance; upon the enactment of the ordinance he was appointed as an industry member of the Community Relations Board, which administered the law. Said Myers:

> It is from these vantage points that I have formed my opinion that fair employment practice legislation, having adequate and soundly administered enforcement provisions, is the best means whereby we can modify, and eventually eliminate, the blight of job discrimination based on race, creed, color, or national origin.

Our previous voluntary effort, although adequately financed and conscientiously promoted, was not able in a year's time to achieve significant progress in affecting hiring practices. Under our municipal ordinance, within a comparable period of time, we have witnessed very considerable gains which are materially altering the employment pattern.

The distinction between so-called "educational" measures and those with enforcement provisions is in my judgment unreal. The central emphasis of FEP laws with enforcement provisions is education but is supported by the necessary means for regular and orderly procedures for dealing with the relatively few cases which may arise in which cooperation is not forthcoming.

It can be fairly said from our local experience that the presence of enforcement sanctions encourages cooperative action among employers, labor unions, and employment agencies leading to the elimination of discrimination in employment.

Arnold Aronson

**HOUSING AND PUBLIC ACCOMMODATIONS**

While in the period July 1, 1950, to June 30, 1951, the emphasis in housing was on defense needs and remobilization, there was increasing understanding of the necessity of eliminating ghetto living from the United
States. This new awareness was reflected in activities by governmental, real estate, and civic organizations.

The need for additional housing was still great; that this was particularly true for minority groups was revealed by the early 1950 United States Census Bureau reports which showed that overcrowding was four times greater in housing for non-whites than for all other groups combined.

Federal Action

A program of urban redevelopment or public housing in order to replace slum areas with satisfactory shelter was in order. However, in a time of continuing housing shortage there was grave danger that the demolition of slums would leave the former slum-dwellers without satisfactory low-cost shelter. Recognizing this danger, the federal housing agencies issued strict regulations in the spring of 1951 attempting to ensure the satisfactory relocation of families displaced by urban redevelopment or public housing operations. Before sites could be approved, a feasible relocation plan with detailed facts and figures which reflected recognition of restrictions in the housing supply for minorities had to be presented by the local housing authority. However, families forced to move because of new public housing could still be rehoused in other slum dwellings. The Public Housing Authority (PHA) had still not acted to require relocation in standard housing.

While redevelopment had not progressed beyond the planning stages, it was already apparent that areas being considered for redevelopment were to a large extent the centrally located Negro ghettos. At the same time, in Chicago and other cities most new public housing sites selected were ghetto sites. These factors were creating almost insurmountable problems of rehousing and presenting the threat of creating new ghettos. The tightened federal regulations would help; but in addition it was believed by most housing experts that building on vacant land should take place before slums were razed.

The Federal Housing Administration (FHA), the key federal division concerned with private housing, while continuing to encourage segregated "Negro housing," announced in the spring of 1951 that whenever FHA obtained title to a project, it would be administered on a non-segregated basis. This policy was being carried out by FHA in a development in Norfolk, Va. Assurances were given that inter-racial developments would receive insurance, and in fact many had. At the same time, FHA continued to insure projects which followed a known discriminatory policy. The most notorious example of this was Levittown, Long Island, N. Y., a community of over 25,000 homes.

Legislation

The year under review saw little new legislation on housing discrimination. The Los Angeles City Council unanimously passed a resolution on January 3, 1951, which disapproved discrimination or segregation in urban
redevelopment. In June, 1951, the Wisconsin legislature finally repealed a law permitting racially restrictive covenants. This statute had remained in force despite the 1948 Supreme Court decisions barring enforcement of such agreements. On July 3, 1951, the Los Angeles County Board of Supervisors unanimously passed a resolution forbidding the practice of discrimination in connection with any land owned by the county. It remained to be seen whether this resolution would change the segregated practices in Los Angeles County public housing. (In sharp contrast, the City of Los Angeles had successful integration in public housing.)

On March 14, 1951, the Brown-Isaacs Bill became law in New York City. As of that date it became a misdemeanor punishable by a fine and prison term for the owner of any housing development constructed with public assistance to discriminate on account of race, color, or nationality. Thus, Stuyvesant Town, long a symbol of discrimination, was barred from using race as a criterion in tenant selection. Stuyvesant Town had admitted three Negro families to the project on a token basis, but announced that it would test the constitutionality of the Brown-Isaacs Law.

IMPLEMENTATION

Despite the paucity of new legislation, laws already in existence were implemented with renewed vigor. The number of cities actually administering unsegregated housing developments increased considerably. Newark, N. J., successfully accomplished a change-over from a segregated to an integrated pattern of occupancy, and cities such as Philadelphia, Buffalo, and Schenectady were about to embark on similar programs. As of July, 1951, public projects housing more than 35,000 families served as demonstration centers of successful inter-racial living.

In Newark, as a result of the straightforward stand of the municipal housing authority, the assistance of the PHA race relations staff, and the cooperation of community organizations, none of the repercussions predicted by the opponents of the integration plan occurred. The fears of the housing authority that integration at this time would consolidate opposition to public housing and jeopardize approval of new sites were not realized. On the other hand, the housing authority did discover that the firmest supporters of public housing were those who fought for integrated housing.

In New York State since 1939 there had been a law barring discrimination in public housing projects built with state funds. Nevertheless, with the notable exception of New York City, segregation was the rule. At the annual meeting of the New York State Committee on Discrimination in Housing, held in Buffalo on December 14, 1950, New York State Commissioner of Housing Herman Stichman publicly promised vigorous enforcement of the law. He followed this pronouncement with a ruling to all New York State housing authorities that segregation was deemed to be discrimination. On June 7, 1951, the New York State Committee, with the active co-operation of the PHA and the State Commissioner of Housing, sponsored an all-day work institute devoted exclusively to discussions of the method of achieving and administering inter-racial public housing projects. More than one hundred representatives of local public housing authorities attended.
There was an increasing realization of the basic importance of an attack on housing segregation in the battle against discrimination. At the same time, minority groups had come to understand more fully the importance of public housing. For this reason, the intergroup and minority group organizations had joined forces with the "housers" in the defense of public housing programs. This occurred in California where, nevertheless, the real estate lobby won a major victory in November, 1950, when the voters approved a law requiring local referenda on any proposed new public housing. In Illinois, however, a similar bill was vetoed by the Governor.

The entire federal public housing program was placed in jeopardy when the House of Representatives on May 4, 1951 (in a rider to the Independent Offices Appropriation Bill) limited to 5,000 the total number of new public housing units which could be started in the fiscal year July, 1951, to June, 1952, despite the Housing Act of 1949 which called for 350,000 units each year. The Senate increased the limitation to 50,000, and the question was before a conference committee of Senate and House members at the time of writing (July, 1951).

DEFENSE HOUSING

Housing bears a critical relation to the full utilization of minority labor. This was disclosed during World War II when qualified Negro workers could not move to areas where there was a shortage of labor because of housing restrictions. While the Defense Housing and Community Facilities Bill (S. 349), passed by the Senate and pending in the House, was silent on discrimination, the Senate committee report which accompanied the measure stated: "Your Committee expects that . . . there shall be equality of treatment of persons of all races, religions, and national origin. . . ." There was no assurance that "equality of treatment" would be interpreted to mean an end of segregation. The bill, as passed by the Senate on April 9, 1951, placed almost complete responsibility for defense housing in the hands of private builders. However, it had already been defeated once in a House test vote.

Litigation

In May, 1948, the United States Supreme Court outlawed judicial enforcement of racially restrictive covenants in the historic Shelley v. Kraemer case. An informal survey conducted by the United Press in January, 1951, revealed that as a result of this ruling, thousands of Negroes had been able to purchase homes in areas previously barred to them.

Proponents of restrictive covenants continued to seek legal technicalities which would maintain the effect of such agreements, despite the Supreme Court action. As recently as September 5, 1950, an Oklahoma court was asked to issue an order to halt the sale to a Negro family of an Oklahoma City home covered by a restrictive covenant, but refused to grant the injunction.

A suit for damages for violation of a restrictive covenant seemed to offer an opportunity to circumvent the Supreme Court ruling, in view of a 1949 decision of the Missouri Supreme Court allowing such action. On October 5,
1950, however, Judge Alexander Holtzoff of the United States District Court for the District of Columbia, threw such a suit out of court, stating that he construed "the holdings of the Supreme Court as withholding any judicial assistance for enforcement of such restrictive covenants." On January 30, 1950, the Circuit Court of Wayne County, Mich., dismissed a similar suit, while on March 26, 1951, the Superior Court of Los Angeles County, Cal., followed the precedent set by the District of Columbia and Michigan courts.

Another attempt to circumvent the United States Supreme Court involved an action for fraud. A seller in Minnesota requested a court to cancel a sale to a Negro on the ground that the seller's agent had not disclosed the buyer's color at the time the contract was entered into. The plaintiff contended that the agent's conduct was fraudulent. In September, 1950, the Minnesota court held that even if the facts were as stated, this did not constitute actionable fraud.

In Michigan, on January 11, 1951, the Wayne County Court went so far as to grant an injunction against four persons who had picketed the plaintiff's home and office, denouncing him for selling "white" property to Negroes. The court ruled that the picketing interfered with the property rights of the plaintiffs.

In general, courts tended to interpret the Shelley case as barring damage suits, suits based on fraud, and similar actions which indirectly sought to compel compliance with the restrictive covenants.

The precise question of whether public funds might constitutionally be used to build racially segregated housing projects had not at the time of this writing (July, 1951) been decided by the courts. However, the doctrine of "separate but equal" facilities was being attacked and whittled away by the courts in other fields—notably education. A case, Lewis et al v. City of Detroit, involving segregated public housing was pending in Detroit. In view of the long-standing recognition in Anglo-American law that no two pieces of land are exactly alike, it would seem that public housing projects which provided similar accommodations, but in separate locations, were discriminatory and consequently a violation of the United States Constitution.

In New York City the Metropolitan Life Insurance Company moved to dispossess tenants who had been active in the campaign to end discrimination in Stuyvesant Town. A lower court decision granted the dispossess order while refusing to admit any evidence bearing on the reasons for the evictions; this decision was being appealed in July, 1951. A similar case, brought by the owners of Levittown against two families who had entertained Negro children at their homes was also pending in the courts.

Racial Zoning

For the past twenty years the courts had consistently held that racial zoning ordinances (i.e., city laws providing that Negroes might not live in certain areas of the city) were unconstitutional. Nevertheless, some Southern cities continued to pass such legislation, and even to litigate their validity. Thus, Birmingham, Ala., had in 1944 enacted a racial zoning law, and argued
in the courts that such a law was a valid exercise of its police power. In December, 1950, the United States Court of Appeals for the Fifth Circuit rejected these contentions and held the ordinance invalid. Birmingham then appealed to the United States Supreme Court which in May, 1951, refused to review the lower court's decision.

**Violence**

The Negro family who successfully challenged the validity of the Birmingham racial zoning ordinance was not permitted to move peacefully into its home even after the court ruled the law unconstitutional. Bombs were thrown at the house just thirty-six hours after the Court of Appeals had decided. Other instances of violence took place as a consequence of attempts by Negro families to exercise their rights to decent unsegregated housing. South Dallas, Tex., was the scene of burning and bombing occasioned by the attempts of Negroes to build homes there. Investigations were being conducted by state and federal officials, but no arrests had been made. In March, 1951, a home bought by a Negro in Atlanta, Ga., was blasted.

However, overt racial violence was not confined to the South. Chicago and its environs were the scene of the most notorious racial violence. The first Negroes to move into areas bordering the "Black Belt" were victims of bombing and arson; nineteen such attacks occurred between January and May, 1951. Only prompt action on the part of the Chicago police in August, 1950, prevented a serious race riot similar to those which had occurred in previous years.

The violence reached its climax in Cicero, Ill., where residents of that all-white community rioted in force in July, 1951, to prevent a young Negro couple from moving into an apartment which they had rented. The incident represented the most serious racial disturbance in the United States since the Detroit riots of 1943.

**Public Interest**

During the period under review the National Committee Against Discrimination in Housing began operations under the chairmanship of Robert Weaver and received support from a wide range of civic, labor, religious, and minority group organizations. It established a working relationship with the federal housing agencies and contributed toward the development of a realistic national housing policy.

In addition, a new organization, Housing Research Council, was formed which planned to develop and co-ordinate a much-needed research program in this field.

An indication, perhaps, of the public interest in the question of democratic housing was the fact that the National Association of Real Estate Boards, the central body of control in the professional real estate field—once one of the staunchest supporters of racial segregation—at its convention in
November, 1950, voted a change in Article 34 of its Code of Ethics. Formerly this article had stated that: "A Realtor should never be instrumental in introducing into a neighborhood a character of property or occupancy, member of any race or nationality, or any individuals whose presence will clearly be detrimental to property values in that neighborhood." The reference to race or nationality was eliminated.

PUBLIC ACCOMMODATIONS

Segregation practices of Southern and border cities in city-owned facilities were eased in a number of instances.

One sign of the vulnerability of segregation was the three-day convention held by the National Association for the Advancement of Colored People (NAACP) in Atlanta, Ga., in June, 1951. For the first time since reconstruction days, an inter-racial meeting was held in the municipal auditorium while city officials closed their eyes to the existing segregation laws.

On the other hand, earlier in the year, Richmond, Va., refused to allow NAACP the use of the municipally-owned Mosque on the grounds that the organization declined to designate separate seating sections for whites and Negroes. NAACP instituted court action against the city to test the validity of its action.

The United States Supreme Court on October 16, 1950, ruled that Miami's practice of allowing Negroes the use of the municipal golf course one day a week violated the United States Constitution. Miami at the same time voluntarily erased the color line in its million-dollar city-owned library.

The City of Baltimore vacillated a long time, but finally on June 26, 1951, the Park Board voted to end segregation at Baltimore's four municipal golf courses and to allow inter-racial tennis matches on certain courts. This action was taken despite the refusal, in July, 1950, of two federal courts to bar segregation. The board announced it would allow mixed play on city athletic fields, upon application, if such fields were available. It left unchanged its segregation policy at the city's four public pools and at Ft. Smallwood Beach. The board also voted to continue segregation at the city's playgrounds but to permit "supervised mixed play on some playgrounds." The Park Board action was precipitated by the nation-wide publicity given to an incident which occurred on June 12, 1951, when park police stopped a baseball game between two Navy teams, one white and one Negro.

In June, 1950, the Kansas City, Mo., City Council voted to end discrimination at the Municipal Air Terminal, the Municipal Auditorium and the Starlight Theater.

Sky Chefs, the holder of the dining room concession at the Cincinnati municipal airport, announced on May 5, 1951, that it had agreed to end discrimination against Negro air passengers, and would serve all persons regardless of race. The same concessionaire had to be forced by court order to serve Negroes in its restaurant in the Kanawha County Airport in West Virginia.
This occurred on June 5, 1951, when the Federal District Court in Charleston ruled that refusal to serve food to individuals solely because of race was unconstitutional in a building constructed with public funds.

An example of racial segregation carried ad absurdum took place in Webster Grove, a city on the outskirts of St. Louis, Mo. On December 19, 1950, a Missouri court ruled that equal swimming facilities must be provided for whites and Negroes. Contending that they did not have sufficient funds to construct a pool for Negroes, rather than open the one existing pool to both races, the city decided not to operate the pool at all. Meanwhile, Washington, D. C. and St. Louis, Mo., municipal swimming pools, segregated until the summer of 1950, were successfully operating on an inter-racial basis.

**Legislation**

Little new legislation affecting discrimination in places of public accommodation was enacted. Only the Virgin Island passed a new comprehensive law barring such discriminatory practices. An interesting feature of this statute, approved by the legislative assembly in October, 1950, was the requirement that all owners of club facilities must file an affidavit with the government stating that there was no discrimination in the use of the premises.

Wisconsin, which had a law prohibiting discrimination in hotels and resorts, amended the statute in June, 1951 to eliminate discriminatory advertising, as well.

The town of Surfside, Fla., immediately north of Miami, passed a similar measure on April 9, 1951, barring signs using discriminatory language such as “selected” or “restricted.”

The Maryland legislature on February 15, 1951, repealed the law which provided for segregation on ferries and steamships, and thereby expunged the last vestiges of segregation from the state statutes.

In Portland, Ore., on the other hand, civil rights suffered a setback. An ordinance passed by the city council prohibiting discrimination in places of public accommodation was submitted to a referendum vote at the November, 1950, general election. After a well-financed campaign by the foes of equal rights which was characterized by false charges and appeals to prejudice, the measure was defeated by the voters.

**ENFORCEMENT**

Massachusetts, Connecticut, and New Jersey, the three states which provided for administrative enforcement of their public accommodation statutes, continued to report considerable activity in this field. As an indication of the progress being made, by the summer of 1951 Connecticut reported that no complaints were received regarding places where previous complaints had been settled. New Jersey held its first public hearing in this area in June, 1951, and in July ordered the owner of a swimming pool to “cease and desist” from refusing to admit Negroes.

A Minnesota court went further when on November 1, 1950, it fined the operator of a bathing beach $500 for refusing to admit a Negro boy.
COURT DECISIONS

In January, 1951, the Ohio Court of Common Pleas ruled that a dentist's office was not a place of public accommodation within the meaning of the Ohio Civil Rights Law. This decision pointed up the need for provisions in the law and in the canons of medical ethics barring any practices of racial or religious discrimination.

The Municipal Court of Appeals in Washington, D. C., in effect "found" a law when it held that a civil rights statute enacted in 1873 and "lost" since that time was valid. On May 24, 1951, the court, by a split decision of 2 to 1, upheld the validity of the law, which made it a misdemeanor for the proprietor of an eating establishment to refuse to serve any "well-behaved person" regardless of race or color. The decision was being appealed to the United States Court of Appeals for the District of Columbia.

PRIVately OWNED FACILITIES

In Washington, D. C., the Daughters of the American Revolution finally disregarded a rule of more than ten years' standing when they announced on April 22, 1951, that they would permit Dorothy Maynor to sing in Constitution Hall. This was the first commercial performance there by a Negro artist in fifteen years.

On March 18, 1951, the Committee on Civil Rights in East Manhattan, in New York City, announced the results of a restaurant survey undertaken on the East Side of Manhattan near the United Nations headquarters. The survey revealed that almost half of the sixty-two medium-priced restaurants sampled treated Negroes discourteously, or accorded them poor service and inferior treatment. Following this revelation, however, the four leading restaurant owners' associations, representing 1,500 restaurants, and a group of (American Federation of Labor) AFL unions, representing more than 70,000 workers in the industry, pledged themselves to work toward eliminating these discriminatory practices.

Discriminatory practices of hotels caused a Florida jury verdict to be questioned because the one Negro juror had to eat and sleep separately from the other eleven white jurors. While the verdict was set aside on other grounds by the Supreme Court of Florida in February, 1951, one judge scored this as a "bad practice."

Transportation

The June, 1950, Supreme Court decision in the case of Henderson v. United States, holding that racial segregation in interstate railroad dining cars violated a provision of the Interstate Commerce Commission Act, was extended by two lower federal courts. The Fourth United States Court of Appeals in Richmond, Va., on January 27, 1951, ruled that a railroad regulation requiring segregation violated the United States Constitution. The court granted damages to a Negro passenger who had been forced to move to a jim crow car, even though the segregated accommodations were found to
be equal to those he was compelled to give up. The Supreme Court refused to review the Court of Appeals' decision. A federal district court in New York issued a similar ruling on April 5, 1951.

As a consequence of these rulings, a person discriminated against by a railroad could go in the first instance to the courts for redress without first appealing to the Interstate Commerce Commission, and did not need to introduce evidence of "inequality." Railroads seemed to be making out-of-court settlements of similar cases that were pending.

**Armed Forces**

In July, 1948, President Truman had issued executive order 9981 declaring it to be the policy of the Commander-in-Chief that there should be equality of treatment of all races in the armed forces. He further stated that "this policy shall be put into effect as rapidly as possible." The goal had not yet been achieved at the time of writing, but the status of the Negro had improved considerably. Segregation had been abandoned in the Navy and Air Force, and was on the wane in the Army.

In April, 1951, an amendment to the pending draft and universal military training bill granting all draftees the right to request service in a unit composed only of members of their race, was defeated in Congress. Congress also refused to approve an anti-jim crow provision.

In March, 1951, a spokesman for the Navy announced: "We have no segregation, but we haven't hit the millennium yet." This statement was borne out by the fact that while Negroes were integrated, the Navy had only nineteen Negro officers and about 3 per cent of its enlisted personnel was Negro.

The *Air Force Times* in March, 1951, disclosed that 95 per cent of all Negroes in the Air Force were assigned to mixed units. Nevertheless, Negroes comprised only 6 per cent of the officers and 5.6 per cent of the enlisted men.

The Army, which had the highest percentage of Negro personnel, announced in March, 1951, that it had complete integration in its training centers, although "racial integrity" had been maintained in "some" combat units. It stated further that 11.7 per cent of its Army enlisted personnel were Negroes, but only 2.1 per cent of Army officers were Negroes.

Thurgood Marshall, special counsel to the NAACP, after an on-the-scene survey, reported in February, 1951, that the army in Korea had court-martialed a larger proportion of Negro soldiers than whites, and had imposed heavier sentences on them. Appeals were being taken in many of these cases.

The 24th regiment of the 25th Division, an all-Negro outfit, saw some of the heaviest fighting in the Korean conflict; however, the limitations of a rigid segregation policy were graphically disclosed when qualified replacements of the proper race could not always be found. Finally, in July, 1951, the Army announced that henceforth the 24th would be an integrated unit and segregation in the whole Far Eastern Command would be eliminated within six months. The Army stated that the Korean war had conclusively
demonstrated that Negro soldiers in combat "serve more effectively in inte-
grated units."

The official pronouncements by the Armed Forces on discrimination were  
encouraging, but the extent to which these policies were being put into prac-
tice remained an unanswered question. Charges were made during the year   
that segregation persisted in camps throughout the country. An investigation  
of Camp Dix disclosed segregated areas for Negroes; the army announced in 
April, 1951, that these practices would be ended there immediately. In ad-
dition there were instances of mistreatment of Negro military personnel by   
civilians in areas surrounding training camps, particularly in the South.  
Commanding officers tended to deny responsibility for events taking place    
outside the military reservation. Similarly, the House Armed Forces Com-
mittee on March 22, 1951, defeated an amendment to the draft and universal   
military training bill that would make violence practiced against United     
States military personnel a federal offense.

FRANCES LEVENSON

STATE AND MUNICIPAL LEGISLATION
CONCERNING DISCRIMINATION

The accompanying chart indicates the states which have enacted legisla-
tion concerning discrimination in employment, housing, and places of   
public accommodation.

Since 1945, eleven states have passed laws barring discrimination by em-
ployers and labor unions because of race, color, religion or national origin,
whose administration is vested in a state commission. In addition, two states   
have established commissions to investigate discrimination in employment.
These laws vary with respect to the persons and businesses covered, the size       
and type of the administrative body, and the sanctions provided for violations.

One state, Colorado, provides enforcement powers with regard to public     
employment only, while the Indiana and Wisconsin laws are chiefly edu-
cational and do not have enforcement machinery. In addition, Kansas         
and Nebraska have provided for a commission to study discrimination in     
employment.

The following twenty-two cities have local ordinances prohibiting dis-
crimination in employment: Phoenix, Ariz.; Richmond, Calif.; Chicago, Ill.;  
Gary, Ind.; Sioux City, Iowa; Minneapolis, Minn.; Akron, Campbell, Cin-
cinnati, Cleveland, Hubbard, Lowellville, Niles, Steubenville, Struthers,  
Warren, and Youngstown, all in Ohio; Farrell, Monessen, Philadelphia, and  
Sharon, in Pennsylvania; and Milwaukee, Wis.

Legislation concerning discrimination in housing is also of relatively re-
cent origin. New York passed a law barring discrimination in public housing  
in 1939, but the other eight states which have similar legislation enacted  
their statutes subsequently. These state laws in general apply only to public   
and publicly assisted housing. The present New York law passed in 1950     
forbids both discrimination and segregation, while Minnesota forbids dis-
crimination in redevelopment projects on the grounds of religion or political
affiliations only. Most of these statutes merely forbid discrimination without providing enforcement procedures. In Connecticut and Massachusetts, however, an administrative board has jurisdiction to prevent housing discrimination.

In addition, a number of cities have taken action to bar this type of discrimination. Such cities are New York, Los Angeles, San Francisco, Cleveland, Philadelphia, and Hartford.

In the field of public accommodations, twenty-one states have enacted civil rights statutes. These laws have been in existence for many years, some for fifty or more. The laws vary in detail, but generally bar discrimination and provide for civil action for damages or a criminal prosecution for violation. In addition, Connecticut, Massachusetts, and New Jersey provide administrative remedies, while Illinois authorizes enjoining the place of violation as a nuisance. Ten states bar discriminatory advertising. Maine and New Hampshire bar these advertising practices but have no law prohibiting the discrimination itself.

### Discrimination Prohibited by State Law

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- **Employment**
- **Public**
- **Privately Assisted**
- **Civil Penalties**
- **Criminal Penalties**
- **Admin. Enforcement**
- **Discrim, Advert., Prohibited**

*Enforcement machinery only with respect to public employment.

*No enforcement machinery.

*FEP study commission.

*Prohibits inclusion of race restrictive covenant on land used for urban redevelopment; also bars displacement of predominant racial group by redevelopment project.

*Bars discrimination in redevelopment projects only on grounds of religious or political affiliation.

*Statute only prohibits discriminatory advertising, but not the discriminatory practices.
RELIGION AND THE PUBLIC SCHOOLS

The role of religion in public education was the subject of mounting public interest during the period under review (July, 1950 through June, 1951). To an increasing extent, proponents of the opinion that religion should play a more significant role in public education claimed that the American school system was not doing enough to build character in American youth. Equating religious education with moral training, they demanded for religion an increased share of the school day and of the school curriculum. Moreover, they contended, religious education could serve as an ideological bulwark against the menace of Communism.

Attack on Secularism

Secularism in public education became a prime target of attack. On November 19, 1950, the Roman Catholic bishops, through the National Catholic Welfare Conference, pointed to the evils of non-religious education in a statement entitled: "The Child: Citizen of Two Worlds." Following this declaration, individual members of the Catholic hierarchy denounced secularism in public education. Msgr. Frederick G. Hochwalt stated in a speech before the Institute of Religious and Social Studies in New York City on December 23, 1950, that "this is no time for appeasement in dealing with the secularist mind in the field of education." On January 27, 1951, Bishop Thomas K. Gorman of Reno accused public education officials of having "read into" the First Amendment to the Constitution "the declaration of secularism, materialism and atheism as a sort of state religion." In New York City, in February, 1951, six Fordham University professors denounced a Board of Education bulletin entitled Source Materials in Curriculum Development, on the grounds that its philosophy was "atheistic" and offensive to Catholicism. The matter was under inquiry by the Superintendent of Schools.

Certain Protestant clergymen were also active in opposing "secularist education." The November 11, 1950 issue of Information Service, the bulletin issued by the Federal Council of the Churches of Christ in America, contained a strong plea for the recognition of the role played by religion in education.

At the meeting of the Christian Education Division of the newly organized National Council of Churches, held on February 25, 1951, Samuel McCrea Cavert, general secretary of the Council, declared that the treatment of religion as insignificant by the public schools had thrown "a tremendous responsibility upon the Church." At the same meeting, Truman B. Douglas of the Congregational Christian Churches’ home mission board stated: "Some of us would insist that an educational program which is neutral toward the supremely momentous spiritual truth underlying our common life is actually a program of miseducation."
From certain lay leaders, notably W. Kingsland Macy, a member of the New York State Board of Regents, came support for the clerical contention. On April 27, 1951, Macy suggested in a speech at Stony Brook, Long Island, that successful completion of a religious instruction course be made a prerequisite to graduation from the public schools of New York State. Instruction in such a course probably could not be offered in the schools themselves because of the traditional separation of church and state, Macy added, but a requirement might be made that candidates for graduation furnish proof that they had received religious training in a church or temple of their own or their parent's choice.

It was in the light of this that on June 20, 1951, the Central Conference of American Rabbis (CCAR) adopted a resolution opposing attempts to inject sectarianism into the nation's public schools, and warning that the principle of the separation of state and church "was being questioned, challenged and undermined in many quarters." The Reform rabbis called for opposition to Bible readings and religious holiday observances in the public schools and to the released time program of religious instruction. They expressed the belief that observance of Jewish as well as Christian holidays in the public schools was "improper, illegal and unconstitutional." In commenting upon the "challenge" in many quarters to the principle of separation of church and state, the rabbis stated that the public school system had been made to suffer because various groups had pooled their resources to oppose "federal aid to education, and needed reforms have been thwarted and blocked."

Msgr. John Middleton, Secretary for Education to Francis Cardinal Spellman, took sharp issue with these statements. He charged the CCAR with encouraging secularism which, he said, was "already eating away the heart of American life." According to Msgr. Middleton, "complete control of education by the state is both unethical and un-American. . . ."

**Released Time**

The significance of released time as a means of introducing sectarian education into the public schools was underlined when the Catholic bishops, in their above mentioned statement on November 19, 1950, for the first time endorsed released time as a means of religious education for pupils not in church schools. Among the Protestants, support for the released time program was maintained through the International Council of Religious Education.

During the period under review, attention continued to be focused upon New York State's released time case, which had been dismissed in the State Supreme Court on June 19, 1950 and appealed to the Appellate Division. The Court decided against the plaintiffs, Tessim Zorach and Esta Gluck, by a 3–2 decision on January 15, 1951. Once again the case was appealed, and on July 11, 1951, the Court of Appeals in a 6–1 decision upheld the constitutionality of the New York City released time program. In majority opinions, the court held that "governmental aid to, and encouragement of, reli-
gions generally, as distinguished from establishment or support of separate sects, has never been considered offensive to the American constitutional system." The minority opinion held that the United States Supreme Court decision in the McCollum case required a ruling that the New York released time program was unconstitutional. It was announced that the plaintiffs would appeal the decision to the United States Supreme Court.

Meanwhile, there was some uncertainty over what the impact of the Supreme Court McCollum decision of March 8, 1948 had been upon released time practice. Erwin L. Shaver, director of the International Council of Religious Education, revealed that by February, 1951, fourteen of seventeen state attorneys general had interpreted the decision as "favorable to the principle of pupil excusal for religious instruction during the time set aside for religious education." Shaver believed the total number of pupils then enrolled in the released time program "is probably close to two million; the number of communities operating programs, approximately 2,500." All in all, he presented a picture of the nation-wide released time program rapidly recovering from whatever setback it had received as a result of the McCollum decision.

At the same time, it should be noted that Dr. Shaver's statistics were not based upon an actual census of released time practices and of participants in the program; that the conclusions he drew concerning the extent of released time practices were a good deal more optimistic than those drawn by the National Education Association survey of June, 1949 (see AMERICAN JEWISH YEAR BOOK, 1951 [Vol. 52], p. 48).

One of the consequences of the McCollum decision, as reported by Shaver, was that most of the state attorneys general had interpreted the Supreme Court ruling to mean that released time arrangements must exclude the use of public school facilities and classrooms.

A memorandum dealing with the rulings of state attorneys general with respect to church-state questions and released by the American Jewish Committee and the Anti-Defamation League on March 23, 1951, substantiated this latter view. In addition it pointed to a wide discrepancy in the interpretation of what the Supreme Court justices had to say concerning the circumstances under which the practice of released time was legal. The findings underscored the need for the Supreme Court to clarify its ruling in the McCollum case, which it was expected to do in its decision in the New Jersey Bible reading (Doremus) and in the New York released time (Gluck-Zorach) cases.

The Bible in the Schools

On October 16, 1950, New Jersey's forty-seven-year-old law requiring the daily reading of at least five verses of the Old Testament in the public schools was sustained by the State Supreme Court. The act had been attacked by two members of the United Secularists of America in a suit which questioned the constitutionality of the statutes requiring Bible reading and permitting the recital of the Lord's Prayer.
The Supreme Court supported the Superior Court's findings that the readings did not tend to force students to hear sectarian teachings. The readings were seen as religious, but not as sectarian. Said the court: "We consider that the Old Testament, because of its antiquity, its content and its wide acceptance, is not a sectarian book when read without comment." This decision was appealed by the plaintiffs to the Supreme Court of the United States on January 13, 1951, and on March 12, 1951 the Supreme Court agreed to hear the appeal. On April 30, 1951, the New York City Board of Education asked the City Corporation Council and the State Attorney General to file with the United States Supreme Court an amicus brief supporting the New Jersey State Supreme Court decision.

In California, a bill that had been introduced into the state legislature to require daily Bible reading in California's public schools, was referred on April 16, 1951 by the Assembly education committee to the state board of education for a two-year study.

There was continued objection by religious groups to the distribution of Bibles by the Gideon Society in the schools. In Menasha, Wis., local Roman Catholic priests protested the distribution of more than three hundred Bibles by the Gideon Society. The directors of the school board in Reading, Pa., on March 5, 1951 forbade the distribution of religious literature in local public schools after hearing a petition by the Gideons that they be allowed to give copies of the New Testament to pupils. In East Bridgewater, Mass., on December 6, 1950, approximately 200 Catholic children were ordered by their priests to return Gideon Bibles that had been distributed to all public school children at school assemblies.

Sectarian Education

In addition to the released time and Bible reading cases there were other litigative issues bearing upon the relationship between sectarian education and public education.

In a decision on March 12, 1949, a local District Judge, E. T. Hensley, banned those Catholic nuns and brothers named as defendants in the case brought by Protestant residents of Dixon, N. M., from teaching in the public schools of that state. The decision also prohibited the distribution by the state of free texts to parochial schools, the transportation of parochial school pupils in public school buses, and the use of church-controlled property for public school purposes. A state court affirmed this ruling, including that section of it which excluded the 139 Catholic nuns and brothers from teaching in the schools. On January 17, 1951, the Free Schools' Committee of Dixon appealed to the State Supreme Court to extend Judge Hensley's decision so that it would apply to all religious teachers in public schools, not only to the specific defendants.

The Catholic church also appealed Judge Hensley's ruling. The brief that the church filed in the State Supreme Court made the following points: (1) The religious vows taken by the appellees did not infringe upon any of the constitutional rights of the appellants or the school children; (2) the wearing
of religious garb was an exercise of freedom of conscience guaranteed by the Constitution; (3) the use of church-owned property for public school purposes was consistent with the Constitution.

OTHER LITIGATION

In the relatively small community of Durand, Wis., a dispute was developing along the lines of the New Mexico case. The controversy concerned the Sacred Heart School of the Holy Rosary parish, six miles from Durand. On the first floor a public school was conducted. But all of the 197 pupils were Catholic and 6 of its 7 teachers were nuns. The Holy Rosary church owned the building and conducted a parochial high school on the second floor. Over a period of years five public schools were gradually combined with the Sacred Heart elementary school—now the Lima consolidated state graded school. Residents of these districts, almost entirely Catholic, preferred consolidating with the Lima Sacred Heart school to maintaining their own small schools. In the fall of 1950, the near-by Averill school was closed and consolidated with the Lima school. Elements of the community's Protestant minority initiated a suit challenging the legality of the school merger; the suit was heard in the Pepin County circuit court in Durand, on June 21, 1951. The suit had the support of the Wisconsin Council of Churches and the Eau Claire Ministerial Association, which were plainly concerned over the invasion of public education by religious groups.

Suit was brought by the Missouri Association for Free Public Schools in the state circuit court, on January 8, 1951, to stop payment of state funds to schools allegedly controlled by the Roman Catholic church. The defendants were four widely separated Missouri school districts and their officers, in addition to county and state officials.

New York’s Court of Appeals on June 1, 1951 ruled that a sectarian education could not be substituted for a required secular education unless it met the minimum requirements of the latter. The court stated unanimously that a divorced father, despite the latter's plea that his religious principles prohibited "systematic" education in secular subjects for his son, could not retain custody of the child unless he was given a "systematic secular education in the eleven basic subjects" required by state law.

The court’s disallowance of the claim that where provisions of the state education law conflicted with religious law the latter must prevail, was thought to have possible bearing upon the validity of the so-called Christian Science amendment to New York State's education law. This amendment excused children from "such study of health and hygiene" as might conflict with the religious beliefs of their parents or guardians. However, at the time of writing (July, 1951), no suit had been brought testing the constitutionality of the amendment.

Transportation for Parochial School Students

In a number of state legislatures bills were introduced providing for bus transportation for parochial school students. In New Mexico, despite the Hens-
ley decision (see above), which forbade the transportation of parochial school students in public school buses, the legislature enacted and the governor signed on March 10, 1951 a bill which permitted this practice. On March 7, 1951, the legislature of the state of Washington rejected a bill calling for an amendment to the state constitution which would permit private school pupils to use public school buses. In Mound, Minn., there was a campaign to win public support for the transportation of Catholic parochial school students in public school buses; however, the proposal was rejected on June 18, 1951 by the board of education for the Mound district. In the state of Wisconsin the Roman Catholic bishops officially opposed a transportation measure which had been introduced into the state legislature on the grounds that “the subject matter is highly controversial and difficult questions are involved.”

Religious Baccalaureate Exercises

In certain of the smaller upstate New York communities it was customary to hold religious baccalaureate services in school auditoriums. The town of Somers had been having such services until a Roman Catholic priest, Msgr. Edward V. Dargin, contended that they were “contrary to the religious teachings and tenets of the Catholic members of the graduating class,” and requested State Education Commissioner Lewis A. Wilson to rule the proposed program illegal and unconstitutional. On June 13, Commissioner Wilson ruled that such services could not be legally held in public school buildings, and declared that the state constitution forbade “teaching of a religious tenet” in public schools. The preaching of a baccalaureate sermon that was essentially religious was a violation of the state constitution, he added. In compliance with the ruling, the town of Somers was compelled to abandon its traditional religious baccalaureate service.

While there was a strong movement in Somers to appeal the ruling, two other upper New York State communities, Balston Spa and Whitesboro, announced that they would hold religious baccalaureate services in school auditoriums regardless of the ruling. The State Education Department made it clear that there would be no interference unless there was formal complaint. At Monticello, Roscoe, Callicoon, Livingston Manor, and Jeffersonville, baccalaureates that were essentially religious were held in school buildings during the month of June, 1951.

Religious Holiday Observance

There was no consistent approach by organized Jewish groups to the problem of religious holiday observance in the public schools. As the Christmas season approached, an attempt was made in a St. Louis, Mo., school to include Jewish songs on the Christmas program. The director of the program asserted that he had done this “at the suggestion of some Jewish parents . . . not to teach religion, but only to recognize the Jewish religion as well as the
Christian religion." But Rabbi Ferdinand M. Isserman of Temple Israel attacked the idea on the ground that public taxes were being used to support denominational religious practice and the result was a violation of the principle of the separation of church and state. This situation in St. Louis typified the divided opinion in many other Jewish communities on this highly charged issue.

In White Plains, N. Y., efforts to eliminate the Nativity scene from Christmas pageants presented in the public schools produced considerable discord among the various religious groups in the community. On December 19, 1950, there was an open meeting of the White Plains Board of Education at which J. Robert Bonnar, president of the Board, undertook to explain to the large crowd of protesting citizens exactly what had happened. The school principals, according to Bonnar, had "decided to try an experimental elimination of the Nativity scene from the elaborate Christmas programs, in those schools where it had been planned." This, he assured his hearers, was a staff and not a Board decision; in the eyes of the Board "no ban exists concerning the presentation of the Nativity scene."

In Pultneyville, a small community in upstate New York, the Christmas pageant in the public schools encountered opposition from an avowed atheist, Arthur Cromwell, father of Mrs. Vashti McCollum. Cromwell indicated that he would demand a ruling from the State Education Department as to its legality.

Federal Aid to Education

Prospects for the enactment of legislation providing federal aid to education dwindled almost to insignificance during the year under review. Failure of either the Barden or the Thomas bills to gain enactment (see AMERICAN JEWISH YEAR BOOK, 1951 [Vol. 52], p. 50) indicated that this legislation was hopelessly mired in the controversy over federal funds for parochial schools. Nevertheless, by the end of February, 1951, Senator James F. Murray (Dem., Mont.) had introduced into the Eighty-second Congress a bill which would provide federal aid for the transportation of pupils attending parochial schools; Representative Graham A. Barden (Dem., N. C.) had introduced a bill providing for federal aid only to public schools; and Representative Thomas H. Werdel (Rep., Calif.) had introduced a bill which would leave the question of the distribution of federal funds to parochial as well as public schools squarely up to the individual states.

To these pending bills were added measures introduced by Representative Frederic R. Coudert, Jr., (Rep., N. Y.), Representative Richard Bolling (Dem., Mo.), and Representative M. G. Burnside (Dem., W. Va.), which would guarantee health services at public expense to children attending non-public schools. All of these bills represented substantially the positions upon which the legislators divided last year, and Congress showed little inclination to act on any of them.

An effort was made from within the ranks of the National Education Association (NEA), at its convention early in July, 1951, to have that organization
alter its steadfast opposition to federal aid being extended to other than public schools. However, the resolution which finally passed showed that the largest teachers' organization was unwilling to compromise on this key issue: The National Education Association believes the American tradition of separation of church and state should be vigorously and zealously safeguarded. The Association respects the rights of groups, including religious denominations, to maintain their own schools so long as such schools meet the educational, health and safety standards defined by the states in which they are located. The Association therefore opposes all efforts to devote public funds to either the direct or the indirect support of these schools.

The Defense of the Secular School

Foremost in the ranks of those who in the past year defended the traditional public school was the National Education Association (NEA) and its affiliates. The NEA Journal for January, 1951 published an article by Gordon C. Lee bearing the title, "Catholic Educational Policy Examined: A Reply to 'Are Religious Schools American?'"; the article to which he was replying appeared in the Catholic Digest. Lee attempted to answer some of the charges made by the clericals against the public school. Vivian T. Thayer's The Secular School, which was published early in 1951, was another refutation of the clerical position. At the same time, the NEA was not averse to grappling with the problem of moral training in the schools. This was apparent from its publication early in 1951 of a volume entitled, Moral and Spiritual Values in the Public Schools.

At the Midcentury White House Conference on Children and Youth, the principle of separating religious from public education was affirmed on December 6, 1951, after a bitter floor fight. A proposal had been made to introduce explanations of religious tenets into the textbooks used in public schools; to urge communities to study plans for "teaching religion to all children," and to ask universities to give course credit for religious studies. After this proposal was voted down, a substitute amendment, accepted by a vote of 1,181 to 635, emphasized that religious education was the responsibility of homes, churches, and synagogues.

On November 13, 1950, the Massachusetts Council of Churches debated a proposed resolution which would have expressed disapproval of the appointment by Governor Paul A. Dever of Msgr. Cornelius T. H. Sherlock as a member of the State Board of Education. The text of the resolution read in part: "We do aver that his [Msgr. Sherlock's] position as the superintendent of parochial schools in the Boston Catholic Archdiocese disqualifies him from serving on a board charged with the control and direction of the public school system of the state." After extended discussion, the resolution was referred to the Board of Directors of the Council for such action as it might decide to take. At the close of the year under review, no further action had been taken.

Edward N. Saveth
IMMIGRATION AND NATURALIZATION

DP Act

On July 26, 1947, the Senate had authorized its Committee on the Judiciary to make a thorough investigation of the United States immigration system, with priority to be accorded to the problem of displaced persons (DP's). The study of the latter problem had eventuated in the DP Act of 1948, which was signed by President Harry S. Truman on June 25, 1948 and became Public Law 774 of the Eightieth Congress.

There was considerable dissatisfaction with many features of this act, which was eventually amended by the Eighty-first Congress on June 16, 1950. The amendment extended the life of the original act an additional year, from June 30, 1950 to June 30, 1951, and raised the number of DP's eligible for admission from 205,000 to approximately 341,000. However, partly due to the effects of the Internal Security Act of 1950 passed in September of that year, the number of DP's provided for in the amended act could not be admitted before the act lapsed. H.R.3576, a bill to extend the terminal date to December 31, 1951, sponsored by Rep. Francis E. Walter (Dem., N.Y.), was passed by the House of Representatives on May 9, 1951.

A parallel bill, with minor amendments, was passed by the Senate on June 21, 1951, approved by the House of Representatives the following day, and became law when signed by President Truman on June 28, 1951.

It was believed that unless some unexpected obstacles developed, the remaining DP's eligible under the law could be brought into the United States before the terminal date.

DP Statistics

As of June 30, 1951, a total of 249,975 DP's had been admitted to the United States under the DP Act of 1948 as amended, out of the 341,000 admissible under the act. Of this number, 50,042 (20 per cent) were Jews, 111,214 (45 per cent) Catholics, 85,724 (34 per cent) Protestants and Orthodox, and 2,9995 (1 per cent) of other faiths. In addition, the DP Act authorized the issuance of 54,744 visas to ethnic Germans born in Iron Curtain countries. As of December 31, 1950, the number of such immigrants admitted totalled 8,628. The total number of DP's admitted during the fiscal year ending June 30, 1951 was estimated at 85,469, of whom 13,533 (15.9 per cent) were Jews.

General Immigration Statistics

During the fiscal year ended June 30, 1950, a total of 249,187 immigrants were admitted, an increase of 32.3 per cent over the preceding fiscal year. During the previous five fiscal years, the comparable figures were:
TABLE 1

General Immigration to the United States, Fiscal Years 1945-49

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<td>1946</td>
<td>108,721</td>
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<td>1947</td>
<td>147,292</td>
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<td>1948</td>
<td>170,570</td>
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<td>1949</td>
<td>188,317</td>
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This increase, like that of 1949, was the consequence of the Displaced Persons Act of 1948. By the provisions of this act, aliens were eligible for immigration visas regardless of whether the quotas to which they were normally chargeable were currently available, visas issued to them being chargeable to future quotas.

Of the 249,187 general immigrants admitted during the fiscal year ending June 30, 1950, 197,460 were quota immigrants and 51,727 were non-quota immigrants. Of the non-quota group, 32,790 were natives of non-quota countries.

Immigration of natives from countries not affected by the DP Act decreased in comparison with the preceding year, in contrast with the increase in immigration from countries affected by the DP Act. Thus, quota immigration from Great Britain fell from 17,816 in 1949 to 11,700 in 1950, and from Ireland, from 8,490 in 1949 to 6,441 in 1950, whereas quota immigration from virtually every country in Central and Eastern Europe increased and even greatly exceeded the quota ceilings for those countries.

Reliable figures concerning the number of non-DP Jewish immigrants were not available, since official statistics were not broken down by religion. An estimate based on records of USNA and HIAS gave approximately 4,500 for the fiscal year ending June 30, 1950, and approximately 3,300 for the fiscal year ending June 30, 1951.

Complete figures for the fiscal year July, 1950 to June, 1951 were not available at time of writing. During the period from July, 1950 to March, 1951, 149,241 immigrants entered the United States.

General Immigration Legislation

The Senate Judiciary Committee had postponed its extensive investigation into the general immigration system until congressional action was completed on the DP Act of 1948 on June 29, 1949. Beginning July 7, 1948, extensive hearings and studies were conducted by the staff of the Immigration Subcommittee of the Judiciary Committee. The Subcommittee decided that it would be impractical to submit its proposed changes in the form of numerous amendments to the existing immigration and naturalization laws, and, instead, drafted one complete omnibus bill, embodying all of the immigration and naturalization laws and including the Subcommittee's own recommended changes.
This omnibus bill, S.3455, first introduced in the Eighty-first Congress by Sen. Patrick McCarran (Dem., Nev.) on April 20, 1950, was reintroduced by him in the Eighty-second Congress on January 29, 1951, with minor modifications, as S.716. On February 5, 1951, Rep. Walter, chairman of the House Immigration Subcommittee, introduced a similar, but slightly more liberal bill, H.R.2379. On February 22, 1951, shortly after the introduction of these bills, Rep. Emanuel Celler (Dem., N. Y.), chairman of the House Judiciary Committee, introduced a third omnibus bill, H.R.2816, differing in many respects from the McCarran and Walter bills.

Internal Security Act of 1950

Meanwhile, during the summer of 1950, Congress discussed and on September 23, 1950 passed over the veto of President Truman the Internal Security Act of 1950, which incorporated certain portions of the McCarran Omnibus Bill.

By the terms of the Internal Security Act the classes of persons excluded from entry into the United States as immigrants or non-immigrants were enlarged to include, among others, aliens who at any time had been members of, or affiliated with, the Communist or any other totalitarian party of the United States or of any foreign state, or the direct predecessor or successor of such a party.

The act declared deportable any alien who, at the time of entry into the United States, was, or at any time thereafter had been, a member of an excluded class, or who at any time, whether before or after passage of the act, had engaged or intended to engage in certain proscribed activities.

The act also greatly expanded the classes of aliens barred from naturalization to include any alien who had belonged to any of the groups ineligible for naturalization at any time within ten years prior to filing his petition for naturalization.

The principle of “permanent guilt” implied in the act, namely, that a person who had erred in his political beliefs or activities, even if he had long since in good faith repudiated his erroneous beliefs, should forever be excludable or, having entered, should be barred from naturalization and rendered deportable, met with sharp criticism among many groups.

The inequitable nature of this feature of the act became manifest very soon after its passage. For it resulted in the exclusion not only of “active” totalitarians, but also of “nominal” members of proscribed groups who had been compelled under certain circumstances to become members of these groups. Indeed, somewhat to the embarrassment of its authors, whose chief target had been totalitarians of the left, the act resulted in the exclusion of former members of totalitarian parties of the right as well. Public disapproval of the effects of this provision was so vigorous that, on March 20, 1951, Congress was compelled to amend the act to permit the admission of former nominal members.

1 See section on Congressional Hearings, below, for some of the organizations testifying in behalf of the admission of "nominal" totalitarians.
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Of totalitarian groups. This legislation, H.R. 2339, was signed by the President on March 28, 1951.

This bill, in its original House version, was intended to apply only to nominal members of non-Communist proscribed organizations, but was altered in its final form to include Communist organizations as well.

Major Provisions of Omnibus Bills

The major general immigration bill that was before Congress was the McCarran bill, S.716. As indicated above, the Walter bill, H.R. 2379, though differing in several respects in a more liberal direction, was modelled on S. 716 and contained the same basically restrictive provisions. The Celler bill, H.R. 2816, also modelled on S. 716, differed from it in its liberality in many more respects than did H.R. 2379.

Since S. 716 was the basic bill before Congress, this review will focus chiefly on its major provisions and the reaction of interested parties.

Quota System

S. 716 set up a system of priority categories within each quota, by assigning 50 per cent of the quota exclusively to aliens who were needed urgently in the United States because of their superior education, technical training, specialized skills, or exceptional ability; 30 per cent exclusively to parents of adult American citizens, and 20 per cent exclusively to spouses and children of alien residents. Any unused portions of these categories, if they exceeded 10 per cent, would be lost. Under this formula 90 per cent of each quota, outside of the "preference" categories, would have been non-usable, so that if few quota numbers were assigned to the named preference categories, perhaps because there were few applicants within these categories, the remaining quota numbers would be largely lost. This would have resulted in increasing the waiting period for visas on many quotas by several decades.

H.R. 2379 and H.R. 2816, on the other hand, would have reduced the 50 per cent assigned by S. 716 to the first or "selective" immigration category to 30 per cent, and allowed the full use of unused portions of the priority categories.

Asia-Pacific Triangle

All of the omnibus bills contained a provision concerning racial qualifications for immigration which marked an important advance in principle over existing law. This provision made all people, regardless of race, eligible for immigration, by assigning minimum quotas of 100 to all the independent countries, self-governing dominions, and the United Nations' trusteeship territories in the Asia-Pacific area which previously had been without such quotas, as well as a general quota of 100 to all other peoples of the Asia-Pacific area.

However, the bills failed to establish fully the principle of racial equality by retaining the so-called "one-half ancestry" principle, applicable in existing law to persons indigenous to China, the Philippines, and India. The bills
extended this principle to the entire Asia-Pacific area, by providing that an alien “attributable by as much as one-half of his ancestry to a people or peoples indigenous to the ‘Asia-Pacific triangle,’” irrespective of his country of birth, should be chargeable to the quota of the place of his ancestry.

**Quotas of Dependent Areas**

Both S. 716 and H.R. 2379 (though not H.R. 2816) continued a provision seriously curtailing immigration from Jamaica, Trinidad, and other colonies of the British West Indies, from which most Negro immigrants had been coming in recent years. Whereas existing law had entitled such immigrants to the full use of the large British quota, these bills—by limiting aliens born in colonies or dependent areas to a maximum of 100 visas from the quotas of their governing countries—would have radically reduced Negro West Indian immigration.

**Security Provisions**

In connection with the classes of aliens excludable because of past proscribed political affiliations, activities or beliefs, S. 716 exempted those aliens whose past membership had been involuntary or had terminated prior to the age of fourteen, or who for two years prior to entry had been actively opposed to the principles of the organization or ideology in question. This provision was substantially more liberal than the related one in the Internal Security Act which (as noted above) was amended by Congress during the time when the hearings on immigration legislation were being held (March, 1951).

**DEPORTATION FOR SECURITY REASONS**

However, the principle implied in this exception in the case of former nominal totalitarians was not applied by S. 716 to the problem of deportation. Thus it directed deportation for proscribed organizational membership or political activities engaged in, at any time after entry, even if these activities had long since been renounced in good faith, and even if they had been engaged in before the passage of the proscribing legislation. Indeed, so sweeping were the deportation grounds set forth in this bill, that not only was an alien declared deportable if he had actively engaged in proscribed political activities, but also if he “has had a purpose to engage in” such activities.

**CURTAILMENT OF ADMINISTRATIVE APPEAL**

S. 716 provided that any alien declared excludable at the port of entry on one of the many enumerated security grounds, by the examining immigration officer or by a special inquiry officer, might not be granted any further hearing. If the Attorney General sustained the excluding decision, the alien might be deported without having the charges against him disclosed if the
charges were based on information of a confidential nature, the disclosure of which would be prejudicial to the public interest.

The procedure set forth was more restrictive than that provided under existing law and regulation, whereby the alien could appeal from a decision of a Board of Special Inquiry to the Commission of Immigration and Naturalization, and from the latter’s decision to a non-statutory and semi-judicial Board of Immigration Appeals. S. 716 would, by implication, have eliminated the latter board.

**Curtailment of Court Review**

By eliminating the applicability to immigration and naturalization of the Administrative Procedures Act of 1946, S.716 empowered administrative officials to exclude, deport or detain aliens—in some cases, without disclosing the charges against them. It was impossible for the alien to seek redress in the federal courts for claimed injustices, except in a limited class of cases where a writ of habeas corpus might be issued.

**Exclusion on Grounds of Criminal Record**

S.716 barred aliens sentenced to five or more years imprisonment for two or more offenses committed under foreign jurisdiction, without consideration as to whether or not the offenses involved moral turpitude. The retention of the “moral turpitude” standard was recommended by witnesses who urged that immigration officers continue to be obliged to weigh the significance of a foreign conviction in terms of American legal and moral standards. Otherwise, it was objected, desirable immigrants who may have been convicted in their native countries of crimes of resistance against the anti-religious or anti-democratic practices of totalitarian governments, might be excluded by the United States.

**Naturalization Provisions**

S.716 contained a provision (“the right of a person to become a naturalized citizen of the United States shall not be denied or abridged because of race. . .”) that was universally endorsed by most of the witnesses at the hearing. An important consequence of this provision was that it rendered eligible for naturalization tens of thousands of Orientals in the United States, chiefly Japanese, who had theretofore been ineligible for citizenship.

However, the bill also established a wide range of new grounds for the withholding or revoking of citizenship. It denied naturalization to any alien who at any time within ten years prior to application for citizenship had been a member of a proscribed organization or had held a proscribed belief, even if such membership or belief had long since been repudiated in good faith. Similarly, any person who within five years after naturalization
had engaged in a proscribed activity would be subject to having his citizen-
ship revoked on the grounds that he had obtained his naturalization by will-
ful misrepresentation, inasmuch as the presumption was that he was not at
the time attached to the principles of the United States Constitution.

The bill also eliminated the stage of Declaration of Intention from the
existing naturalization procedure.

**Statute of Limitations**

S.716 permitted the deportation of any alien, no matter how long he had
lived in the United States, if he had been convicted of any offense, if the
Attorney General in his discretion concluded that he was an undesirable
resident of the United States. It directed deportation for any alien who “at
the time of entry was within one or more of the classes of aliens excludable
by law.” Furthermore, the bill declared deportable any alien who “in the
opinion of the Attorney General is, or at any time after entry became, a
public charge from causes not affirmatively shown to have arisen after entry.”
These provisions eliminated the statute of limitations, generally fixed at a
period of five years, applicable to deportation on various grounds, which was
contained in previous law.

**Congressional Hearings**

From March 6 to April 9, 1951, the Subcommittee on Immigration of the
Senate and House Judiciary Committees held joint hearings on the McCar-
ran and Walter omnibus bills and heard witnesses representing governmental
and private agencies concerned with immigration and naturalization policies.
While many of the witnesses pointed out the faults and dangers of the pro-
posed measures, some concerned themselves only with single provisions, with-
out commenting on the bills as a whole, due partly to their size and com-
plexity.

Among the witnesses who testified were government officials, representa-
tives of veterans’ and patriotic organizations, women’s, religious, and na-
tionality groups, labor and welfare organizations, and professional bodies. In
the main, most of the non-governmental organizations—Jewish and non-
Jewish—agreed that the bills did not accord with the humanitarian and lib-
eral traditions of the United States or with its obligations as leader of the
free world.

Among the testimonies presented was a fifty-point written statement sub-
mitted in the name of twelve organizations who had carefully considered
these bills as member agencies of the Joint Conference on Alien Legislation.
These organizations were: the American Jewish Committee, the American
Federation of International Institutes, the American Friends Service Com-
mittee, the Common Council for American Unity, the Council for Social
Action of the Congregational Christian Churches, the Hebrew Sheltering and
Immigrant Aid Society, the International Rescue Committee, the Interna-
tional Social Service, the National Catholic Rural Life Conference, the Na-
tional Council of Jewish Women, the National Lutheran Council, and the United Service for New Americans. The four Jewish organizations which joined in this statement were also represented in the testimony of Judge Simon H. Rifkind, who testified on behalf of a large number of Jewish organizations associated in the National Community Relations Advisory Council (NCRAC), which included among others the American Jewish Congress, the Anti-Defamation League of B'nai B'rith, and the Jewish Labor Committee.

TESTIMONY ON QUOTA PROVISIONS

The organizations associated with the Joint Conference, the NCRAC, and other organizations objected to the restrictive character of the preference system set forth in S.716. In addition, they called attention to the fact that the total annual quota of about 154,000 established in the Immigration Act of 1924 as an approximation of the number of immigrants which the United States could readily assimilate, had to a large extent remained unused, due to the rigidity of the quota system. To correct this situation they recommended that the law be amended to provide that all unused quotas in any fiscal year be made available during the following year to those immigrants, regardless of country of birth, who qualified in certain specified categories, such as certain classes of close relatives, victims of totalitarianism, skilled and talented persons, and special hardship cases.

They urged that, regardless of what system of preferences within quotas might be ultimately arrived at, any new basic legislation should permit the full use of unused portions of the preference categories. However, the preference given in S.716 to aliens with special skills or education was considered by the Jewish organizations to be objectionable, on the ground that immigrants should be viewed as persons and not as economic commodities, and that many of the most significant contributions to American society had been made by immigrants who when they arrived in the United States could not claim special skills or education.

H.R.2816 (the Celler bill) did make provision for a system of utilizing unused quotas according to a different formula from that suggested above. This bill was on this very score particularly commended to the hearings in the testimony of several Italian fraternal and welfare groups, including the Columbia Civic Group Club of New Jersey, the National Unico Clubs of America, and the Order of the Sons of Italy.

The testifying organizations commended the several omnibus bills for assigning quotas to all territories in the "Asia-Pacific triangle" and thus eliminating race as a basis for exclusion of prospective immigrants from the United States. However, they urged that Congress go a step further and eliminate from the law the one-half ancestry principle. This recommendation was argued with particular forcefulness by the spokesman for the Common Council on American Unity. The American Federation of Labor (AFL) questioned the desirability of assigning non-quota status to natives of the Western Hemisphere and opposed the Celler bill's scheme for the use of unused quotas. The AFL paid particular attention to the problem of Mexican migratory labor, against whose illegal importation it asked many safe-
guards. On the other hand, the AFL proposed that Congress "wipe the slate clean" of quotas mortgaged as a result of the DP Act, and start anew with the date of the passage of the new basic legislation.

The American Civil Liberties Union urged that the principle of "political redemption" be applied to the field of deportation, as well as to that of admission. Furthermore, the ACLU recommended that former anarchists should also be admissible if their beliefs had been recanted in good faith. The Joint Conference and the Jewish organizations strongly dissented from those provisions of S.716 which did not allow for the application of the Administrative Procedure Act of 1946 to the fields of immigration and naturalization. They stressed the importance of retaining the American ideal of government by laws, and the tradition that disputes between government officials and private citizens, when life and liberty were at stake, should be settled not by the government officials involved, but by an independent judiciary. This view was strongly supported by many witnesses. Many of the testifying organizations recommended that the existing non-statutory Board of Immigration Appeals be retained and made statutory, and that the right of an alien to appeal to the Commissioner of Immigration and Naturalization from a decision to exclude, and from his decision, if adverse, to the Board of Immigration Appeals, be retained.

They furthermore called attention to the fact that whereas aliens excluded at the time of their arrival had, in general, a right to appeal to the Commissioner of Immigration and Naturalization, and in most instances to the Board of Immigration Appeals, no similar uniformity had been administratively guaranteed as far as consular decisions are concerned. They therefore recommended that a Visa Review Board be established within the Department of State, with the right to review and reverse decisions to issue or deny visas.

A number of organizations testified on these and other naturalization provisions of S.716. The Jewish organizations cautioned against shifting the American naturalization system from one encouraging aliens to become citizens to a procedure intended to place obstacles in the way of the alien. The National Council of Naturalization and Citizenship objected to the elimination of the Declaration of Intention on the grounds that this would impose economic and psychological hardship. The American Civil Liberties Union urged that the right to citizenship should be based on intentions at the time of filing, rather than on those held ten years previous to filing.

The Joint Conference and the Jewish organizations reminded the joint congressional committees that the principle that a person should not forever be in jeopardy for an offense long past, especially if it was a merely technical offense, was one almost universally accepted in law and morality. Therefore, they urged, a reasonable statute of limitations should be retained and applied, at the very least, in cases which did not involve the security of the United States or serious criminal or moral offenses.

OTHER TESTIMONIES

The veterans' organizations, including the American Legion, the Veterans of Foreign Wars, and the Disabled War Veterans, gave a general endorse-
ment to S.716 except for minor details. The restrictive features of the bill were also strongly endorsed by the witness for the General Federation of Women's Clubs, as well as by representatives of several patriotic societies, such as the National Wheel of Progress, the Society of the War of 1812, the Ladies of the Grand Army of the Republic, and the National Council of the Junior Order of the United American Mechanics.

SIDNEY LISKOFSKY

ANTI-JEWISH AGITATION

IN THE atmosphere of mounting world tension that prevailed during the period under discussion (July 1, 1950, through June 30, 1951), anti-Semitic agitators intensified their topical attacks upon American Jews as Communists and Soviet agents. Of the veteran anti-Semitic groups, approximately fifty remained in operation. More important, however, than their static operations among the "lunatic fringe" were the more or less successful endeavors made by many anti-Semites to infiltrate their personalities and propaganda into the areas of respectability in American society. Most significant of all, perhaps, was the tendency of certain respectable elements in the United States to be more tolerant of patently anti-Semitic individuals and themes, because they were anti-Communist.

Attack on Jews as Communists

An outstanding example of this insinuation of anti-Semitic propaganda into respectable circles was the Rosenberg case. Shortly after the public announcement in November, 1950, that Anna M. Rosenberg had been appointed Assistant Secretary of Defense, Conde McGinley's Common Sense, Robert H. Williams' Intelligence Summary, Gerald L. K. Smith's Bulletin, and other anti-Semitic publications accused Mrs. Rosenberg of being a Communist fellow-traveler. There followed charges by Ralph de Sola, an admitted ex-Communist, supported by Benjamin Freedman (who had previously conferred with Representative John Rankin and Gerald L. K. Smith), which caused the Senate to hold up Mrs. Rosenberg's confirmation pending hearings before the Senate Armed Services Committee. Mrs. Rosenberg's vindication came on December 19, 1950, only after this important committee had been tied up in hearings for almost three weeks. Shortly after Mrs. Rosenberg's confirmation by the Senate, a grand jury inquiry was begun which was still pending at the time of writing.

DOUSSINAGUE HOAX

In March, 1951, the Hearst newspaper chain featured what purported to be a letter written by the late President Franklin D. Roosevelt to the president of the National Council of Young Israel. In substance, the letter gratefully acknowledged the receipt of a gift of a Torah scroll, then went on to discuss the alleged activities of the Young Israel official as an intermediary in alleged secret dealings between Roosevelt and Stalin involving the
sovereignty of several countries. This letter, first published by a Spanish Falangist diplomat, José Doussinague, had previously been reprinted in the Paris Figaro, and denounced as a forgery by the United States State Department. The Hearst papers had printed the letter in pursuance of their anti-Roosevelt policy. On being advised of the facts, the Hearst papers denounced the letter as a forgery in April, 1951. Nevertheless, such bigots as Gerald L. K. Smith and Ron Gostick (of Canada) undertook to reprint, quote and give prominent mention to the original Hearst article.

Anti-Semites and Progressive Education

During the period under review, the National Council on American Education (NCAE), an organization begun in 1947 by the agitator Allen A. Zoll, was very active in the campaign against progressive education. Under the imprint of the NCAE, Zoll published a great variety of literature on this subject. He also traveled about the country organizing local groups to protest and to initiate action as Communists against those school superintendents and other officials who maintained or proposed such features as vocational training, child guidance clinics, intercultural education, and human relations workshops. The NCAE group in Pasadena was partly responsible for the forced resignation of Dr. Willard Goslin as superintendent of the school system of that city (November, 1950).

Pro-Arab Propaganda

Considerably accelerated during the period of this review, pro-Arab propaganda clearly indicated that a cardinal point of Arab strategy against Israel was to undermine the status of the American Jewish community. While some anti-Zionist material and speeches were on a high level, much of it inevitably criticized the attitude of the American Government on Arab-Israeli problems, inferring Jewish or Zionist “influence” or “the importance of the Jewish vote.”

On a lower level, anti-Semitic publications increasingly adopted a pro-Arab line. Most notable example of this was McGinley’s Common Sense, which, influenced by Benjamin Freedman, attacked Zionism as a super-government or world plot. Similar instances were the pamphlets by George W. Armstrong (the most recent titled The Third Zionist War, a description of the Korean conflict), and Robert H. Williams’ pamphlet Know Your Enemy. Another springboard for an exploitation of anti-Semitic propaganda was the Palestinian Arab refugee problem. Thus, Yusif-el-Bandak, son of the mayor of Bethlehem, in the name of Arab relief, mingled heavy-handed references to Israel “cruelty” and Jewish “influence” with his many appeals before church groups. Bandak spoke as representative of the Holy Land Christian Committee, which was led by Admiral C. S. Freeman (ret.).

Many reputable Christian ministers inadvertently become retailers of Arab propaganda as the result of distorted presentations to them of Arab refugee conditions, coupled with the emotional appeal to their humanitarian impulses. Many other ministers and priests were similarly imposed upon by
lurid reports of alleged desecration by Israelis of Christian churches and other shrines in Palestine during the Arab-Israeli conflict.

**Anti-Semites and Economic Conservatism**

Merwin K. Hart's National Economic Council (NEC) continued to appeal to segments of industrial management which oppose such concepts as government controls, taxes and collective bargaining. The subject of investigation during 1950 by the House Select Lobbying Activities Committee, NEC's tactics were described by the Interim Report of that body (October 20, 1950) in the following terms:

... One of the National Economic Council's techniques, for example, is to disparage those who oppose its objectives by appeals to religious prejudice, often an ill-concealed anti-Semitism. While it might be argued that NEC's contributors share some responsibility for its activities, it is more likely that many of the corporate officials—and particularly the directors and stockholders of the corporate contributors—would be opposed to NEC's appeals to unreason if they were fully apprised of them.

Some substantial corporations and individuals withdrew their support of NEC, although many major donors continued to back it.

**Radio and Television**

Hearings were finally concluded on December 21, 1950 before the Federal Communications Commission (FCC) examiner in the matter of the radio licenses of Stations KMPC (Los Angeles), WJR (Detroit) and WGAR (Cleveland), all of which were principally owned by George A. Richards. The hearings, which consumed the greater part of the year, were based on a complaint filed in 1948 by the Radio News Club of Los Angeles, the local organization of newscasters. The complaint charged that Richards had issued oral and written instructions to the news staff and other personnel, directing that news concerning certain individuals, groups and events be "slanted, distorted, suppressed, altered or otherwise treated" so as to reflect Richards' personal point of view or bias. Thus slanted, it was alleged, the material was to be broadcast to the public as news, in violation of FCC regulations. In addition to furthering Richards' political opinions, it was alleged that some instructions were anti-Semitic. It was contended by FCC's counsel that radio licensees held their permits and wave length allocations as public stewards, and had no absolute right to exploit their licenses arbitrarily. Richards joined issue, raising the question of "freedom of speech." Before the presiding examiner made his findings, Richards died (May 28, 1951), after which, on June 14, 1951, the examiner made an initial decision dismissing the proceedings on the ground that Richards' death "... renders moot all the questions presented under the issues of this proceeding. ..." FCC's counsel contested this ruling and appealed to the full commission to set it aside. The matter was pending as of the time of writing.

As the result of the vagueness of Missouri statute relating to political parties, Gerald L. K. Smith's Christian Nationalist party (CNP) attained
a place on the state ballot in May, 1950. Thus recognized, it benefited from FCC regulations which required radio and television stations to grant time to opposing candidates for the same office, where one had already engaged such time. A further provision prohibited stations from exercising “the power of censorship over any material broadcast by such candidate.” This situation gave KWK, KXOK, WIL and KSD-TV no alternative but to grant Lohbeck and Hamilton the use of airwaves for their racial demagoguery up to the time of election. Despite this, the Smith party fared badly at the hustings, Hamilton leading the CNP ticket with 610 out of 1,279,000 votes cast for senator.

PUBLICATIONS

Anti-Semitic publications continued to range in style and tone from the mimeographed hate-sheet and leaflet to the well-produced periodical or pamphlet. Representative of the latter category was *Common Sense*, vitriolic semi-monthly published by Conde McGinley at Union, N. J. Illuminating as to the type of support *Common Sense* received was a quotation from a one-issue publication, *know the truth* (sic), put out by Benjamin Freedman in January, 1951:

Since 1948 Freedman has given unsparingly of his time and efforts to increase the circulation of *Common Sense* and has advanced a small fortune for that purpose. Within the past two months alone [November and December, 1950] Freedman has advanced to and/or for *Common Sense* in excess of $7,000... Freedman advanced funds to McGinley to cover the cost of printing and mailing 50,000 copies of *Common Sense* (No. 126) [the issue attacking Mrs. Anna M. Rosenberg].

Another publication, *Williams' Intelligence Summary*, also attained considerable notoriety when its July-August, 1951 issue attacked Gen. Dwight W. Eisenhower. Williams, whose Air Force reserve commission was revoked December, 1950 for “the good of the service,” published a pamphlet *Know Your Enemy*, which went into another edition during the period reviewed, whose fifty-five pages constituted one of the more ambitious essays in topical anti-Semitic scurrility. *Atom Treason*, a skilfully produced, well-illustrated twenty-four page pamphlet, smeared members of the Atomic Energy Commission, while at the same time exploiting the current spy trials as anti-Semitic propaganda. These were most representative of the tone and line of other anti-Semitic publications during the period under review.

*Individual Agitators*

Disseminators of anti-Semitism continued to use their organizations or periodicals as personal sounding boards. The activities of some of the agitators may be mentioned to illustrate the range of techniques employed.

**GERALD L. K. SMITH**

Gerald L. K. Smith's activities continued to center around the publication of his *The Cross and the Flag*, and the sale of other literature. He supplemented his income by rabble-rousing platform appearances in various cities,
none of which were productive, except for Los Angeles, where his colleague, Wesley T. Swift, "lent" his following to Smith's meetings. Still residing in Tulsa, Smith seldom appeared at the St. Louis headquarters of his Christian Nationalist party (CNP). This group continued to be run by Smith's staff consisting of Donald Lohbeck, Opal Tanner, Renata Legant, and John Hamilton. Meetings in St. Louis barely attracted attendances of fifty. In June, 1951, John Hamilton and a small group of members, discontented with Smith's tactics, broke away from CNP and formed the Citizens' Protective Association. The group, in its infancy at the time of writing, appeared to be formulating a line which veered away from the Smith brand of anti-Semitism, but instead concentrated on promoting the segregation of Negroes in St. Louis.

FATHER FEENEY

A springboard for indiscriminate religious bigotry was provided by the regular meetings held on Boston Common by Father Leonard Feeney and his small, but fanatical following. Father Feeney had been suspended from his sacramental privileges by the Catholic Church in 1949 for his insistence upon a literal interpretation of the doctrine that no one without the Church could attain salvation. Feeney's vituperative attacks were leveled in equal measure against the Catholic diocesan authorities, the Protestants, and the Jews, thereby attracting a highly varied audience of bigots of all persuasions. However, bigots who came to gratify their particular prejudice inevitably became aroused as their own religion or race was vilified.

JOSEPH P. KAMP

Joseph P. Kamp, who headed the Constitutional Educational League, completed service of his four-month sentence for a 1944 contempt of a congressional committee. He began serving this sentence June 9, 1950. Kamp was again convicted in Federal Court, Washington, D.C., on June 28, 1951, for contempt of the House Select Committee on Lobbying Activities (Buchanan Committee) for failing to obey that body's subpoena to produce the records of his organization during the course of the committee's hearing in 1950. As of the date of this article, Kamp was free on bail awaiting sentence and announced that he would appeal the verdict.

GEORGE W. ARMSTRONG

The Texas Educational League of George W. Armstrong, wealthy pamphleteer of Fort Worth, made a small annual grant early in 1951 to Piedmont College, Demorest, Ga. That institution's governing board accepted the grant over repeated and vehement protests by both faculty and student body, based upon Armstrong's background as a promoter of racism and other forms of bigotry.

Ku Klux Klan

The Ku Klux Klan made little progress during the period under review. Fragmentized into virtually autonomous groups, Klan activity centered in
Atlanta, Ga., where Samuel Roper presided as "Imperial Wizard"; Florida, where Bill Hendrix headed the Southern Klan; and the Carolinas, where activity was governed by Grand Dragon Thomas L. Hamilton. Other Klan circles elsewhere appeared to have temporarily subsided under the cloud of public revulsion and the anti-Klan legislation passed by various Southern states and municipalities. While reliable estimates placed the aggregate membership of the various Klans near the 20,000 mark, indications were that the membership turnover was great, and that the state of finances generally was poor in every segment of the hooded order. However, a shift in propaganda emphasis toward anti-Semitism became apparent, as Klan literature published during the period was virtually indistinguishable from the product of run-of-the-mill anti-Semitic publications. Coinciding with this shift, a revised Kloran (ritual) was printed which showed that the oath had been amended to include opposition to "the traitorous organization of minority groups." Bill Hendrix, speaking at a Klan rally at Georgetown, S.C. on August 5, 1951, viciously attacked Bernard M. Baruch as a "Zionist Jew" who was attempting to regiment the nation. On August 20, 1951, a widely heralded Klan rally at Whiteville, N.C., failed miserably when fewer than one hundred Klansmen appeared, many of them masked and astride dray horses. A crowd of 5,000 spectators, including many Negroes, turned the event into a carnival. Indicative of the general reaction of Southern officials and the citizenry at large were statements issued August 28, 1951 by the governors of both Carolinas. Governor Kerr Scott (N.C.) declared that he was "not going to take any foolishness from the Klan," intimating that several law enforcement agents had been ordered to investigate Klan activities in the state. Governor James F. Byrnes' office announced an investigation of recent Klan violence near Anderson in South Carolina. The masked meeting at Whiteville, N.C., held in a cornfield, pointed up the general difficulty encountered in certain types of anti-mask ordinances, since the statute exempted meetings on private property from its prohibition. Early in the summer of 1951, Hendrix announced his candidacy for governor of Florida. He opened his public campaign in Jacksonville on July 21, 1951, where he was introduced to the rally by Edgar W. Waybright, Sr., well-known local attorney and chairman of the Democratic County Committee.

Foreign Language Groups

Foreign-language elements in the United States in several instances manifested anti-Semitic sentiments.

A memorial meeting attended by 4,000 persons was held in New York City in June, 1951, by Ukrainian organizations to mark the twenty-fifth anniversary of the death of General Simon Petlura. Petlura in 1917–19 led Ukrainian Nationalist forces which perpetrated many excesses against Jews. He was shot in Paris by a Jewish youth whose family had been wiped out by Petlura's men. Speakers compared Petlura to Lincoln, calling him a martyr. Meetings were also held in Montreal and Philadelphia.

Reports from Cleveland were that Josef Tiso, Hitler's puppet premier
of Slovakia, received similar recognition as a martyr at a Slovak Day picnic on June 24, 1951.

A Democratic leadership contest in New York's predominantly Puerto Rican 14th District, in the summer of 1951, was marred by the widely circulated appeal of Enrique Calderon to the electorate to vote for him as against the incumbent because the latter "is a Jew, and the enemy of the Puerto Ricans and of all Christianity." Two leading Spanish language papers denounced these tactics, as did enlightened leaders of the Puerto Rican community. Calderon was defeated by the incumbent leader.

**International Anti-Semitic Activity**

Long contemplated by international anti-Semitic agitators, a World Convention of Neo-fascists was held in Malmoe, Sweden, during the week of May 14, 1951. Sponsored by Per Engdahl, Swedish fascist leader, the convention was attended by delegates from Germany, France, Italy, Switzerland, Belgium, and the Scandinavian countries. Prominent among generally uninfluential nonentities was Franz Richter of the neo-Nazi Socialist Reich party of Germany which had recently polled 400,000 votes in Lower Saxony. Generally, the convention outwardly avoided the topic of anti-Semitism, confining its deliberations to other aspects of totalitarianism, especially its political manifestations. It was decided to avoid the old designations of "Nazi" and "Fascist" and to stress the "newness" of the concepts to be advanced; the principal concept was of a "united" Europe with Germany as its core. Aside from designating the city of Trieste as the location of its secretariat (where the Centro Studi would provide facilities), the convention achieved little. In contrast to previous projects for similar conventions, investigation as of the time of writing showed that Fascists and anti-Semites in the United States had played little or no part in the Malmoe convention, though suggestions were made at the convention that American agitators be approached.

GEORGE KELLMAN

**INTERGROUP ACTIVITIES**

The year under review was marked by an increase in the number and significance of activities and programs for the improvement of intergroup relations. Sponsoring these activities were many segments of American society, including the universities, the churches and synagogues, government, youth, labor, and business, as well as national and local agencies specializing in intergroup relations. In the furtherance of their programs these groups had to contend with animosities created by the controversies over church-state issues and censorship of motion pictures, as well as by the attacks on public education. War in Korea, moreover, was both an incentive to improved intergroup understanding and a deterrent to new legislation dealing with discrimination.
College-Centered Programs

During 1950-51, the trend away from direct national agency servicing of local communities in intercultural education and toward the development of college-centered programs in human relations research and training, received further impetus. The National Conference of Christians and Jews (NCCJ) and the Bureau for Intercultural Education continued to be the prime motivating forces in this development.

On June 30, 1951, the University of Pennsylvania and the NCCJ announced the establishment of a human relations center at the university, to be directed by Martin Chworowsky, who had previously conducted the program at Teachers College, Columbia University. This brought to six the number of American colleges where professional curricula for the training of intergroup relations workers was offered. During the period under review, in co-operation with the Bureau for Intercultural Education both New York State University and Yale University introduced teacher training programs in intergroup education, the former in its state teachers colleges. This raised to four the number of college-centered training projects specifically aimed at developing skills in intergroup education for use in the public schools.

During the summer of 1950, some eighty-seven colleges and universities offered one or more workshops in the area of intergroup relations. Outstanding among workshops on intercultural relations and intergroup education were those offered at the University of California at Los Angeles (UCLA), Catholic University, University of Chattanooga, University of Chicago, University of Minnesota, University of Denver, University of Illinois, University of Maine, New York State Teachers College, New York University, Pennsylvania State College, Rutgers University, University of Southern California, and the University of Texas. Workshops on problems of race relations were conducted at Fisk University, the University of Kansas, Louisiana State University, the University of North Carolina, Ohio State University, St. Louis University, Washington University, Wayne University, Western Reserve, and the University of Wisconsin.

Elementary Curriculum in Intergroup Relations: Case Studies in Instruction, the fifth study in the Work in Progress series of the Committee on Intergroup Education in Co-operating Schools, was published in late 1950. The project was undertaken by the American Council on Education and was financed by the NCCJ. Co-operating school systems included those of Cleveland, Denver, Hartford, Hinsdale, Ill., Los Angeles County, Milwaukee, Minneapolis, Newark, Oakland, Pittsburgh, Portland, Ore., Providence, Riverside County, Cal., St. Louis, San Francisco, Shorewood, Wis., South Bend, Wilmington, Del., and the University of Chicago Laboratory Schools.

The Three R's Campaign

While substantial progress was being achieved in developing intergroup knowledge and skills for their application to democratic public education

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1See American Jewish Year Book, Vol. 52, pp. 75-76, for an analysis of the trend noted and a description of earlier projects.
in the United States, a movement several years in the making launched an attack in January, 1951 on the whole conception of modern or "progressive" education. The locus of the attack was Pasadena, Cal., where Willard Goslin, an outstanding American educator, had served as superintendent of schools since 1948. A local group, known as the School Development Council, decried the waste, "frills and fads," and "Socialist, collectivist propaganda in the schools," masquerading as "progressive" education. When Goslin failed to receive a vote of confidence from his school board, he resigned (November, 1950). Within a relatively short period of time, the issue of a return to traditional education—the three R’s—spread to other leading American cities: Minneapolis, Chicago, Denver, San Diego, Detroit, and Washington, D. C.

Many sincere citizens rallied to the cause of the three R’s. Traditionalists in American education, businessmen who favored cuts in school taxes, members of religious groups who felt that complete separation of church and state in the public schools rendered American public education "godless"—all became ready followers of the movement. Not only progressive education, but intercultural education stood seriously threatened.

The issue was further complicated by the character of some of the organizations and persons who were leading the attack. The outstanding group, the National Council for American Education (NCAE), numbered among its leadership several persons like Allen Zoll, Prof. John O. Beaty of Southern Methodist University, Mrs. David Good and others who, from time to time, had been identified with anti-Semitic movements. In New Jersey, Conde McGinley's demagogic journal, Common Sense, became a distributing agent for NCAE literature. In Chicago, a group known as the Friends of the Public School, subtly anti-Catholic and anti-Semitic in its orientation, took up the cudgels. An analysis of the leadership of the movement was made available to community school boards and education associations by the American Jewish Committee in co-operation with Jewish community relations councils.

Professional organizations like the National Education Association and the American Association of School Administrators reiterated their complete support for programs of progressive education and intercultural education in American public schools. These groups determined that a major gap in the program had been the failure to interpret modern education to the average American citizen. Accordingly, it was agreed to launch campaigns of public information and education on the objectives and accomplishments of progressive and intercultural education.

Toward this end, Look magazine featured in its issue of April 10, 1951, an article by Jack Harrison Pollack on the importance of mental hygiene instruction in the public schools. The article emphasized the superiority of modern methods of education over the formal discipline of the three R’s. On May 8, 1951, a documentary on the development of public schools and the goals of modern education, Children Ahead—Education at the Crossroads, was presented by the Public Education Association and the United

1 For a detailed account of the Pasadena school situation, see This Happened in Pasadena, by David Hulbur (Macmillan, 1951).
States Office of Education over the Mutual Broadcasting System. In addition, the National Education Association's document, *Moral and Spiritual Values in the Public Schools*, formed the basis of a fact sheet made available to radio commentators.

In New Jersey, Violet Edwards, educator and community organizer, was retained by the State Education Association to develop a program of community education on the public schools. In Los Angeles, a citizens committee was created to carry out a program of public relations, financing, and mobilization of community resources in behalf of the County School Project in Human Relations, a consultative service to district school boards on methods of integrating human relations education into district school programs. In New York City, a pamphlet, *Schools and Neighbors in Action*, by Mark A. McCloskey and Hyman Sorokoff of the Community Activities Department of the Board of Education, focused attention on projects undertaken in the New York schools to assure mutual interpretation and understanding between school and community.

**Textbook Study and Revision, Secular and Religious**

To secure improvement in intergroup education in the schools through effective textbook treatment of minority and immigrant groups, the American Textbook Publishers Institute established a special committee to determine what types of changes in existing textbooks were required and how these changes could best be made. Local textbook survey projects were begun in Philadelphia and Chicago.

Substantial progress was also made in the area of revision of Christian religious texts and Sunday school materials, particularly in the elimination of hostile references to Jews. As a result of a long-standing program undertaken at Drew Theological Seminary, the religious text materials of the major Protestant sects were edited to conform to the requirements of good human relations among American religious groups. Among the Catholics, eight parochial school texts in use throughout the country were edited to eliminate disparaging references to Jews, and a survey of text materials used in Catholic parochial and Sunday schools was undertaken by the Catholic Bible Association. The Syllabus on Intercultural Education, developed at Catholic University, was made available for use in the dioceses of New York and Boston; its use was under discussion in Chicago.

**Mid-Century White House Conference on Children and Youth**

On December 5, 1950, the decennial White House Conference on Children and Youth was convened. Some 6,000 delegates were in attendance and participated in a series of thirty-one panels and thirty-five workshops dealing with various aspects of the emotional, spiritual, and mental growth of young people. The emphasis during the conference was on the development of wholesome personalities in children.

Within this framework, consideration was given and recommendations were offered with reference to such matters as prejudice in young people,
racial segregation, preparation for intergroup living, and separation of church and state in public services for children.

The conference called for an end to racial segregation in schools and enunciated support for the civil rights program of President Harry S. Truman. A report by Kenneth B. Clark on the effects of prejudice and discrimination on personality development was received and adopted. Recommendations in the delicate area of church-state relationships included endorsement of further federal aid to states for educational services in tax-supported schools, and affirmation of "unalterable opposition" to the use of the public schools, directly or indirectly, for religious educational purposes.  

Equally as significant as the discussions and recommendations was the fact that committees, councils and commissions on youth in all states and in the territories became committed to engage in action programs dealing with the problem of prejudice as it affects the mental and personality health of children. An example of a successful follow-up to the conference was the Wisconsin Governor's Conference on Children and Youth held at the University of Wisconsin between April 19 and 22, 1951, under the joint sponsorship of the Wisconsin State White House Committee, the Governor's Commission on Human Rights, and the State Youth Participation Committee.

Organized Youth Activities

From June 26 to August 4, 1950, the annual Encampment for Citizenship sponsored by the American Ethical Union was held at the Fieldston School, Riverdale, N. Y. The objective of the encampment was to bring together in a day-to-day living and working relationship American youths between the ages of seventeen and twenty-three, drawn from diverse racial, religious, ethnic, geographic, and socio-economic backgrounds. From June 23 to 30, 1950, the Race Relations Committee of the Friends General Conference conducted a workshop at Cape May, N. J., at which Rachel Davis DuBois reviewed the program of the Workshop for Cultural Democracy in developing attitudes of intergroup understanding among families in mixed urban neighborhoods.

Sponsored by the National Conference of Christians and Jews, an Inter-group College Conference was held from August 31 to September 5, 1950, at the Felix Fuld Camps in Stroudsburg, Pa. The conference recommended that boards of education in large and small urban centers train school and community leaders to deal with problems of group tension, establish local human relations centers, and develop after-school community activity programs. Fifty-five young people, students at fifteen colleges in the New York area who had had previous leadership experience in school or community groups, participated in the discussions.

Between March 5 and 7, 1951, the Girl Scouts of America held their first national conference on human relations. In February, 1951, the Girl

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1 See also "Religion and the Public Schools," above.
Scouts published an intercultural program guide, *Tips to Camp Directors*, for use at Girl Scout summer camps.

In addition to the foregoing, intergroup experiences were given important emphasis in the programs of the Young Men’s and Young Women's Christian Associations, the Boy Scouts of America, the Campfire Girls, and the American Camping Association. Planning materials and program aids on human relations were made available to youth-serving agencies through the Youth Division of the National Social Welfare Assembly, a federated youth organization.

**Labor**

During the period under review, educational programs conducted by labor unions were initiated in major industrial areas of the country. In Pittsburgh, the United Steelworkers of America, stimulated by the local Labor Committee for Human Rights, carried the message of intergroup understanding to the coal-mining and steel-milling communities of Western Pennsylvania. In Detroit, the local Federation of Labor conducted its first Labor Conference on Civil Rights and Race Relations, attended by more than 350 delegates. “Discrimination in a World at War” was the theme of a one-day civil rights conference in Akron, O., sponsored by the United Rubber Workers. The Chicago Federation of Labor created a permanent Committee to Combat Intolerance to complement the ongoing work of the Human Relations Commission of the CIO Council of Chicago. The New York City CIO Council established a Committee on Human Rights to handle all cases on civil rights in the metropolitan area. The move represented a means of dealing with attempts by Communist-dominated unions to monopolize civil rights work. In Los Angeles, the Furniture Workers Union introduced plant seminars on fair employment practices, designed for shop stewards. Five hundred delegates attended a joint AFL-CIO Labor Conference on Civil Rights in Philadelphia.

Two labor institutes specifically devoted to human relations were held during the summer of 1950 at Wesleyan University and at Goddard College. The New Jersey State CIO Council conducted a civil rights workshop as part of its annual meeting at Rutgers University in June, 1950, and scheduled a major civil rights conference for July, 1951. In addition, some twenty-seven labor summer schools and institutes included human relations panels and workshops in their programs. Of these, nine were sponsored by AFL councils or affiliates; fifteen were sponsored by CIO councils or affiliates; and three were in the nature of general labor institutes.

In Michigan and Minnesota, the respective state CIO councils undertook during the summer of 1950 to carry their anti-discrimination programs to the rural and farm populations. County fairs were utilized to offer literature, films, exhibits, and discussions directed to meet the mutual interests of workers and farmers. Indicative of the growing consciousness of local unions in matters of discrimination was the action of the United Automobile Workers in St. Louis, which provided unequivocal support for the local Chevrolet management in its decision to hire and upgrade Negro personnel.
in skilled jobs. In Kansas City, Kan., as a result of a survey undertaken by the Race Relations Department of Fisk University on minority group practices in the United Packinghouse Workers of America, five leadership training classes were instituted involving twelve locals in the area.

Program aids and resource materials were made available to affiliated unions through national education departments of both CIO and AFL and through the Jewish Labor Committee (JLC) and the National Labor Service. The Inter-racial Clearing House, a labor-oriented organization sponsored by JLC, the Catholic Inter-racial Council of New York, the Presbyterian Institute of Industrial Relations, and the Negro Labor Committee, served as a consulting agency to local labor committees to combat intolerance, and sponsored a monthly radio forum in New York, *The Inter-racial Forum of the Air*.

**Business**

Business took important strides forward in addressing itself to problems of human relations. Outstanding was the creation of the Ford Foundation, designed to stimulate research and action toward better human relations on an international scale. In February, 1951, the Ford Motor Company announced a gift of $1,000,000 to the National Conference of Christians and Jews (NCCJ) for a Center for World Brotherhood to be built in the vicinity of the United Nations site in New York City.

The NCCJ and the National Urban League continued to be largely responsible for planning human relations programs in industry. In the summer of 1949, the General Cable Corporation in Perth Amboy, N. J., had been the first business firm to introduce in-plant training in human relations under the direction of NCCJ. Other major industrial plants adopting similar programs were the Seamless Rubber Co., New Haven, Conn.; American Smelting and Refining Co., Perth Amboy, N. J.; U. S. Metal Products Co., Carteret, N. J.; Kenwood Mills, Rensselaer, N. Y.; General Electric X-Ray Co., Milwaukee; and General Cable plants in St. Louis, Bayonne, N. J., Rome, N. Y., Emeryville, Cal., and Los Angeles, Cal. A three-day institute to deal with the NCCJ program for industry was scheduled for Cornell University for July, 1951. A newsreel story, *Experiments in Brotherhood*, depicting the in-plant training project received the 1951 Headliner Award as the outstanding newsreel story of the year.

Voluntary fair employment policies were adopted by a number of top commercial firms, including Carson, Pirie, Scott & Co., the Chicago department store; several leading banks in Detroit and St. Louis; and the Crosley Corp. of Cincinnati. National leadership in fair employment was maintained by General Electric, Radio Corporation of America, International Harvester, and General Cable. Pioneers in human relations locally were Sachs Quality Stores, New York City; American Cyanamid Co., N. J.; and Graphite Bronze Co., Cleveland.

Local urban leagues co-operated with NCCJ plant projects introduced in their communities, and Julius A. Thomas, the Urban League's labor and industries' director published a manual on fair employment techniques in
industry, *Fair Employment Works*. Significant material on fair employment and the integrated work situation was also produced by the American Friends Service Committee and was publicized by the American Management Association. In several communities, chambers of commerce initiated voluntary fair employment projects, although the effectiveness of these efforts was questioned. Illustrative of business and industry's concern with human relations was the demand for race relations workers in plant personnel departments, and use of the resources and guidance offered by group relations organizations.

**Church**

A notable event of the year in the area of Protestantism was the creation of the National Council of Churches of Christ in the U.S.A. (NCCCA), representing some twenty-nine major Protestant sects and 32,000,000 American Protestants. The NCCCA, in incorporating the Federal Council of Churches of Christ, took over the Federal Council's Department of Race Relations. This department was again responsible for organizing Race Relations Sunday in the Protestant churches in connection with Brotherhood Week in February, 1951. The Department of Racial and Cultural Relations also expanded its program for institutes on racial and cultural relations, workshops designed to bring minority groups together in joint living and learning experiences. *A Manual for Cooperative Work in Race Relations*, prepared by the Department of Racial and Cultural Relations and produced by the Inter-Council Field Department of the NCCCA as part of its "Church Cooperation Series," dealt with specific program suggestions and techniques for improving race relations within church groups.

In addition, many of the denominations maintained national education programs and participated in civil rights campaigns for fair employment and for non-segregation in housing and education. The Southern Baptist Convention, American Lutheran Church, Free Methodist Church of North America, and the American Unitarian Association, non-members of the National Council, also dealt in an organized way with problems of discrimination.

The emphases in Protestant programs were threefold: on effort to break down segregation in churches and to organize racially inclusive community churches; on the elimination of segregation in denominational educational and social welfare institutions; and on the re-enforcement of the armed services' policy of non-segregation through extensive chaplain training in human relations. Significant developments included the decision made by the Southern Baptist convention held in May, 1950, to recommend the elimination of segregation in denominational schools; and the abolition of segregation of Negro commissioners at the May, 1950, General Assembly of the Presbyterian Church. The General Synod of the Evangelical and Reformed Church and the General Council of the Congregational Christian Churches both called for an end to segregation in church life. Two schools for social action were held in June, 1951, under the auspices of the Council for Social Action of the Congregational Christian Churches.

The race relations department of the Catholic Committee of the South
recommended, at a meeting in Columbia, S. C., in January, 1951, that the diocesan governing bodies of Catholic societies be made up of members of both races, and that parish inter-racial groups be organized to develop programs of study and education.

Subsequently, Archbishop Rummel of New Orleans ordered that segregation be abandoned in his archdiocese. In Kentucky, Catholic colleges led the way in admitting Negroes to undergraduate study, and in Missouri, Catholic parochial schools took the lead in eliminating segregation. Fourteen Catholic inter-racial councils assumed increased responsibility for integrating Negroes and whites in every phase of Catholic American life, while the National Catholic Welfare Conference, as the major Catholic policy-making body on social matters, continued to address itself to problems of race relations, industrial relations, and relations with other faiths.

Mass Media

Controversy over the commercial showing of two motion pictures overshadowed the positive contributions of the film world to intergroup relations. *The Miracle*, one of three stories in an Italian-made film, *The Ways of Love*, was vigorously protested by Francis Cardinal Spellman of New York as blasphemous. Catholic war veterans picketed the Paris Theater in New York City at which the film played. A counter-picket line was set up to protest alleged Catholic censorship. On February 16, 1951, the New York State Board of Regents issued an order revoking the license of the Paris Theater. This action was upheld by the Appellate Division on May 15, 1951; the case was carried to the State Court of Appeals which on June 1 heard a further appeal. At the time of writing no decision on the latest appeal had been handed down.4 When the film opened in Los Angeles in March, 1951, Archbishop J. Francis A. McIntyre announced that he would take no action against it.

*Oliver Twist*, British-made film, American approval for which had been withheld by the Production Code Administration of the Motion Picture Association of America in 1949 because of an anti-Semitic stereotype, returned to the American scene in 1950, with a foreword explaining the fictional nature of the events depicted and with some scenes cut. In its revised form the film was approved for exhibition, and sporadic runs in several American cities were not opposed.

Departing from the trend of recent years, Hollywood produced no major film with group relations impact. However, the controversial *I Was a Communist for the FBI* released in May, 1951, helped to dramatize the self-seeking basis of Communist preoccupation with minority group problems.

Television, too, became involved in controversy when the National Association for the Advancement of Colored People (NAACP) in July, 1951, protested the televising of the radio program *Amos 'n' Andy*. The NAACP objected to the characterizations which they maintained stereotyped the Negro as shiftless and unreliable. In general, however, television did much to advance the cause of better group relations through Chapel programs shared by the three major faiths; through spot cartoons urging unity and

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4The State Court of Appeals upheld the lower courts in a decision handed down on October 18, 1951.—ED.
intergroup understanding; through series like *Unfinished Business, U.S.A.*, produced by the YMCA and the American Jewish Committee (AJC); and through the exhibition of human relations films. One such film, *The Challenge*, produced by the AJC, Anti-Defamation League, the Jewish Labor Committee, International Ladies Garment Workers Union, and United Automobile Workers, was presented on the American Broadcasting Company network in major cities throughout the country. In June, 1951, this film was awarded the Oscar prize in the adult education section of the Fourth Annual Film Festival sponsored by the Cleveland Film Council at Fenn College.

Radio, like television, continued to offer spot announcements and special feature programs dealing with intergroup relations, as well as the integration of human relations angles in sponsored programs such as *Tex and Jinx* and the *Lone Ranger*.

Particularly outstanding in newspaper coverage of intergroup relations were the handling of the segregated education issue by the *Atlanta Constitution*; the support for local civil rights improvement furnished by the *Denver Post*; and the special features on progress in intergroup relations published in the *Christian Science Monitor*.

A novel experiment was the exhibit in January, 1951, by the Committee on the Art of Democratic Living of approximately forty paintings and works of sculpture stressing the need for democratic living among Americans of different origins and backgrounds. The American Federation of Arts agreed to sponsor exhibits of the prizewinners at museums throughout the country. The *Panel of Americans* presentation, initially sponsored by the Inter-religious Conference at the University of California in Los Angeles (UCLA), and featuring American youth of diverse origins in frank discussions of minority group problems, was successfully offered in San Francisco, Seattle, St. Louis, and Cincinnati.

**Community Planning**

The creation of the Mayor's Committee for Civic Improvement in Boston in February, 1951, in the wake of neighborhood tensions in the Dorchester and Roxbury areas, brought to sixty-two the number of official human relations agencies in municipalities throughout the country. In March, 1951, Los Angeles set up an official human relations program as part of its organized civil defense effort. Previously, only Los Angeles County had maintained such a program. These agencies were spread over eighteen states, twenty-seven of which were concentrated in New Jersey as local affiliates of that state's Division against Discrimination.

In general, the functions of these agencies—as indicated in reports for 1949–50 published by mayors’ committees in Buffalo, Cincinnati, Chicago, and Detroit—included mediation of disputes arising from discriminatory practices; control of neighborhood tensions; in-service training for personnel of municipal departments, particularly police departments, park departments, and boards of education; liaison with other municipal agencies on problems of intergroup relations; and conduct of programs of popular
education on intergroup understanding and civil rights through the mass media. The reports reflected a shift from control of tension areas and toward the elimination of discrimination.

The majority of community organizations devoted to problems of intergroup relations continued to be found among the private organizations. These included local chapters and field offices of national group relations agencies; civic unity committees composed of representative citizens interested in community planning and intergroup relations; citizens committees created to deal with specific civil rights issues, e.g., fair employment, housing, and church-state relationships; interfaith councils; education departments of special interest groups such as veterans organizations, labor unions, women's groups, and chambers of commerce; and the sectarian community agencies originating with the three major faiths—Jewish community councils, Catholic inter-racial councils, and race relations departments of Protestant federations. The activities of these agencies were characterized by citizen participation in action programs designed to stimulate better human relations.

The period under review witnessed the closing of the American Council on Race Relations, informational clearing house in the intergroup relations field, which was disbanded in September, 1950. Some of its functions were assumed by the National Association of Intergroup Relations Officials (NAIRO) which published a monthly bulletin beginning March, 1951.

SOUTH BEND

The Community Human Relations Award of the National Conference of Christians and Jews (NCCJ) for 1951 was presented to South Bend, Indiana, where investigation revealed no segregation in the schools at any level, public or parochial; no segregation in public transportation, health, welfare, or hospital services; no segregation or discrimination in churches; no discrimination in hotels; and no segregation or discrimination in public recreation. Moreover, the NCCJ related that it was not unusual to find middle-class sections where white and Negro families were quite evenly distributed.

DENVER

Progress in intergroup relations in Denver, Col., was reviewed in the pamphlet, *In These Ten Cities*, published in January, 1951, by the Public Affairs Committee in co-operation with the New York State Committee on Discrimination in Housing. Since the advent of Mayor Quigg Newton's administration in 1947, discrimination in the General Hospital and in public recreational facilities had been eliminated; Spanish-American and Negro recruits had been sought for the police force; and opportunities in executive and skilled labor jobs had been opened to Negroes, Spanish-Americans, Jews and Nisei, both in municipal government and in private enterprise. The gains were directly attributable to the work of the Mayor's Committee on Human Relations and to the network of intergroup relations agencies that operated in Denver.
ST. LOUIS

A report of the St. Louis Labor Education Project (1948–50), a local operation of the American Federation of Labor's Education Service, after summarizing the work of the various agencies operating in St. Louis in the field of group relations, stated: "Housing, education and employment seem to be the most sensitive areas in which to measure relations between the majority and minority groups of a community. There appear to have been no significant changes during the last two years in housing and employment conditions for the minority groups in St. Louis." The report pointed to significant gains in the educational field.

OTHER MAJOR COMMUNITIES

Community relations agencies were very much disturbed by the instances of racial violence which took place in South Dallas, Tex., Birmingham, Atlanta, and the Greater Chicago area during the period under review. All of these were occasioned by the attempts of Negroes to secure decent housing. The most serious instance occurred in Cicero, Ill., in July, 1951, when a Negro couple was prevented by a rioting all-white community from moving into an apartment they had rented. (See article on Housing, above.) The National Association for the Advancement of Colored People (NAACP), the Chicago Council Against Racial and Religious Discrimination, and the Chicago Division of the American Civil Liberties Union were among the intergroup agencies that condemned the residents and police of Cicero for their roles in these riots and offered their assistance to the victims.

In Boston, juvenile delinquency set in a context of anti-Semitism culminated in intergroup gang wars in the Roxbury and Dorchester areas. A police officer was assigned to serve as a liaison worker with local group relations agencies to work out methods for dealing with these tension situations. Some stimulation to these adolescents may have been furnished by the Feeney movement. This group, allegedly seeking a return to "pure" and "fundamentalist" Catholicism, had consistently attacked Jews, Protestants, and the Catholic hierarchy in Boston. (See article, "Anti-Jewish Agitation," above.) In New York City, alleged police brutality toward Negroes and Puerto Ricans led to the creation of a Citizens Committee on Police Practices to investigate the extent to which New York police varied in their treatment of citizens of different races and to renew efforts for more effective police training in race relations.

Interfaith Relations

The controversy over separation of church and state, particularly in the area of public education, continued to be the major point of contention among Catholics, Protestants, and Jews. Catholic leaders, both lay and clerical, denounced "the secularist mind in the field of education." Protestant opinion continued to be divided. At its meeting in February, 1951, the Division of Christian Education of the NCCCA criticized the alleged elimination of religious values from public education. Many Protestant laymen,
however, particularly educators, stood opposed to all infiltrations of organized religion into the domain of the public school.

Within the Jewish community, the Synagogue Council of America reiterated its position in favor of total separation of church and state, a point of view shared by the majority of Jewish organizations. Local Jewish communities, however, were frequently reluctant to force an issue on such matters as released time and bible reading. An interesting sidelight to the whole issue was the filing on March 2, 1951, of a brief in Massachusetts by the American Jewish Congress, supporting the right of the Catholic Dominican Fathers to use residential property for purposes of sectarian religious education, despite the Congress' opposition to the use of public school property for such purposes. (For a fuller treatment of this topic see article, "Religion and the Public Schools," above.)

PROTESTANT-JEWISH RELATIONS

In co-operation with local Protestant councils of churches, the Anti-Defamation League (ADL) sponsored during 1950 some thirty one-week outdoor summer camps where Protestant and Jewish youth leaders lived and studied together. Both the ADL and the American Jewish Committee (AJC) served as liaison with the NCCCA on matters involving relations between the Protestant and Jewish faiths. A leadership training course, *The Bible and Human Relations*, developed by the AJC Inter-religious Division together with the Division of Christian Life and Work of the National Council and the Brooklyn Council of Churches, was approved for use in religious training in schools in the New York City area.

In February, 1951, some six hundred college and high school students from the greater Houston area were introduced to Judaism at a special institute conducted at Temple Emanu-El. In the same month, an institute on Judaism for Christian church women was conducted at Temple Adath Joseph in St. Joseph, Mo. In May, 1951, an interfaith meeting to acquaint Protestant Sunday school teachers with Judaism was sponsored by the Sisterhood of Rodef Shalom Temple in Youngstown, O. In New York City, a Hospitality Center for all members of the armed forces was opened as an interfaith project of the Broadway Tabernacle Church in February, 1951. In Dallas, Thanksgiving Day, 1950, was celebrated by more than two thousand men, women and children of all faiths who heard messages from a rabbi, a priest, and a minister. Interfaith observances across the country marked the annual celebration of Brotherhood Week in February, 1951. On May 17, 1951, in Boston, a dinner attended by 1,100 people, and sponsored by the Massachusetts Committee of Catholics, Protestants, and Jews, underscored the role of religious tolerance in combatting Communism.

Edwin S. Newman