Civic and Political Status

CIVIL LIBERTIES

The year beginning in July 1952 and ending in June 1953, like its immediate predecessor, did not offer a favorable climate for civil liberties in the United States. Domestic and international tension remained high. In Korea, the war continued; it was not until the end of July 1953 that the long drawn out truce negotiations finally reached a successful conclusion, and even then the fear of a renewed conflict—perhaps on a larger scale—remained strong. Elsewhere, the death of Stalin and the internal troubles of Russia and the satellites gave some hope of a less aggressive Soviet policy, but all the major areas of conflict remained. The threat of atomic war continued to hang over the world; the development of new and more powerful atomic weapons, and above all of the hydrogen bomb, continually refreshed the fountains of fear.

During the Presidential election of 1952 the issue of Communism in high places played an important role. The real menace of Communist espionage was skillfully merged by some Republican speakers with charges of Communist sympathies on the part of the Democratic administration, in such phrases as "the Truman-Acheson-Hiss" foreign policy. President Dwight D. Eisenhower himself did not engage in this type of demagogery. But some of its outstanding practitioners were themselves among the successful candidates, and it contributed to the creation of an atmosphere in which the new Republican administration felt it necessary to appear draconian in rooting out the subversion with which its predecessor had been charged.

Congressional Investigations

Up to the time of Congress's adjournment in August 1953, no significant legislation had resulted in the field of subversion. But fear of subversion had been one of the factors responsible for drastic cuts in the appropriations for the government's foreign information activities, and it had unmistakably affected both policy and morale in these and in the government's international activities in general.

In Congress, three separate committees (the Senate Investigations Committee, headed by Senator Joseph McCarthy [Rep., Wis.]; the House Un-American Activities Committee, whose chairman was Representative Har-
old Velde [Rep., Ill.]; and the Senate Internal Security Subcommittee, headed by William E. Jenner [Rep., Ind.]) were engaged in the hunt for subversives; the result was an overlapping of activities and a race for the headlines generally won by Senator McCarthy.

COMMUNISM AND THE CHURCH

In March 1953 Representative Velde proposed to investigate Communist infiltration into the clergy. The furor which this proposal aroused was later (July) reawakened with redoubled force when Senator McCarthy proposed the appointment of the Rev. Dr. Joseph B. Matthews to a key position on his committee's staff, just after Matthews had written an article charging that the strongest Communist group in the United States was to be found among the Protestant clergy. After President Eisenhower had responded to a telegram from the National Conference of Christians and Jews by publicly condemning the charge, Senator McCarthy announced his acceptance of the Matthews resignation. (An aftermath of this incident was the resignation of all the Democratic members of the McCarthy subcommittee, when the Republican majority voted to delegate to McCarthy the complete authority over the hiring and firing of staff members which he had hitherto claimed but which the Senate parliamentarian had decided he did not possess.)

Shortly afterwards the Velde Committee heard testimony from Methodist Bishop G. Bromley Oxnam, whom Representative Donald Jackson (Rep., Cal.) had charged on the floor of the House with serving God on Sunday and the Communist front the rest of the week. Bishop Oxnam disproved many of the charges against him in the committee files, and severely criticized both the committee's investigative procedures and the use which it made of unverified material in its files. The committee issued a formal statement absolving Bishop Oxnam of any Communist ties, but paid little attention to the changes in procedure which he suggested. Subsequently (September) the committee returned to the attack by releasing testimony by certain ex-Communists, taken some weeks before in executive session, in which they leveled charges of Communist sympathies and activities indiscriminately against a number of clergymen, many of whom had never had any Communist sympathies or connections. Apparently the committee had made no effort to check the reliability of this material before making it public.

UNITED STATES INFORMATION SERVICE

Fundamentally more important, however, was Senator McCarthy's investigation into the United States Information Service. While this investigation, which took place between February and April 1953, uncovered no evidence of subversion, it did result in the dismissal of some key personnel who had incurred the Senator's wrath. For a time the investigation seriously interfered with the operation of the Voice of America; in particular, it led to a directive, later revoked, which temporarily made it impossible to quote the Communists against themselves. Another aspect of this investigation was the cursory two-week trip of committee counsel Roy Cohn and his associate G. David Schine during April 1953 in which they investigated almost all
United States information activities in Europe. This trip produced much unfavorable publicity in the European press. It also resulted in a rash of directives under which, for a time, there was a frantic rush to remove from the shelves of United States libraries of information books—whatever their nature—by Communists, fellow-travelers, and "controversial" persons. Many of the books removed (e.g., John Reed's *Ten Days that Shook the World*) had also been banned in the Soviet Union. The situation was finally clarified by a new directive in July 1953 after President Eisenhower had personally declared his disagreement with some of the principles which appeared to be guiding the purge. Under this directive outright Communist propaganda was to be barred except where it served the purpose of pointing up Communist inconsistencies, on the ground that it was not the function of the United States Government to disseminate propaganda against itself. But controversial books were to remain, as an indication of the diversity of American life and the nature of the democratic process; so too were noncontroversial books by Communist authors, where they served a legitimate purpose in terms of the information program as a whole (as in the case of detective stories or humor anthologies).

**Wechsler Interrogation**

Senator McCarthy also aroused widespread criticism by his interrogation in April of James Wechsler, editor of The *New York Post*, in regard to the editorial policies of his newspaper, which had long been highly critical of McCarthy. The ostensible basis for the questioning was that Wechsler, who had been a Communist for a few years in the Thirties, was the author of a book that Messrs. Cohn and Schine had found in an Information Service library. However, Senator McCarthy and Cohn had difficulty in deciding what book it was, and failed to devote any of their questioning to elucidating its contents.

The Wechsler incident was investigated by a committee of the Society of American Newspaper Editors. The majority of the committee felt that the incident did not represent a serious attack on freedom of the press; the minority felt that it did. None of the committee members expressed approval of the Senator's action. Senator McCarthy followed up the incident by suggesting that a *Washington Post* editorial condemning him in connection with the Wechsler investigation rendered that paper unfit to receive second class mailing rights.

**Rumely Case**

In the case of Edward Rumely, the United States Supreme Court somewhat narrowed the scope of Congressional investigative powers. Rumely had been sentenced for contempt because of his refusal to reveal the names of purchasers of books published by the Committee for Constitutional Government. (This committee had refused to accept contributions exceeding $500, which would have had to be reported under the law on lobbying; instead, larger contributors bought literature.) The court held that the House Select Lobbying Committee had no right to ask Rumely for the names
of purchasers. The decision was by a vote of 7-0, but Justice Felix Frankfurter based the decision on the failure of the Congress to authorize the committee to conduct that type of inquiry, while Justices William O. Douglas and Hugo Black held that the question asked by the committee represented an unconstitutional interference with freedom of the press.

EDUCATION AND THE UNITED NATIONS

The Jenner Committee, meanwhile, continued its investigations into Communist infiltration in the field of education and among United States citizens working for the United Nations. Both investigations led to the dismissal of numerous individuals who invoked the protection of the Fifth Amendment to avoid answering questions as to their Communist connections or activities.

There was sharp controversy in academic circles as to the proper attitude toward proved Communists, as well as toward individuals who refused to answer on grounds of possible self-incrimination. In general, college administrations tended to hold that no person under Communist discipline should be retained as a teacher, and that invocation of the Fifth Amendment at least raised a serious question as to a teacher's fitness. The American Association of University Professors, however, held that a teacher's qualifications should be judged solely in terms of his academic competence. In the case of the United Nations (UN), heated controversy arose over the propriety of any one nation interfering with the personnel of an international civil service. A special committee of jurists appointed by Secretary General Trygve Lie ruled that it was proper to dismiss individuals likely to engage in subversive activity against the host country, and this served as the basis for the dismissals. A UN appeals tribunal, however, ruled in September 1953 that a number of the dismissals had been unjustified. Dag Hammarskjold, who had meanwhile succeeded Lie as UN Secretary General, announced that in accordance with his discretionary powers the individuals in question would nevertheless not be reemployed, but that he would ask the tribunal to set indemnities for them instead. At the time of writing (September 1953), the question was about to come before the General Assembly of the UN for final decision.

Security Program

The new administration announced in March 1953 that it was replacing the Truman loyalty and security programs with a new integrated program in which the emphasis would be on security, but which would also include criteria of loyalty and suitability. Previously, each agency had had its own security program; the loyalty program had been administered by departmental hearing boards, from which it was possible to appeal to a central Loyalty Review Board. The latter might also deal with security questions—but only in a case where they came up in connection with what was originally a loyalty hearing.

Under the new procedure, both the departmental boards and the central
board were abolished. In their place the Civil Service Commission was to
establish a panel of members, nominated by the heads of the various agen-
cies, from which hearing boards were to be chosen. No hearing board was
to include any member from the agency by which the individual before it
was employed. Both loyalty and security cases were to go before the new
boards; in contrast to the former procedure, however, the new boards were
not to have any role until the individual concerned had already been sus-
pended from duty by his department. Only persons who were in positions
designated by their agencies as sensitive were to be subjected to a detailed
check; for the rest, a simple "name check," to find whether they were listed
by any government investigative agency as involved in subversive activities,
was to suffice. Some departments, however, designated all their positions
as sensitive; in others, the complaint was voiced by employes that the stand-
ards for determining sensitivity had little relation to reality. The system
was not supposed to go into full operation until May 27, 1953; actually,
many departments were still unready to apply it at that date, so that its
actual operation was difficult to determine.

Security Officers

Pending the installation of the new program, authority in the field was to
a large extent concentrated in the hands of the various departmental security
officers, and there was no formal procedure for hearings or appeals. The
newly appointed security officer of the United States State Department, Scott
McLeod, attracted considerable public notice by reason of his intervention
in certain high level appointments. In the case of Charles Bohlen, appointed
as Ambassador to the Soviet Union, McLeod was widely reported as having
gone over the head of Secretary John Foster Dulles to protest the appoint-
ment to President Eisenhower. When Eisenhower gave Bohlen his full sup-
port, the Senate opponents of the nomination used material which appeared
to come from the confidential files of the State Department. One of the
senators, Styles Bridges of New Hampshire, had formerly employed McLeod
as his administrative assistant.

The appointment of Mildred McAfee Horton, former head of the wartime
women's naval auxiliary group, the WAVES, to the UN Social Committee,
proposed in April 1953, was held up by McLeod's office until it was too late
for her to carry out her duties. The same thing happened in the case of
David Lee Shillinglaw, a Republican banker from Chicago, who was sup-
posed to represent the United States in the UN Economic and Social Council
(ECOSOC). The forced resignations of a number of key foreign service
officials received less publicity but were probably more important in their
effect on departmental morale.

The case of John Carter Vincent, Agent General in Tangiers and former
Minister to Switzerland, falls in a somewhat different category. Vincent, who
had originally come under the fire of certain witnesses before the Senate
Internal Security Subcommittee, then headed by Senator Patrick McCarran
(Dem., Nev.), had been cleared by a departmental board, but the Loyalty
Review Board had decided against him by a 3-2 vote in December 1952. The
decision of the Loyalty Review Board was based on the contents of Vincent's reports to the State Department when he had been a Foreign Service Officer in China. Secretary of State Dean Acheson appointed a special commission to advise him in the exercise of his final discretionary authority. This commission, headed by Justice Learned Hand, had no opportunity to perform its task before the new administration took over. Secretary of State John Foster Dulles decided to dispense with its services; undertaking full responsibility himself, he ruled that there was no ground for complaint against Vincent in terms of loyalty and security. But, holding that Vincent had shown poor judgment in the reports in question, Dulles retired him from service in March 1953.

**Justice Department Prosecutions**

The Department of Justice continued to initiate prosecutions of Communist Party functionaries under the Smith Act. Several such trials were concluded during the year; all the cases which went to the juries resulted in convictions. In the prosecution of New York Communist Party officials, however, Judge Edward Dimock in December 1952 dismissed the charges against two defendants on the ground that the government had not introduced adequate evidence against them.

The Justice Department also continued to conduct perjury prosecutions against individuals accused of having sworn falsely in taking the non-Communist oath under the Taft-Hartley Act, in testifying before Congressional committees, or in other proceedings. The perjury conviction of Harry Bridges, charged with swearing falsely that he was not a Communist when applying for citizenship, was thrown out by the Supreme Court under the statute of limitations. This also voided the government's denaturalization proceedings against Bridges under the criminal law; however, the government on June 26, 1953, announced its intention of trying to revoke his citizenship through a civil suit to which the statute of limitations would not apply. Federal District Judge Luther W. Youngdahl ruled on May 2, 1953, that four of the six counts in a perjury indictment against Owen Lattimore, based on his testimony before the Senate Internal Security Subcommittee, were defective because they violated the provisions of the First and Sixth Amendments, in that they were insufficiently definite and tended to restrict freedom of belief and expression. At the time of writing, the government had appealed Judge Youngdahl's decision, and the issue was before the Court of Appeals of the District of Columbia. William Remington, whose original conviction for perjury had been upset by the Supreme Court, was convicted on January 26, 1953, under a new indictment based on statements he had made in that trial. This novel procedure appeared to open the way for an indefinite series of perjury prosecutions against any defendant who took the stand to deny the charges against him.

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The Department also initiated a number of investigations and some prosecutions under the Civil Rights Act. Municipal officials of Cicero, Ill., accused of conspiring with a mob to prevent a Negro family from moving into a white neighborhood, were convicted under the act but their conviction was reversed on appeal. In New York, it was revealed that for some months in 1952 a pact had been in effect between New York City Police Commissioner George Monaghan and Deputy Attorney General James P. McNerney, barring the FBI from investigating Civil Rights Act complaints against the New York police, and permitting them to investigate themselves. This pact, voided by Attorney General McGranery when it came to his attention, was first denied and then admitted by the officials involved. At the Governors' Conference in August 1953, certain governors complained of the action of the FBI in investigating complaints of civil rights violations in the prisons of their states.

**Passport and Visa Cases**

Despite the establishment of a Board of Passport Appeals, the State Department's actual procedure in passport cases seemed to change little in the course of the year. Perhaps the most publicized case was that of the Reverend James H. Robinson, who shortly after returning from a trip around the world to combat Communist propaganda in January 1953 was directed to surrender his passport because of certain past associations of which he was accused. After widespread protests had made themselves felt, the State Department withdrew its order. In January 1953 the Rev. J. Henry Carpenter was granted the passport which he had been denied in 1952 because it was feared that his visit to Japan might hinder the ratification there of the peace treaty, of which he disapproved. It was generally believed that, because of the McCarran Act, there had been an increase during the year under review in the number of cases in which passports were denied. Detailed information was, however, not available.

As usual, there were a number of cases in which distinguished foreign visitors were either refused visas, or found that they could not obtain them until the occasion for their use had passed. One case which attracted wide attention was that of Mrs. Gunnar Myrdal, wife of the distinguished Swedish economist and herself a United Nations official, who was at first refused admission except to the immediate UN area. After the case had received publicity, Mrs. Myrdal received an unrestricted visa. Another incident which received some prominence in the press was the temporary banning of a British pacifist, Stuart Denton Morris, who was to undertake a lecture tour. Morris received a visa in London but on arriving at Ellis Island in May 1953 was held for two weeks on the basis of an immigration inspector's decision that he was ineligible for admission; several of his lectures had to be canceled, but he was eventually admitted when the Board of Immigration Appeals in Washington reversed the inspector's decision. In July 1953 a Soviet chess team canceled its plans to visit the United States because the State Department refused to permit its members to live at the Soviet UN
delegation's house on Long Island. During the year under review, various international learned societies decided to hold their congress in other countries because of the possibility that their members might be refused admission to the United States.

Immigration

Numerous humbler individuals also came into conflict with the immigration laws. In the case of Ignaz Mezei, an alien who was barred from re-entering the United States when he returned from an unsuccessful attempt to visit his relatives behind the Iron Curtain, the Supreme Court ruled by a vote of 5-4 on March 16, 1953, that he might be held at Ellis Island indefinitely without bail, despite the refusal of the government to grant him a hearing or to present its evidence against him to the courts. In another case, in May 1953 the Court refused to review an order of deportation issued against a former Communist alien, Nicholas Dolenz, despite his claim that he would be in danger of physical persecution in his native Yugoslavia. The immigration authorities had decided, without presenting evidence to support their view, that this danger did not in fact exist. In Hawaii, the United States District Court denied citizenship to Wladyslaw Plywacki on the ground that as an atheist he was unable to take the required oath. This decision was reversed in May 1952 by the Ninth Circuit Court of Appeals in San Francisco, Cal., which ruled that Plywacki might affirm.

Post Office Action

The United States Post Office Department was revealed to be engaged in rating the academic standards of universities and individual researchers, in order to determine which of them were sufficiently reputable to receive copies of Soviet periodicals. This was done under its authority to bar from the mails foreign subversive propaganda. (However, the Department permitted all subscribers to receive Pravda and Izvestia—the basis for this distinction was a little difficult to understand.) Among those who found that they were failing to receive their copies of Soviet publications was David Dallin, long a leading anti-Communist authority on the Soviet Union.

State Legislation

A number of new state laws aimed at combating subversion were passed during the year under review. In November 1952 California voters adopted, by a vote of more than two to one, amendments to the state constitution requiring loyalty oaths from all state employees and setting up a loyalty inves-
tigation program. In the summer of 1953 Texas passed a law requiring publishers of textbooks to submit certifications from all their authors, editors, and illustrators that they were not subversive. Where the authors were dead or otherwise unavailable, the publishers were required to certify that the authors would have been able to sign such a certificate. The city of Denver banned textbooks whose authors did not support "the principles of the American Constitution." On the other hand, the Alabama Board of Education in the summer of 1953 rejected a proposal similar to the Texas law. In Illinois the Broyles Bill setting up a loyalty program, which had been vetoed previously by Governor Adlai Stevenson, was again vetoed by his Republican successor William Stratton in July 1953.

Several state laws passed in previous years came before the courts. The Oklahoma oath law (see AMERICAN JEWISH YEAR BOOK, 1953 [Vol. 54], p. 28) was voided by the United States Supreme Court, 8-0, on the ground that "Knowledge is not a factor under the Oklahoma statute. . . . The fact of membership alone disqualifies. . . . Indiscriminate classification of innocent with knowing activity must fall as an assertion of arbitrary power." The Supreme Court, by a vote of 7-2, remanded the case brought by a Michigan Communist leader, William Albertson, under that state's Trucks Act, with instructions that the District Court not act on it until the state courts had construed the law. By a similar vote, the Supreme Court in the winter of 1953 refused on technical grounds to consider the case of Isidore Edelman, convicted under the California Vagrancy Act, whose validity he challenged.

In Pennsylvania, in June 1953 Judge Curtis Bok in the Court of Common Pleas upheld the state's Pechan Act, providing for loyalty tests for state employees and recipients of various forms of state benefits, on the ground that Supreme Court decisions gave him no choice; however, he denounced its provisions. In May 1953 in New York State, Justice Aaron Steuer ruled that past membership in the Communist Party did not in itself justify dismissal of a washroom attendant. The validity of the Gwinn Amendment, requiring tenants in federally aided public housing to swear that they did not belong to any subversive group, was tested in a number of cases in both Federal and state courts; in some instances temporary injunctions were issued against its enforcement.

State and Municipal Censorship

A number of cases arose in state courts involving censorship and freedom of the press. In Chicago, Ill., in the summer of 1952, the courts upset a police ban on The Miracle, which the city attempted to enforce despite the Supreme Court decision permitting the exhibition of this film. The Toledo municipal court in Ohio upheld in the summer of 1952 the right of exhibitors to show newsreels which had not been submitted for prior censorship. In New York State, the Appellate Division upheld a ban in the summer of...

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1953 of the film *La Ronde* by a 3-2 vote. In Middlesex County, N. J., the authorities were enjoined by Judge Sidney Goldmann in the spring of 1953 from attempting to interfere with the distribution of certain books whose withdrawal from sale they had attempted to secure. In Cleveland, wholesalers were heeding and retailers were refusing to heed a "suggestion" from the police that various books be withdrawn. A similar case was before the courts in Youngstown, Ohio. Most of these cases involved the sale of cheap paper-covered editions. In Georgia the State Supreme Court in January 1953 voided the contempt conviction of Ralph McGill and William H. Fields of *The Atlanta Constitution*, who had refused to print photographs of certain court records at the direction of Judge H. E. Nichols.

**Private Censorship**

The problem of private attempts at censorship continued to be a pressing one. In a number of cities groups brought pressure on local newsdealers to remove various publications under threat of a boycott. One case which received wide publicity occurred in Brooklyn, N. Y. Picketing and threats of boycotts led many producers to withdraw Charlie Chaplin's motion picture *Limelight*. On the other hand, a group calling itself the Wage Earners Committee of the U.S.A. was enjoined by the Federal District Court in California in the fall of 1952 from picketing United Artists theatres there. In Chicago, an organization of anti-Communist refugees raided a meeting of the Council of American-Soviet Friendship, destroying furniture and literature. A number of bar associations and medical societies adopted clauses banning Communists from membership; one of them, the New York County Medical Society, in May 1953 also refused admission to a physician on the ground that he had made misstatements in his application in which he denied having formerly been a Nazi. (He was also banned by the Commissioner of Hospitals from visiting privileges at the city-operated Bellevue Hospital.)

**Ford Foundation Fund for the Republic**

On the whole, the area of freedom appeared to have been somewhat narrowed on all fronts during the year under review. Legislation, administrative policies, judicial decisions, and the activities of private groups all tended in this direction. There was still no large-scale invasion of basic rights, but the climate was certainly not congenial to their expansion. One of the more hopeful developments of the year was the establishment by the Ford Foundation in the spring of 1953 of the Fund for the Republic, which planned to investigate both the nature of the threats confronting American society and the dangers to civil liberties raised in the course of combating them. (At the time of writing, the Fund had not yet begun to function actively; its chairman, former Congressman Clifford Case of New Jersey, had only taken up his duties with the Fund at the end of the session of Congress.) There was certainly a need for constructive study—and constructive action—in this field.

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*Bantam Books v. Melko 96 A. 2nd 47 (1953).*
DISCRIMINATION IN EDUCATION

During the period under review (July 1, 1952, through June 30, 1953) the principal arena in the fight to end educational segregation of Negroes shifted to the United States Supreme Court, where the issue of the validity of segregation laws in elementary and secondary schools was contested. Five cases arising out of court decisions in South Carolina, Virginia, Kansas, Delaware, and the District of Columbia were argued before the United States Supreme Court in December 1952. The decisions hinged upon the interpretation by the Supreme Court of the Fourteenth Amendment requiring states to provide “equal protection” of law.

Six months after the cases had been argued, the Justices of the Supreme Court were reported to be hopelessly divided on matters of law and public policy involved. The Supreme Court ordered a re-argument of the issues, to take place on October 12, 1953, one week after the commencement of its fall term. (The date was later changed at the request of the Attorney General to December 1953.) The Court indicated the nature and extent of its perplexities by asking counsel to discuss and brief five specific phases of the cases for the re-argument. One of the questions raised was: If a decision were to be rendered holding that segregation in public schools violated the Fourteenth Amendment, would it be a proper exercise of the Supreme Court’s powers to “permit an effective gradual adjustment to be brought about from existing segregated systems to a system not based on color distinction”?

State Studies of Discrimination

On July 10, 1953, the New York Board of Regents released its study of admissions policies of the nine medical schools located in New York State. The Regents’ directive calling for the study, under the Fair Education Practices Law, had been issued on January 25, 1952. The study was undertaken “primarily for the purpose of formulating constructive recommendations on the process of selecting candidates for admission to medical schools . . . not . . . primarily to prove or disprove charges of discrimination brought against medical schools by interested groups.”

The study was limited to comparisons between groups of applicants on the basis of the criterion of scholarship alone. The report cited data concerning the scholarship records of Jewish, Catholic, and Protestant applicants in 1950 and in 1952. The median scores of Jewish applicants for both years were found to be 15 per cent higher than those of the other groups. The acceptance rates of Jewish applicants had been approximately the same, in 1950, as those of non-Jewish applicants. In 1952, the acceptance rates of Jewish applicants were about 10 per cent higher than those of other groups. There was, therefore, evidence of a substantial decrease of discriminatory treatment of Jewish applicants between 1950 and 1952. However, according to the report, individual medical schools treated applications from Jewish applicants far differently from other students’ applications. But, observers noted,
because two of the nine medical schools, New York University and the State Medical School in New York City, treated all applicants equally, on the basis of merit alone, the effect on Jewish applicants of the restrictive admissions policies of other medical schools was considerably lessened.¹

The report observed that in addition to scholarship, character and personality were factors in the selection process; since these factors were not measured, the presence of discrimination could not be determined. It recommended that basic studies be initiated to determine the nature of personality characteristics and their relation to the professions.

CONNECTICUT

The Connecticut Commission on Civil Rights announced on December 18, 1952, the completion of its new study of college admissions practices with respect to race, religion, and national origin. The study was based on the experience of Connecticut high school graduates of the classes of 1949 and 1950. An earlier study of 1946 and 1947 high school graduates published in 1949 had shown that, on the basis of comparable scholarship, Jewish applicants and applicants of Italian origin received less favorable treatment from private colleges, both in and outside Connecticut, than that given to Protestant and non-Italian Catholics.

The new study showed an absence of any negative treatment of applicants of Italian origin by colleges in and outside of Connecticut. Jewish applicants to Connecticut and Massachusetts colleges received the same treatment as others of comparable scholarship ability. But colleges located outside of these two states treated Connecticut Jewish applicants less favorably than they did other groups.

In neither the New York study on medical school admissions nor the Connecticut study was there any finding as to discriminatory treatment of Negro applicants. Their number in both studies was too small for any valid statistical comparisons. The New York study pointed out that "there is no intimation of discrimination on the basis of race at the point of admission to medical schools."

Segregation in Publicly Supported Southern Secondary Schools

Earlier United States Supreme Court rulings on segregated education had decided that Negro students were entitled to admission to publicly supported graduate and professional schools, which by state law had previously barred their admission. The effect of these decisions was to require that qualified Negro applicants be admitted to publicly supported colleges and universities on an undergraduate level. During the four years since these decisions had become effective, the National Association for the Advancement of Colored

¹ See Lawrence Bloomgarden, "Medical School Quotas and National Health," Commentary, January 1953.
People (NAACP) reported on June 22, 1953, 2,000 Negroes had been enrolled at institutions of higher education from which they had been previously barred. Since about half of these admissions had been to graduate and professional schools, only about 1,000 Negro students at college level had obtained admission to unsegregated Southern colleges. Meanwhile, 75,000 Negro students continued to attend segregated institutions. Walter White, executive secretary of the NAACP, announced in June 1953 that his organization favored the "total integration" of Negro students in unsegregated schools.

Fraternities and Societies

Beginning on July 27, 1952, when Theta Chi revoked the charter of its Dartmouth chapter for pledging a Negro student, there was a series of significant actions on college fraternity membership restrictions.

Suspensions and Withdrawals

The charter of Albany State Teachers College chapter of Delta Kappa Rho was withdrawn by the national body on October 3, 1952, because the chapter had initiated five Jewish members. During the same month, two fraternities at Wesleyan University, Conn., Phi Kappa Sigma and Delta Upsilon, broke away from their national organizations because of membership restrictions imposed on them. On April 29, 1953, the former Delta Upsilon Chapter at Wesleyan joined the Bowdoin Delta Upsilon Chapter that had previously broken off from the national fraternity in September 1952 because of a conflict over membership restrictions, and formed the Delta Sigma Confederation. The new confederation welcomed other chapters of Delta Upsilon disagreeing with its membership restrictions.

The suspension of Phi Delta Theta at Williams College, Mass., by the national body in February 1953 for initiating a Jewish student received particular disapproval in the nation's press because of the test set forth in the national membership eligibility rules restricting membership to "men of white and full Aryan blood." The Amherst chapter of Phi Delta Theta was suspended on May 27, 1953. This chapter had disregarded the racial criterion for at least five years before the suspension. The college authorities at Amherst College, in 1946, had required college-recognized fraternities to eliminate all restrictive membership policies.

On May 6, 1953, the Boston University Chapter of Phi Sigma Rho was suspended by the national body for initiating a Negro student, despite the fact that the fraternity did not have specific membership restrictions. A "general understanding" was said to exist that prevented Jewish and Negro students from becoming members.

The growing resistance of national fraternities to the easing of membership restrictions was manifested in a resolution adopted by the National Inter-Fraternity Council (NIC) at its annual convention on November 28, 1952. The resolution stated, "Any attempt to restrict the right of a college
fraternity to choose its own members is an inadvisable interference with the fundamental right of free association guaranteed by the United States Constitution." The NIC deplored the use of the word "discrimination" in reference to membership selection, and maintained the right of fraternities, consistent with the principle of selectivity, to choose their membership without any "interference or restriction" by college authorities. This represented a modification of the earlier policy adopted in 1949 (see American Jewish Year Book, 1951 [Vol. 52], p. 43-44). A national fraternity's use of subterfuge to evade college anti-bias rules came to light in October 1952 with the suspension by the Albany State Teachers College of the local chapter of the Delta Kappa Rho. The national organization had eliminated its previous restrictive membership rule in 1950 in order to comply with anti-bias requirements at certain college campuses. A representative of the Albany Chapter stated that the national organization then changed its ritual which then became "Christian in form," thus having the same effect as a specific restriction barring membership to Jews.

On May 7, 1953, the Columbia University student body, in adopting a resolution barring restrictive fraternities from the campus, required that "rituals," as well as fraternity constitutions and policies, be free from any discriminatory effect. This resolution was passed by a vote of 1,011 to 540.

Sigma Alpha Mu, one of the leading Jewish college fraternities, in August 1953, removed the provision in its constitution limiting membership to Jews.

Brandeis and Yeshiva

On August 22, 1952, Abram L. Sachar, president of Brandeis University, announced its policies with respect to Sabbath observance. He stated: "The school is closed on the Sabbath and on all Jewish holy days, including the second days of the so-called minor holy days." He said that Brandeis would continue to play football games on Saturdays, but that Friday night basketball games would not be scheduled. The rationale for this distinction, it was stated, was that basketball could be played any evening, whereas it was customary for colleges to play football on Saturdays.

A chair in human relations was established at Brandeis by Morton Gryzmisch of Boston on November 6, 1952; a chair in music, to be filled by Leonard Bernstein, was established on May 9, 1953. A full tuition scholarship was established in the name of the Catholic Youth Organization by Bishop Bernard Sheil of Chicago on February 3, 1953.

Yeshiva University announced on March 16, 1953, that its new medical school would be named the Albert Einstein College of Medicine. It was stated that the first entering class was expected for September 1954. The Yeshiva Medical School was to have available for the training of its students the Bronx Municipal Hospital Center of the City of New York, being erected at an estimated cost of $37,500,000.

Lawrence Bloomgarden
DISCRIMINATION IN EMPLOYMENT

As the year under review drew to a close, the Bureau of the Census reported that in excess of 68,000,000 persons fourteen years of age and over were gainfully employed in the United States as of June 15, 1953. Only 1,500,000 persons were unemployed, 97.7 per cent of the total white labor force and 96.5 per cent of the nonwhite labor force being gainfully employed. The problem of discrimination in employment, of which there was considerable evidence, continued to be one of "underemployment" rather than "unemployment" (see American Jewish Year Book, 1953 [Vol. 54], p. 48-49).

Studies of Discrimination in Employment

As a result of hearings held by the Senate Subcommittee on Labor and Labor-Management Relations in 1952 on several pending Fair Employment Practice bills, Sen. Hubert H. Humphrey (Dem., Minn.) requested the Division of Manpower and Employment Statistics of the Bureau of Labor Statistics to make a comparative study of Negro-white status. In November 1952 the report was released. It concluded that in almost every significant economic and social characteristic capable of measurement, including life expectancy, education, employment, and income, Negroes as a group were less well off than whites. The report found, however, that the status and well-being of both Negroes and whites had improved in recent years and that the differences between the two groups were being gradually narrowed.

Government Contracts

On January 16, 1953, the President's Committee on Government Contract Compliance (CGCC) established by President Harry S. Truman on December 3, 1951, under Executive Order 10308, published a report, Equal Economic Opportunity. This report resulted from one year of investigation and hearings with respect to the manner and extent of compliance with the government's express policy of nondiscrimination by contractors and subcontractors doing business with the various departments and agencies of the Federal Government.

The CGCC found the nondiscrimination clause, required by Executive Orders 8802 (1941) and 9346 (1943) to be in every contract entered into by an agency or department of the Federal Government for materials, supplies, or services, "almost forgotten, dead and buried under thousands of words of standard legal and technical language in Government procurement contracts." (See below for recommendations of the committee.)

Pennsylvania

In May 1952, Governor John S. Fine of Pennsylvania appointed a Commission on Industrial Race Relations to study the employment processes of the state's industries and to assess the extent to which unfair or discrimina-
tory employment policies or practices restricted the opportunities of members of racial, religious, or ethnic minority groups. Through the established facilities of the state government, information was assembled and analyzed. The report of the Commission in February 1953 concluded that more than six out of every ten firms did not discriminate against any minority group in hiring workers for unskilled jobs. Nearly half the establishments imposed no restrictions on the employment of minorities in semi-skilled occupations. However, two-thirds of the firms discriminated in hiring workers for skilled jobs, and approximately nine-tenths raised barriers to the employment of racial, religious, or ethnic minorities in office, engineering, and sales positions.

Less widespread discrimination was disclosed among the establishments in the largest and smallest size groups studied (i.e., those hiring over 1,000 employees and those employing 50 or fewer workers) than in any of the other four size groups covered. In general, the extent of discrimination diminished as the size of establishment increased.

Nearly three-fourths of the establishments classified as discriminatory in the survey were reported to be discriminating against minority group workers in their promotional or upgrading policies and practices. Moreover, slightly more than three-quarters of the discriminatory establishments which employed apprentices were found to be giving minority group workers limited apprenticeship opportunities.

Hiring policies with respect to the employment of minority group workers had improved slightly during the five years from 1948 through 1952, principally because of the labor shortage. The survey revealed that 7 per cent of the establishments covered had adopted more liberal hiring policies within that period.

Most of the discrimination was found to be directed against Negroes, but significant evidence of discrimination against Jews and other religious and nationality groups was also disclosed in the report. Governor Fine thereupon called for the enactment of a fair employment practice law for Pennsylvania modeled after those in existence in New York, New Jersey, and other neighboring states.

**ILLINOIS**

During September-October 1952, the Illinois Commission on Human Relations conducted a survey of employment opportunities in industry and business in the state. Over one thousand firms, selected by scientific sample, participated. The data compiled covered 10 per cent of all employed persons in Illinois cities where Negro workers were available in appreciable numbers. The survey revealed that only one out of every one hundred Negroes held a professional or managerial position as compared with more than one out of every ten white workers. Whereas one out of every five white breadwinners supported his family as a skilled craftsman, only one out of every ten Negroes did so. The report noted, however, that thousands of Negroes in Illinois had the ability and training for better jobs. Their interest in acquiring specialized skills "is reflected in the fact that almost a quarter of the students reported in 151 trade and business schools surveyed were non-white." The Commission concluded that:
The member of a minority group ... still is on about the same basis of inequality on which he found himself two and four years ago. In that respect the educational effort has failed to translate itself into effective action to insure economic opportunity to all of our people.

Illinois ranked first among the northern states in its proportion of non-white population and hence Negroes comprised an important segment of the state's labor force. The Commission regarded the job discrimination against nonwhites as an indication of the extent of discrimination against many other racial, religious, and nationality groups.

**Chicago**

In May 1953 the Bureau on Jewish Employment Problems revealed the results of a nine-month survey of how jobs were filled by business firms in the Chicago area. Over 90 per cent of the more than two thousand jobs studied were in the white-collar categories. Despite the fact that the labor market was very tight during this period, the survey revealed that qualified Jewish applicants were not acceptable for slightly over 25 per cent of these vacancies. Two hundred thirty-nine Chicago firms, in all industrial and trade categories, specifically barred Jews from employment. Almost one-fifth of these firms had signed defense contracts obligating them to observe non-discriminatory hiring policies. This survey also found that a considerable number of firms that had previously barred all Jewish employment were now applying only legitimate job-qualification requirements.

**New Jersey**

The New Jersey Division Against Discrimination released the results of several county surveys completed by staff members during the reporting period. In Cumberland County firms having nondiscriminatory employment practices and policies were found to exist side by side with firms where discrimination, particularly against Negroes, was the accepted policy. Of the seventy-nine firms surveyed, Negroes were employed in fifty-three, Jews in thirty-four, and Italian-Americans in sixty-seven. On the basis of the study, released in March 1953, the Division found that employment opportunities had increased 14 per cent for Negroes and 7 per cent for Jews and for Italian-Americans since 1940 in Cumberland County. Nevertheless, Negroes found most work opportunities in the county in the traditional jobs of oystering and the seasonal gathering and processing of farm crops.

In June 1953 the New Jersey Division Against Discrimination released the findings of a similar survey conducted in Somerset County. Forty-one plants and companies employing upward of 18,000 workers had been studied. The report found that in some cases Negroes were denied equal upgrading opportunities and that there was some opposition to their placement in supervisory and white-collar positions. There appeared to be no discrimination on that basis against Jews or Italian-Americans. Negroes appeared to have more opportunities for advancement in plants where the workers were organized and represented by unions.
A survey of employment practices in Bergen County, published in November 1952, revealed that employment opportunities for Negroes had increased 13 per cent in the past twelve years, 12 per cent for Jews and 3 per cent for Italian-Americans. The employment of Negro workers, according to the report, had created no work stoppages, no racial disturbances, and no unfriendly social relationships within any plant.

**CINCINNATI**

A carefully planned study of racial discrimination in employment in Cincinnati, Ohio, was conducted at the behest of the Mayor's Friendly Relations Committee of that city. The investigations included a study of discriminatory job specifications received by the Ohio State Employment Service, the experience of job-placement workers, the channels of training, the promotion practices, and the concentration of Negroes in certain job categories and industries. The report, released in April 1953, found job discrimination against Negroes particularly widespread at top management and administrative levels, and quite prevalent in professional, sales, clerical, and other white-collar jobs. Discrimination was also found, though less acute, in skilled and semi-skilled occupations. Disproportionate numbers of Negroes were employed in unskilled, service, casual, and unattractive jobs. The report concluded that the problem was of sufficient magnitude and social significance to justify public attention and action.

**National Urban League**

Progress in employment opportunities for Negroes, on a higher level than in the past, was reported by the executive director of the National Urban League on April 29, 1953. Of the 12,622 Negroes placed during 1952 by the League, 758 were placed in skilled or technical jobs with industrial or business concerns that had previously not hired Negroes for such work. Most urban leagues had abandoned their placement bureaus, preferring to work instead with management and labor officials to reduce and eliminate discriminatory hiring practices and to improve the job performance of Negro workers.

**Federal Activities**

President Truman's Committee on Government Contract Compliance found that if every industrial and commercial firm doing business with the Federal Government lived up to the letter of the nondiscrimination clause in its contracts, "bias in employment would be a problem of the past." But compliance with the clause fell far short of that ideal. The contracting agencies had apparently viewed the absence of complaints as assurance of complete compliance by their contractors. Only two of the twenty-eight government contracting agencies surveyed had made more than a token effort to ascertain the extent of compliance by their contractors with the nondiscrimination clause. Representatives of the contracting agencies testified before the Committee that they would be hard pressed to designate personnel
to administer and operate the machinery of an effective compliance program. A study of the compliance procedures of the agencies caused the Committee to conclude that they were wholly inadequate and represented a lack of active interest in the purpose of the nondiscrimination clause.

On the other hand, conferences which the Committee held with contractors revealed the contractors' deep interest in the Committee's efforts to vitalize the nondiscrimination clause. Whereas the representatives of the procurement agencies had had no experience or familiarity with bias in employment, practically all of the industry representatives interviewed by the Committee had been faced with problems of discrimination in employment in their daily operations. The Committee's report noted that in a two-year period from 1950 to 1952 the contracting agencies of the Federal Government had received only forty complaints of violation of the nondiscrimination clause, whereas such complaints began to reach the Committee within a few weeks after its appointment; from February 1 to December 1, 1952, the Committee received a total of 318 complaints. These complaints demonstrated that discrimination in employment is an obstacle to equal opportunity all over the country. The cases received by the Committee named companies in twenty-nine states in all sections of the land. The Committee referred these complaints to the appropriate contracting agencies, which in many cases conducted extremely superficial investigations and then closed the files.

The Committee pointed to the success in handling employment discrimination in those areas where fair employment laws or ordinances were being enforced by commissions or committees which devoted their time and effort to enlist the cooperation of business and labor. The Committee discussed several possible sanctions for those cases which could not be adjusted satisfactorily by conciliation or persuasion. These sanctions included disqualification from future contracting with the Government, termination of contracts, court injunctions, arbitration, liquidated damage clauses, third-party beneficiary suits, and certification of compliance.

The major recommendations of the CGCC were:

1. The designation of an established department or agency of the Federal Government to receive complaints and be responsible for preliminary efforts at conciliation, mediation, and persuasion to effect compliance, and to recommend action by the appropriate contracting agencies in the event of failure to accomplish nondiscrimination by these educational techniques;
2. The immediate establishment of administrative procedures by the various agencies to insure compliance with the nondiscrimination clause;
3. A revision of the clause that would make more specific the responsibilities of the contractor and his subcontractors and include a requirement that the employer post a notice to the effect that he had committed himself under government contract to provide equal employment opportunities without regard to race, color, religion, national origin, or ancestry;
4. Where conciliation and persuasion failed to effect compliance, the contracting agencies should enforce the nondiscrimination clause, where practical, through termination of contract, injunction, or disqualification from future contracting with the government. If these remedies proved ineffective, the President should ask Congress to enact legislation authorizing the use of arbitration and liquidated damages to obtain compliance;
5. The President should assign responsibility and authority for the planning, coordination, and execution of an educational program designed to promote national awareness, understanding, and acceptance of the policy of equal opportunity in employment.

The report also recommended that the President request the Congress to establish nondiscrimination in employment as a standard condition for all grants-in-aid and loan programs, and to take appropriate action to require the District of Columbia to insert and enforce the nondiscrimination clause in its contracts on the same basis as Federal procurement agencies. Other recommendations were directed to the Office of Defense Mobilization, to the United States Office of Education, to the state employment services, to the Bureau of Employment Security, to the Federal Committee on Apprenticeship, to the Veterans' Administration, to the Maritime Administration, and to employers, labor unions, and local community organizations.

On August 13, 1953, President Dwight D. Eisenhower issued an Executive Order establishing a Government Contract Committee to replace the CGCC. Except for the express power to receive complaints of violations of the nondiscrimination clause and to transmit them to the appropriate contracting agency, the powers of the new Committee, consisting of nine public members and the heads of six Federal procurement agencies, were limited, much as were those of its predecessor. Two days later the White House announced the appointments of the public members of the Committee and the designation of Vice President Richard M. Nixon as chairman.

Federal Legislation

When the Eighty-third Congress convened in January 1953, Senator Everett Dirksen (Rep., Ill.) introduced a bill to create a five-member commission on "civil rights and privileges," which would promote respect for such rights and privileges, but which lacked any enforcement powers. The bill also provided for annual grants, not exceeding $1,000,000 a year, to the states to encourage programs on the state and municipal levels to reduce racial and religious discrimination. Later, on January 29, Senator Irving M. Ives (Rep., N.Y.) reintroduced on his own behalf and on behalf of eighteen other senators of both political parties his Federal Equality of Opportunity in Employment bill of the Eighty-second Congress. Senator Ives subsequently announced that his Subcommittee on Civil Rights of the Senate Committee on Labor and Public Welfare would hold hearings in May 1953. However, the hearings were canceled before the scheduled date.

On the House side, Adam C. Powell, Jr. (Dem., N.Y.), Isidore Dollinger (Dem., N.Y.), Samuel W. Yorty (Dem., Cal.), Jacob K. Javits (Rep., N.Y.), Albert P. Morano (Rep., Conn.), William L. Dawson (Dem., Ill.), and Franklin D. Roosevelt, Jr. (Dem.-Lib., N.Y) introduced FEP bills with enforcement machinery.

Taft-Hartley Act

Senator Ives in the upper chamber and Congressman Javits in the lower house also introduced bills to amend the Taft-Hartley (Labor-Management
DISCRIMINATION IN EMPLOYMENT

Relations) Act to add racial and religious discrimination to the unfair labor practices enumerated in Section 8 of that law. Hearings were held by the Senate Committee on Labor and Public Welfare and by the House Committee on Education and Labor on these proposed amendments, with representatives of the Congress of Industrial Organization (CIO), American Federation of Labor (AFL), and National Association of Manufacturers (NAM), supporting them.

When the first session of the Eighty-third Congress ended in August 1953, no hearings had been held by any committees or subcommittees in either chamber (other than those on the Taft-Hartley Law) and no action of any kind had been taken by the Congress on the problem of discrimination in employment.

State Legislation

Forty-four state legislatures were in session during 1953. Bills to establish or strengthen FEP were defeated in seventeen of them: Arizona, California, Colorado, Connecticut, Delaware, Illinois, Iowa, Michigan, Minnesota, Missouri, Nebraska, New Mexico, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin. In five states—Illinois, Minnesota, Ohio, Pennsylvania, and West Virginia—the measure passed one house but failed to pass the other. Of the states which considered passing or strengthening FEP laws, only Indiana and Kansas enacted such legislation.

California. In April 1953 an enforceable FEP bill was killed by an unfavorable vote of 7 to 6 in the Assembly Committee on Government Efficiency and Economy, and a bill to declare nondiscrimination in employment the policy of the state was defeated in a 35-35 deadlock on the Assembly floor.

Illinois. An enforceable FEP bill passed the lower house by 81 to 30 on June 17, 1953, but was defeated in the Senate on June 24 by 29 to 13.

Indiana. An attempt substantially to strengthen the Indiana FEP failed, although the next appropriation for the Commission was slightly increased. Its director was empowered to request the appearance and testimony of witnesses at hearings on charges of discrimination. However, he could not enforce attendance since he had been given no subpoena power. The watered-down bill was finally passed by the State Legislature on March 6, 1953, and signed by the Governor on March 13.

Iowa. When the legislature adjourned on April 29, 1953, it had failed to act on an FEP bill, but it did pass a resolution setting up a commission to investigate the problem of racial and religious discrimination in employment.

Kansas. A bill establishing a fair employment commission without enforcement powers, patterned after the Wisconsin law, passed the House of Representatives on March 11, 1953, and the Senate on March 27. It was signed into law by the governor.

Michigan. An unsuccessful attempt was made to force an FEP bill out of the House State Affairs Committee, which on March 9, 1953 had voted to table the measure.

Minnesota. A watered-down FEP bill, without enforcement provisions, passed the Senate on April 6, 1953, but was permitted to die in the House when the legislature adjourned on April 21.
Missouri. A bill to establish an educational FEP for Missouri was defeated on May 20, 1953 when its supporters in the House were unable to muster more than 70 "yes" votes, with 79 required for passage. Thirty-one representatives voted against the bill.

New Mexico. The legislature appropriated $2,000 for the administration of the FEP law. This was the first appropriation for this purpose, although the law had gone into effect in 1949. The FEP Commission had asked for an appropriation of $13,150, and the governor recommended an appropriation of $4,065.

Ohio. An FEP bill passed the House on May 15, 1953 by 72 to 52, but was killed on June 10 by a 5 to 4 vote in the Commerce and Labor Committee of the Senate. Following newspaper criticism of the Republican leadership for its breach of campaign pledges on FEP, an unsuccessful proposal was made to submit an FEP referendum to the electorate.

Pennsylvania. A fully enforceable FEP bill passed the Assembly by a vote of 152 to 29, but was killed on July 21, 1953, by the Senate Judiciary General Committee.

Washington. The legislature appropriated $38,000 for use by the State Commission Against Discrimination during the ensuing biennium. This was an increase of about $13,000 over the previous appropriation but fell far short of the $78,000 asked for by the Commission.

A bill, passed by the Senate, which would prohibit the inclusion of questions relative to an applicant's race or religion in application forms for employment by the state, was permitted to die in the House Rules Committee.

West Virginia. The House of Delegates passed an FEP bill which was permitted to die in the Senate.

Wisconsin. The attempt to add enforcement machinery to Wisconsin's educational FEP law was rejected by the lower chamber on June 5, 1953 by a motion to table.

Alaska. By a vote of 22 to 2 in the House and unanimously in the Senate, Alaska enacted a fully enforceable FEP law, which was signed by the governor on March 9, 1953.

**Enforcement of State Laws Against Discrimination**

Connecticut. From July 1, 1951 to June 30, 1952, the period covered by the most recent report of the Commission on Civil Rights of Connecticut, sixty-eight complaints were received from individuals charging discrimination in employment, and, in addition, two complaints were filed by the Commission on its own initiative. The Commission subsequently withdrew one of its complaints; ten complaints were under investigation at the end of the Commission’s reporting period. Of the fifty-nine complaints disposed of, thirty-five were satisfactorily adjusted by having the complainant employed, re-employed, or referred for employment, and fourteen were dismissed because of a failure to substantiate the discrimination charged.

This latest report of the Commission on Civil Rights set forth for the first time twenty-four guiding principles and concepts which "represent the operational philosophy of the Connecticut Commission." These included: a
"right" could be regarded as such only if the opportunity for redress existed at the time this right was violated; legislation was not a panacea which could completely eliminate undesirable situations; laws could be enacted only to forbid discriminatory acts, not to forbid prejudicial attitudes; conciliation, mediation, and persuasion were the primary techniques for arriving at the settlement of complaints in which discrimination was indicated; the basic measuring device in testing for compliance with a civil rights law was the granting of equal opportunity, consideration, and treatment for all; a quota system which set up fixed limits on the number of persons allowed to have access to employment . . . by its very nature was discriminatory; where the evidence indicated that a discriminatory act had taken place, the intent of the law was to see that the remedy was in the interests of the aggrieved person; but social behavior could be changed through legislation; and the Commission was only one of the many forces working for improving human relations in Connecticut.

An appeal from the decision of the Superior Court of Hartford in the IBEW case\textsuperscript{1} (See \textit{American Jewish Year Book}, 1953 [Vol. 54], pp. 61, 62) was still pending.

\textit{Massachusetts}. During the year ending November 1952 the Massachusetts Commission Against Discrimination reported having processed 222 complaints of discrimination in employment. Of these, 156 charged discrimination on the basis of race, color, religion, or national origin, while 66 consisted of complaints of discrimination because of age. Fifty-two per cent of the racial and religious discrimination complaints were settled by the Commission after investigation and conference, 38 per cent were dismissed for lack of probable cause to credit the allegations of the complaint, and 10 per cent were withdrawn. Evidence of discrimination was found in 51 per cent of the cases charging bias because of age, and all of these cases were disposed of by conciliation, mediation, and persuasion.

The report, released January 5, 1953, also gave the results of a recheck of 270 employers against whom complaints had been filed since January 1, 1950. "While no new evidence of discrimination was found," the Commission's report said, "a remarkable change of attitude on the part of employers toward persons of minority groups was discovered in twenty-six cases. These twenty-six employers, whose employees numbered more than 17,000, had in the period since originally complained against increased the number of persons in minority groups on their payrolls from 124 to 1,700."

As of July 1953 the Massachusetts Commission was considering a complaint brought by a Negro employee of the Pullman Company charging that company with racial discrimination in a refusal to upgrade him, and charging that the company's hiring and promotion policy evidenced an over-all plan of racial discrimination. The charge was investigated by a field representative of the Commission, who found probable cause to credit the complaint, and the Pullman Company and the Commission commenced a series of mediation and conciliation meetings. The results had not been officially released.

\textit{New York}. During the year 1952, the New York State Commission Against

\textsuperscript{1} Stewart and Tilley v. I.B.E.W. 18 Conn. Sup. 125 (1952).
Discrimination received 258 verified complaints charging discrimination in employment. In 220 of these complaints employers were charged with discrimination; in 17, employment agencies were so charged; and in 18, labor unions were the respondents. (Three complaints charged aiding and abetting in the commission of an unlawful employment act and discriminatory acts outside the jurisdiction of the Commission.) Seventy-six per cent of the complaints charged discrimination on the grounds of color; 13 per cent charged religious discrimination (most of which was against Jews); 6 per cent charged discrimination on the grounds of national origin; and 5 per cent were classified as "other" bases of alleged discrimination. The discriminatory acts charged were preponderantly denial of application for employment (48 per cent) and dismissal from employment (21 per cent). Lack of probable cause to credit the allegations of the complaint was found in 52 per cent of the 264 cases closed by the Commission during 1952. Probable cause was found in 22 per cent and "other discriminatory practices or policies" were found, although the specific act charged in the complaint was not justified by the investigation, in 16 per cent. Three cases were withdrawn by the complainants, and the specific complaint was dismissed for lack of jurisdiction in twenty-three cases.

Hollander Case

In July 1953 the First Department of the Appellate Division of the New York State Supreme Court affirmed the order of the trial court in the case of Hollander v. State Commission Against Discrimination, granting the motion of the Commission for an order requiring the Holland Vocational Service, an employment agency, to cease and desist from certain discriminatory practices and denying the employment agency's motion to strike down the ruling of the Commission in its case (See American Jewish Year Book [Vol. 54], p. 56). The discriminatory practices referred to were: "any inquiries," either directly or indirectly, respecting race, creed, color or national origin; giving consideration to these factors in evaluating applicants for employment, and furnishing prospective employers with information on the race, creed, color or national origin of applicants.

The Appellate Division pointed out that "discrimination in selection for employment based on questions of race, creed or color is quite apt to be a matter of refined and elusive subtlety. Innocent components can add up to a sinister totality." The court also found that the Commission's order that the petitioner reject assignments to obtain employees on a discriminatory basis, to desist from asking discriminatory questions, and to furnish lists of applicants, employers and referrals to it for a year, were all within the powers of the Commission and justified by its findings. The court ruled that the power to issue such an order was granted by the statute which authorized the Commission to require a respondent "to take such affirmative action ... as, in the judgment of the Commission, will effectuate the purposes of this article, and including a requirement and report of the manner of compliance."

Two of the five judges concurred in the majority's decision but dissented in one respect: They felt that that portion of the Commission's order requiring the employment agency to maintain a record of all applicants for employment for a period of one year, with a statement of the action taken on each such application, and the requirement that the agency provide the Commission with a list of job orders and referrals, was a requirement which was punitive in character and placed the employment agency "in effect, on probation for a period of one year." Such punitive action, the minority believed, was outside the powers granted to the Commission.

Oregon. The Fair Employment Practices Division of the Oregon Bureau of Labor reported having received ninety-one complaints of discrimination in employment during 1952. Ninety of these were closed after investigation. Discrimination was found in forty-six, all based on race or color. Sixty cases were filed against employers; the Division found probable cause to credit the allegations of the complaint in twenty-four. Nineteen complaints were filed against labor unions; these were sustained in fifteen cases. Public agencies were the respondents in eleven complaints, and the Division upheld the complaint in six instances. (One of these complaints was pending at the end of 1952).

On January 13, 1953, the Deputy State Labor Commissioner, Mark Smith, deplored discrimination against nonwhite workers by heads of state agencies, commenting: "When state officials do not set a good example in complying with the fair employment practices act they jeopardize the good name of the people of Oregon."

Rhode Island. In its report on its 1952 activities, the Rhode Island State Commission Against Discrimination advised the Governor and State Legislature that it had received fifty-two complaints and satisfactorily adjusted twenty-six through the conference, conciliation, and persuasion method. Fourteen complaints were dismissed for lack of probable cause; seven presented situations over which the Commission lacked jurisdiction; two were withdrawn by the complainants; and three remained under investigation.

Reports of the current activities of the FEP commissions of Colorado, Indiana, New Jersey (other than the reports of county surveys summarized above), New Mexico, Washington, and Wisconsin were not available at the time of writing (July 1953).

Community Legislation

Toward the close of 1952 Pontiac and River Rouge, Mich., and Pittsburgh, Pa., enacted local FEP ordinances, bringing to twenty-eight the number of cities with legislation prohibiting discrimination in employment. River Rouge and Pontiac were the first cities in Michigan to adopt measures against discrimination in employment, while Pittsburgh was the fifth Pennsylvania city to have such an ordinance. (The others were Philadelphia, Farrell, Monesson and Sharon.) The River Rouge ordinance was adopted not by a vote of the City Council but by referendum ballot in the general elections on November 4, 1952, the first such instance. (An attempt to enact an FEP law in California by way of referendum failed in 1946.)
Of the twenty-eight cities with ordinances against job discrimination, thirteen—almost one-half—were situated in the State of Ohio. The Attorney General of that state ruled on December 31, 1952, that those Ohio cities which had no charter under the Home Rule Amendment of the Ohio constitution may have exceeded the powers granted to them by the state when they enacted an FEP ordinance establishing a new commission to enforce nondiscrimination in employment. He ruled that an unchartered city may exercise its powers of local self government only by and through its regular officers and its city council, and may not create new commissions or city offices or delegate the exercise of some of its powers and duties to offices, commissions, or boards of its own creation.

This ruling of the Attorney General did not prevent the adoption of FEP ordinances even by non-charter cities, although it could severely hamper the effectiveness of such prohibitions since they could not be enforced by an agency specially created for that purpose (see AMERICAN JEWISH YEAR BOOK [Vol. 54], p. 59).

Of the thirteen cities in Ohio that had adopted measures against discrimination in employment, two—Akron and Cincinnati—had not set up a commission or board to enforce them, and therefore could not be affected by the Attorney General's ruling. Of the remaining eleven cities, two—Youngstown and Cleveland—were charter cities and hence clearly had the power to establish and finance a special commission or board to enforce their antidiscrimination ordinances.

**Enforcement**

Enforcement of local ordinances against discrimination in employment varied from city to city depending upon the provisions of the ordinance, the existence or absence of an agency empowered to enforce the law, the appointment and calibre of professional staff, and the budget appropriated for the agency. The following cities had enforceable laws covering private employers, employment agencies and labor unions, and had established commissions with budget and professional staff: Cleveland, Ohio; Gary, Ind.; Minneapolis, Minn.; Philadelphia and Pittsburgh, Pa.; and Youngstown, Ohio. In addition, Chicago, Ill., and Milwaukee, Wis., had ordinances covering private employers, labor unions and employment agencies, but the law was administered by other branches of the municipal government. No special budget or agency had been created to enforce these two ordinances. In the following cities the ordinance was broad in scope, covering private employers, labor unions, and employment agencies, but no budget (or a minimal budget) or staff had been assigned, although a nonsalaried commission was established under the law: East Chicago, Ind.; Farrell, Monessen, and Sharon, Pa.; Campbell, Girard, Hubbard, Lorain, Lowellville, Niles, Steubenville, Struthers, and Warren, Ohio; Pontiac and River Rouge, Mich. The Sioux City, Iowa, ordinance established a commission, but covered only municipal employment and contractors, licensees, and franchise holders of the city. Cincinnati, Ohio, and Richmond, Cal., had similar ordinances, but
did not provide for any special agency to administer the law. Akron, Ohio, and Phoenix, Ariz., had nonenforceable ordinances prohibiting discrimination by firms doing business with the city. Obviously, they did not establish any commission or staff to compel compliance.

Cleveland. In the three years since the passage of the Cleveland ordinance by the City Council in January 1950, the Cleveland Community Relations Board, which administered the law, had made considerable progress, particularly with respect to employment practices in department stores and segregation policies of taxicab companies. About 150 complaints of discrimination had been handled by the Board. Ninety per cent of these cases arose on complaints of discrimination because of race. Approximately one-third of the complaints were dismissed for lack of probable cause; the remaining cases were settled by adjustments made by the employers in their employment policy.

The educational activities of the board included talks, conferences with employers, distribution of literature, a workshop at the local university, and the preparation and distribution of car cards and posters.

There were two professional members on the staff of the Community Relations Board, an executive director and an assistant executive director. The operating budget of the Community Relations Board was $23,000 per annum.

Gary. The second annual report of the Fair Employment Practice Commission of the City of Gary covered its activities during 1952. Eight complaints were received, all except one of which charged racial discrimination. The respondents were an employment agency, a labor union and business concerns. Three complaints were dismissed for lack of proof, one was outside the jurisdiction of the Commission, and one was “rejected” because the complainant had not completed the prerequisite training for the job for which he had applied. Two cases were pending and the other, against the International Brotherhood of Electrical Workers, A.F. of L. Local 697, had been certified to the City Attorney for appropriate action under the ordinance.

The Gary Commission had also been active in distributing educational pamphlets, calendars, posters and other materials to labor unions, schools, newspapers, and to civic, religious, and business groups.

Minneapolis. According to a report released by the Minneapolis Fair Employment Practice Commission on April 11, 1953, all complaints received thus far by the Commission had been satisfactorily adjusted by conference and conciliation, without resort to public hearings or court enforcement. Since 1947, when the municipal commission was established, 49 per cent of the complaints had been favorably adjusted by these methods, no discrimination was substantiated in 40 per cent of the complaints, 6 per cent were tabled for further evidence, and 4 per cent were outside the jurisdiction of the Commission. Only 1 per cent of the cases were still pending. Seventy-eight per cent of the complaints charged racial discrimination, 18 per cent were based on religious discrimination, and 4 per cent on discrimination because of national origin.

Youngstown. The latest annual report of the Youngstown Fair Employment Practice Committee covered the period from April 1, 1952 to April 1, 1953.
During that period twenty-five verified complaints were received and the Committee initiated three complaints on its own. All of the self-initiated cases were terminated by the elimination of the violations. Of the other complaints, eight were dismissed for lack of probable cause and three were outside the jurisdiction of the Committee. Violations were found in five cases and satisfactorily adjusted through conference and conciliation. The remaining nine complaints were pending.

In addition to handling complaints, the Youngstown Committee, which first received a budget and professional staff in the spring of 1952, had embarked on an educational program to appraise employers, labor unions, employment agencies, and employees of their rights, duties, and obligations under the ordinance. In this connection, the Committee published a pamphlet describing the ordinance in Spanish, for the benefit of the appreciable number of Puerto Ricans now living in the city.

As a result of its activities, the Committee was able to report that a bus company had hired Negro drivers for the first time in its thirty-four years of operation in Youngstown. As of March 1953 twenty-nine Negroes had completed their driver's training courses and had been accepted by the bus drivers' union as full-fledged members. One of the three largest steel companies in Youngstown had filled an office position with a Negro, probably the first Negro hired in that capacity in the company's history. An employment agency had ceased classifying and referring registrants on the basis of race. Three of the local newspapers had adopted a policy of refusing to accept advertisements which stated an unwillingness to employ or a preference for employing applicants of a certain race, religion, or national origin, or which asked for information about the race, religion, or national origin of applicants for the advertised job.

Steubenville. Although the FEP ordinance for Steubenville had been adopted in April 1951, the commission administering the ordinance had not been appointed until January 1, 1952. Since the commission had no salaried staff, all the work was being done by the members of the commission on a voluntary basis. Operating on a budget of $500 per annum, the commission had mailed an explanatory pamphlet and a copy of the ordinance to the larger employers in the city, and used the facilities of a local radio station to present a weekly fifteen-minute transcription dealing with problems of human relations. Only one complaint had been handled by the commission.

East Chicago. The East Chicago Fair Employment Practices Commission was organized on January 1, 1952, under an ordinance adopted in 1951. It consisted originally of five members; later, the number of commission members was increased to nine. No provision had been made in the 1952 city budget for the costs of administering the ordinance. As a result, the Commission found itself without funds and during the first month of its operation, all expenses for stationery, postage, and other expenses were paid by the Commission members. Later in the year, an appropriation of $1,625 was made for the balance of the year. Of this sum, $1,000 was to cover the cost of a part-time investigator.

Soon after it started to function, the Commission turned its attention to discriminatory want ads in the newspapers of East Chicago. Between Feb-
February and June of 1952, forty-five such advertisements were counted. The Commission addressed a letter to each violator explaining the provisions of the ordinance. Furthermore, the newspapers accepting such ads were requested to discontinue such practice. This campaign proved successful. From July to November 1952, only one discriminatory want ad appeared in the newspapers of East Chicago.

Several cases of alleged discrimination were handled by the Commission in the first eleven months of its existence. One complaint was dismissed because of lack of jurisdiction. Another was transferred to the Gary, Ind., FEP commission, with an East Chicago commissioner authorized to maintain liaison with the Gary commission. Three other cases were pending.

Sharon. On May 8, 1951, the City Council of Sharon adopted an FEP ordinance. The Commission consisted of three members of the clergy, each representing one of the major religious faiths, and of two persons representing labor, one of whom was a Negro. The City Council had appropriated $1,000 for the use of the Commission. There was no salaried staff, so that all work was done by the members of the commission on a voluntary basis. The Commission had handled one complaint of alleged discrimination, which was found not to be a case of racial or religious bias but one in which the employer believed that the complainant was a security risk.

Philadelphia. The Commission on Human Relations, which since the adoption of the new city charter was administering the FEP ordinance, acted on 200 complaints during 1952. This represented a decrease of about 20 per cent from the preceding year. The Commission's reports did not record the number or percentage of cases sustained, dismissed, or satisfactorily adjusted. However, the Philadelphia Commission was probably the most active of the local agencies enforcing city FEP ordinances. It had a substantial budget and staff, and was a member of the Eastern Conference of Commissions Against Discrimination.

The other city agencies either did not issue reports of their activities and programs or were not functioning actively under their anti-discrimination ordinances.

Theodore Leskes

HOUSING AND PUBLIC ACCOMMODATIONS

Inequalities in housing opportunities because of race, creed, or national origin continued to be the prevalent practice in many areas of the United States during the period under review (July 1, 1952, through June 30, 1953). There were some hopeful signs however, particularly in public and publicly assisted housing.

Public Housing

According to a survey released by the Racial Relations Branch of the Public Housing Administration in June 1953, as of March 1953, 268 public housing projects in eighteen states were being operated on a completely inte-
grated basis. This showed a steady increase in the number of integrated public housing projects over previous years. In 1942 there had been only twenty-one unsegregated public housing projects. Unfortunately, however, the majority of public housing both in the North and in the South was still segregated. This was true of the developments operated by local housing authorities, as well as of those operated by the Federal Government itself.

**Federal Legislation**

For the third successive year the House of Representatives in an appropriations bill voted to curtail public housing. In addition to cutting the program to 5,000 new housing units for the entire United States, in April 1953 the House slashed funds appropriated for other aspects of the Federal housing programs; this included a 40 per cent cut for the Racial Relations Service (RRS) of the Office of the Administrator of HHFA. In June 1953 the Senate acted to raise the number of public housing units to 35,000 and restored the cuts in the RRS. In August 1953 Congress adopted the Senate-House Conference report providing for 20,000 units and full funds for the RRS. At the same time, Housing Administrator Albert Cole was directed to make recommendations to Congress in February 1954 concerning the entire Federal housing program.

In April 1953 the Senate Committee on Banking and Currency in its report accompanying the Housing Act Amendment of 1953 pointed out the need for a greater amount of sales, and of rental and cooperative housing for minority groups whose need was greatest.

**Federal Housing Administration (FHA)**

During the period under review (July 1, 1952, through June 30, 1953) various FHA officials stated that the agency would give high priority to efforts to increase participation of Negroes and other nonwhites in FHA-aided programs. In July 1952 five additional racial relations advisors were authorized, thus doubling the number employed by the FHA. In September 1952 FHA market analysts were directed to prepare detailed studies of the effective demand for housing among minority groups in all cities with populations of 250,000 or more. The raw data gathered for these analyses was available to interested organizations upon request. The conclusions reached by the FHA analysts, however, were not to be made available to anyone outside of the FHA. In addition, field offices were directed to establish minimum goals for the development of housing available to minority groups. Particular attention was to be paid to finding added sources of mortgage money available to minority groups. These steps indicated a desire on the part of FHA to expand the housing opportunities of minority groups; however, the fact remained that no more than 50,000 of the 2,900,000 homes insured by the FHA during the period 1935-52 had been open to nonwhites. There was little to indicate any significant current change in this disproportion; the FHA continued to issue insurance to all-white projects.
The problems of site selection and the need to relocate families displaced by new projects continued to trouble those interested in the implementation of the urban development and redevelopment provisions of Title I of the Housing Act of 1949. Local redevelopment agencies continued to emphasize selection of overcrowded slum sites, particularly those presently occupied by minority groups. Although permitted by law, building on open sites was all but ignored.

An analysis of the characteristics of the urban redevelopment projects approved as of March 1953 released by the HHFA in June 1953 disclosed that 64.6 per cent of the families scheduled for displacement were nonwhite. In at least nine instances, the minority families would not be permitted to return to the new housing, but thirty-six projects were being planned on a nondiscriminatory, or open-occupancy, basis.

The Federal housing agencies were at last taking public cognizance of the dangers of minority clearance and "space swapping" (forcing minorities to move from one area to another). Directives had been issued designed to minimize these threats. In September 1952 the Division of Slum Clearance and Urban Redevelopment and the FHA provided for closer coordination at the local level and the assumption of greater responsibility by the FHA in increasing the supply of housing available to displaced minority families.

In January 1953 an important statement was issued by the then HHFA administrator Raymond Foley setting forth the policies and procedures that had been developed to protect Negro or other minority group families from a decrease in available living space due to Federal housing programs. An area occupied in whole or in part by minority group families might be redeveloped only if additional housing at prices which these families could afford were provided them either on the same site or in other areas in the same community. If the housing offered was not on the redeveloped site, the proposals must be presented to local minority leadership. Organizations working in the field were of the opinion that this directive could halt some of the worst aspects of Negro housing clearance, but feared that it might result in the institutionalization of "space swapping."

The problems of how American cities were to be replanned and redeveloped had many long-range aspects, to which some local groups were devoting their attention. Thus, grave doubts were raised concerning the ability of New York City to rehouse displaced families. Local groups aided the successful passage of a resolution by the City Council and Board of Estimate in March 1953 instructing the City Planning Commission to undertake a comprehensive study of the entire problem with particular attention to the needs of minority group families.

Publications

The Public Housing Administration issued a bulletin in the spring of 1953 entitled *Open Occupancy in Public Housing*, which analyzed management policies in successful racially integrated public housing projects. In April 1953 *House and Home*, a trade publication for the building industry, pub-
lished an article describing the market among members of minority groups for standard housing.

An edited transcript of the proceedings of the Fourth Annual Meeting of the National Committee Against Discrimination in Housing, held in the spring of 1952, was issued in May 1953, and the National Committee had compiled a kit of outstanding articles and pamphlets on the subject of discrimination in housing.

State Action

The increase in integrated public housing had come about as the result of local community pressures, local or state legislation, and increased vigor in the enforcement of existing legislation. On the local level, government agencies had passed an increasing number of laws, ordinances, and resolutions relating to discrimination in public and publicly assisted housing. Michigan became the eighth state to bar discrimination in public housing when at the end of its 1952 legislative session it amended the definition of a place of public accommodation in its civil rights law to include "government housing." The law provided criminal penalties and civic damages for violations. The legislature of Minnesota in April 1953 made race restriction covenants illegal. Similarly, the 1953 Connecticut legislature included publicly assisted housing under its law barring discrimination or segregation in places of public accommodation.

Connecticut and Massachusetts, two of the three states (Rhode Island was the third) that had provision for administrative enforcement of their law against discrimination in public housing, reported considerable progress in bringing about compliance by local housing authorities.

Municipal Action

The city council of Cleveland, Ohio, adopted an ordinance on September 2, 1952, barring discrimination or segregation in redevelopment housing. The Housing Authority of Richmond, Cal., on September 4, 1952, after pressure from the Federal housing agencies and local community groups, adopted a resolution agreeing to give priority in new projects to families displaced by slum clearance operations without regard to race, color, or creed. (The Authority had been planning to demolish a Federally owned war project housing Negroes and to erect in its stead an all-white low-rent project.) The Housing Authority of Philadelphia, after much compromise and vacillation, finally resolved in May 1952 to extend a policy of racial integration to all projects under its jurisdiction. Previously, racial patterns had varied from project to project.

On January 8, 1953, the Toledo Metropolitan Housing Authority came to the conclusion that it was uneconomic to operate three white and four nonwhite projects and decided to house families on the basis of need, without regard to race, religion or national origin, in all projects where vacancies occurred. On January 23, however, implementation of the resolution was deferred pending special study by the Board of Community Relations. The
Board endorsed the nonsegregation policy, but while its study was in progress a court suit was instituted challenging the validity of the Housing Authority's practices. A decision in this case was pending at the time of writing (July 1953). Upon issuance of the Board's report, the Housing Authority stated that it would begin integration as soon as it is "proper and advisable to do so."

The Housing Authorities of Pittsburgh and Allegheny County, Pa., agreed in December 1952 to assign apartments in all their projects solely on the basis of need.

The National Capital Housing Authority adopted a resolution on March 26, 1952, that apartments in all public housing projects in the District of Columbia planned, built, and opened for occupancy after September 1, 1951, would be offered without restriction as to race, creed, color, or national origin. The Authority noted that "community mores in the nation's capitol have developed a trend which means the end to racial segregation." However, on June 4, 1952, the Authority modified its position. While agreeing in principle with the resolution of March 26, it went on to state that since some neighborhoods "are lacking in public and private facilities for the use of tenant families without regard to race," the Authority might authorize the deferment of the policy's application to specific projects.

Minneapolis, Minn., in accord with its long-standing policy of nondiscrimination in low rent public housing, resolved on May 7, 1953, that redevelopment housing was to be available to all regardless of race.

**Court Action**

The question of whether money damages might be awarded for the violation of a race restriction covenant was finally settled by the United States Supreme Court on June 15, 1953.¹ By a vote of 6 to 1 the Court held that under the Fourteenth Amendment a state court may not award damages for breach of a race restriction covenant. This decision removed the last hope for the application of legal sanction to race restriction covenants. The only way they could now be enforced was through voluntary adherence or extralegal community pressure.

The constitutionality of segregated public housing was being considered by a number of lower courts in various parts of the United States. Two decisions were handed down on the subject. On November 14, 1952, the Superior Court of San Francisco ruled that "segregation in public housing is unconstitutional and opposed to the public policy of the state."² The decision had been appealed. On the other hand, in June 1953 Judge Myron Holtzoff of the Federal District Court in Washington, D.C., expressed the view that the "separate but equal" doctrine was applicable to public housing. His ruling was on a case in Savannah, Ga., where an attempt was made to bar Federal aid to an all-white housing project planned for an area currently occupied in part by Negroes. Judge Holtzoff's decision was also being appealed.

²Banks v. San Francisco Housing Authority, No. 420534, San Francisco Superior Court, October 1, 1952. Affirmed by District Court of Appeal, August 26, 1953. Supreme Court of California refused review October 22, 1953.
Other cases dealing with this question were pending in Detroit and Hamtramck, Mich.; St. Louis, Mo.; Evansville, Ind.; and Toledo, Ohio.

The Detroit case, begun in 1950, had already resulted in Negro and white families being admitted to a new project opened in October 1952. The old projects, however, remained segregated.

A suit filed in Long Branch, N.J., in July 1952 ended with the Housing Authority agreeing to a consent decree eliminating all distinctions based on race in the selection of tenants.

**Defense Housing**

New "defense cities" designed to house persons engaged in industries connected with national defense were emerging, like Levittown in Lower Bucks County, Pa., the area surrounding the Savannah River Installation of the Atomic Energy Commission, and the area surrounding Portsmouth, Ohio (see *American Jewish Year Book*, 1953 [Vol. 54], p. 64). Despite the efforts of such organizations as the American Friends Service Committee, the National Association for the Advancement of Colored People (NAACP), the Urban League, the National Committee Against Discrimination in Housing, labor unions, and local groups, very little progress was being made to halt the development of defense housing on a segregated basis.

In order to encourage the building of homes in critical defense areas, the Federal government was offering a more liberal FHA mortgage and advance commitment by the Federal National Mortgage Association to purchase mortgages on programmed defense housing. The Federal Housing and Home Finance Agency (HHFA) was continuing to program this housing with racial designations. Spot checks indicated that while some builders had agreed to build housing for Negroes, the actual construction of this Negro defense housing was lagging far behind that for whites. While some 6 per cent of the housing was programmed for nonwhite occupancy, less than 1.5 per cent of those actually constructed were available to nonwhite families.

Continued pressure on such major developers as Levitt & Sons and Fairless Homes had been of no avail, and the 16,000-home Levittown, Pa., and 5,000-home Fairless Hills, Pa., continued to grow as all-white communities.

HHFA had made one advance in this area. In August 1952, it announced that builders of defense housing who agreed to follow a policy of open occupancy would receive preference. This only applied where there was competition among builders for a defense housing allocation. Indications were that this new policy would not have very far-reaching effects.

**Public Accommodations**

The progress made in the campaign against discrimination in places of public accommodation continued to be uneven.

Though a list of the hotels, restaurants, theatres, and parks that had been opened to all patrons during the past decade would be impressive, the fact remained that a larger number of minority group members suffered indignities in this area than in any other.
On July 21, 1953, ninety days after the adjournment of its legislature, Oregon became the nineteenth state to have a law in operation barring discrimination in places of public accommodation. Shortly after the law was passed a Civil Freedom Committee, apparently financed largely by tavern owners and hotel operators, was set up to circulate a petition calling for the submission of the law to a referendum vote in November 1953. The same tactic had been used successfully to overturn a civil rights ordinance in Portland, Ore., in 1950. In the state, however, the campaign for the referendum collapsed after the Attorney General ruled in June 1953 that it was illegal for tavern owners to assign their employees to the task of collecting signatures.

The State of Washington, which had had an extremely brief public accommodation statute since 1909, amended its law so as to add a comprehensive list of public places subject to the prohibition of discrimination. Both Oregon and Washington chose not to follow the trend to vest enforcement of public accommodation statutes in an administrative agency, preferring to rely on the cumbersome procedures of civil and criminal law.

Massachusetts and Connecticut, which already had administrative enforcement of their public accommodation statutes, in the spring of 1953 amended their laws to broaden the definitions of a place of public accommodation. Massachusetts enumerated in greater detail the places covered. Connecticut, on the other hand, struck out the existing specific enumeration and substituted a general definition stating that a place of public accommodation was "any establishment . . . which caters or offers its services or facilities or goods to the general public." Connecticut also added "separation" as well as segregation to the prohibited acts. An effort to make discriminatory advertising illegal, however, was defeated.

During the 1953 legislative sessions other states took the following actions:

- Iowa and Washington banned racial or religious discrimination by cemeteries.
- New York acted to prevent the Knights of Pythias from discriminating in membership selection.
- Proposals regarding discriminatory practices in places of public accommodation were rejected by the state legislatures of Arizona, Indiana, Maine, Missouri, Montana, Nevada, New Hampshire, New Mexico, and West Virginia.

**Court Administrative Actions**

On June 8, 1953 the Supreme Court ruled that restaurants in the District of Columbia could not legally refuse to serve meals to Negroes. It held valid a local statute enacted in 1873 that made it a criminal act for proprietors of public eating places to refuse to serve any person solely because of his race or color. The argument had been made and upheld in the lower court that the 1873 law was unenforceable because of years of neglect.

The five states (New York, New Jersey, Connecticut, Massachusetts and Rhode Island) that provided for administrative enforcement of their civil rights laws continued to make slow but steady progress in breaking down discriminatory practices in places of public accommodation. New Jersey re-
ported that during 1952 it had satisfactorily adjusted forty-five cases after finding evidence of discrimination. Massachusetts reported having received forty-one complaints during the period November 1951 to November 1952 and having corrected discriminatory practices in twenty of them. Connecticut and New York reported similar patterns of activities and accomplishments.

On March 5, 1953, the New York State Commission Against Discrimination, by a vote of 3 to 1, ruled that the use of phrases such as "churches nearby" was not a violation of the New York law. The argument was made before the Commission that such phrases were being used to indicate that Jewish patronage was not welcome. The Commission decided, however, that actual discriminatory practices must be proved before it could act.

A New York State jury awarded four Negro school teachers from Philadelphia $1,000 damages against a Kingston, N.Y., resort owner for having rejected them because of their race. The four teachers had reservations but were refused accommodations upon their arrival.

RECREATIONAL FACILITIES

In the South and the border states, recreation opportunities for Negroes continued grossly inferior. The necessity of having to appeal to the courts in each instance and prove inequality of treatment was time-consuming and costly. On the other hand, hotels and inns in the national parks and forests under the jurisdiction of the Departments of Interior and Agriculture were operated on a nondiscriminatory basis throughout the United States, including the South. In the District of Columbia the recreational facilities operated by the Department of the Interior were nonsegregated, while most of those operated by the District itself were. Community pressure had, however, led to the opening of some of the District facilities to all persons.

The question of segregation in publicly owned swimming pools continued to receive attention from courts and municipal agencies.

On June 10, 1953, the United States Court of Appeals in St. Louis affirmed a lower court decision that Kansas City must admit Negroes to its new Swope Park Pool. The City Council on June 19 recommended that the Board of Park Commissioners operate the pool on a nonsegregated basis. The Board of Park Commissioners decided, however, to keep the pool closed. A final determination of the issue was being sought from the United States Supreme Court.

In Webster Groves, a suburb of St. Louis, a Federal district court had ruled in 1950 that the municipal pool must be available to all. As a result, the pool was kept closed entirely. A new slate of city officials, however, was elected on April 8, 1953, after running on a platform of opening the Webster Groves pool on a nonsegregated basis. It was planned to have complete integration in the pool for the summer of 1953.

Segregation in the motion picture theatres in Oxford, Pa., had been a subject of controversy for some time. On June 11, 1953, a Federal District Court

*Kansas City v. Williams 205 F. 2d 47 (1953).
*St. Louis v. Draper 92 F. Supp. 846 (1950).*
for the Eastern District of Pennsylvania enjoined the owner of the theatre and two police officials from requiring segregated seating and assessed $500 damages against the two police officials. The proceeding was brought under the Federal Civil Rights Statutes.  

In Florida a Federal District Court ruled on June 23, 1952, that Negroes could not be barred from the city-built auditorium where the facilities for them were clearly inferior to those for whites.

Two cases slated for final determination by the United States Supreme Court involved the use of recreational facilities in Louisville, Ky., and Houston, Tex. In Louisville, the city leased the municipal amphitheatre to a private association which operated it for the exclusive use of whites. The lower court ruled that the Fourteenth Amendment had not been violated, since no "state action" was involved. The final determination would be made by the United States Supreme Court.

In Houston, a city ordinance provided for complete segregation in the use of all public parks. In 1951 the United States Court of Appeals held that the ordinance was a violation of the Fourteenth Amendment.

FRANCES LEVENSON

CHURCH-STATE RELATIONSHIPS

During the period under review (July 1, 1952, through June 30, 1953) the public school continued to be the center of the church-state controversy. The dispute was accentuated by the efforts of certain religious groups to accommodate the school curriculum to the religious needs of the population, contrary, in the view of many, to the spirit of the Federal and state constitutions.

Catholic View

Two significant statements afforded a measure of the depth and intensity of the controversy. The first of these came at the close of the annual meeting of the Catholic Bishops of America, on November 16, 1952. Warning that the nation faced a grave danger from the "irreligious decay" of its social institutions, the bishops vigorously attacked "secularism." Though the bishops disclaimed the role of "enemies of public education," they severely criticized the public schools for failing to recognize the importance of religion in the curriculum, consequently contributing to the secularist menace. Nor did it suffice to teach moral and spiritual values without a religious sanction. "Without religious education, moral education is impossible." The Catholic statement also contained an echo of the struggle over Federal aid to education. Calling on the state to help, not penalize, parents who sought to provide their children with a religious training, the bishops deplored the failure to provide "auxiliary services" under the Federal constitution as an "unfair and shortsighted policy."

Protestant View

The Protestant statement took the form of a letter to the "Christian People of America" from the General Assembly of the National Council of Churches of Christ in the USA (NCCC) on December 15, 1952. Stressing anew its loyalty to the public schools, the NCCC could not agree that these schools should be condemned as godless because they did not teach religion. But the NCCC position inferred a concept of separation which, critics felt, by replacing the traditional "wall" of separation with a "wavy line," could have far-reaching consequences for the future. "Although faith in God is the presupposition of our American tradition, we must never allow our government to be controlled by a particular religious organization. . . . That any church should be given preferential status or be granted a unique distinction or receive special privileges in the national life or in international relations would be a violation of our basic principles. . . ." The statement implied no opposition to a preferential status for religion or religious institutions generally. The Protestant message was emphatic in its opposition to governmental aid to parochial schools. But it was not sure how pupils should be made aware of "the heritage of faith upon which this nation was established. In some constitutional way, provision should be made for the inculcation of the principles of religion, whether within or outside the precincts of the school, but always within the regular schedule of a pupil's working day."

These important utterances must be viewed against the background of the April 1952 Supreme Court ruling in the case of Zorach v. Clauson that the New York City released-time system was not in violation of the First Amendment to the United States Constitution (see AMERICAN JEWISH YEAR BOOK, 1953 [Vol. 54], p. 43-44).1 It will be recalled that, while the Court disclaimed any intention of overruling the 1948 decision in the McCollum case,2 where the released-time system in Champaign, Ill., had been ruled invalid, it refused to apply that doctrine to the New York system of released time; to do so would mean "that public institutions can make no adjustments of their schedule to accommodate the religious needs of the people." Both the Catholic and Protestant statements derived much comfort from the Court's dicta: "The first amendment, however, does not say in every and all respects there shall be a separation of church and state. . . . We are a religious people whose institutions presuppose a Supreme Being."

Thus, Bishop Emmet M. Walsh of Youngstown, Ohio, in his annual report to the bishops at their November meeting, surveying the post-Zorach era, noted an "encouraging trend toward cooperation between church and state in America," rather than absolute separation. He found that "the exaggerated secularistic philosophy of Everson and McCollum has been repudiated."

Released Time

As was to be expected, the Zorach holding gave renewed impetus to the

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released-time program; there was ample evidence during the period under review that the program had regained much or all of the ground it had lost following McCollum. Surprisingly, New Hampshire was a notable exception. A released-time bill was sponsored in that state’s legislature by the majority and minority leaders of the House. It was endorsed by the New Hampshire Council of Churches, the State Committee on Christian Education of the United Baptist Convention, Roman Catholic Bishop Matthew F. Brady of Manchester, and Episcopal Bishop Charles F. Hall of New Hampshire. Notwithstanding, on April 8, 1953, after a lengthy and sometimes bitter debate, the measure was overwhelmingly rejected.

Although in the McCollum case the Supreme Court had held unconstitutional a system of released-time religious instruction under which classes were conducted within the public school building, a considerable number of released-time programs continued to be given on school premises. Thus, the March 11, 1953, issue of the Religious News Service (RNS) reported the charge of a Baptist editor that the Virginia Council of Churches’ released-time program, because it was given on school premises, placed that state in the position of being the only one in the nation to disregard the McCollum decision. This statement was challenged by a Council official who, according to the RNS, stated that the same practice was “followed in North Carolina. Tennessee, some parts of Ohio, and several other states.” Erwin L. Shaver, the executive director of weekday religious education of the Division of Christian Education of the NCCC, stated (Religious Education, January-February 1953, p. 42) that 15 per cent of the communities participating in the released-time program still conducted their classes in the public schools, in direct violation of the McCollum decision. Indeed, the New Hartford, N. Y., Board of Education on October 23, 1952, acknowledged its toleration of the same practice by announcing that it would be discontinued as soon as arrangements were completed for these classes to be held in the churches.

Position of Jewish Organizations

The position of Jewish organizations in respect to released time remained substantially unchanged. Symptomatic of their misgivings was the statement adopted on June 17, 1953, at the Annual Convention of the Central Conference of American Rabbis (CCAR). It referred to reports of widespread abuses and violations of the released-time plan, of the principle of separation of church and state, and of the explicit interpretations of the Supreme Court. The CCAR asserted that in many cases children were being segregated and lined up in classrooms according to religious divisions; school officials were publicizing the religious program and even recruiting pupil enrollment; teachers were distributing descriptive literature; and schools were becoming partners with the churches in administrative procedures by keeping records and giving credit for these religious classes. The statement concluded by cautioning rabbis not to be “stampeded by local pressure” into participating in the program.
Bible Distribution and Reading

The controversy over the use of the public schools both for the purpose of distributing the Bible and for spreading its message through daily readings continued unabated.

The Gideon Society, which claimed to have distributed more than 6,200,000 of its Protestant Bibles to school children in the United States and Canada during the previous six years (St. Louis Post Dispatch, July 25, 1952), was as active as ever. However, the Society was not uniformly successful. Thus, they were denied the use of the school facility in Rutland, Vt., Akron, Ohio, and York, Pa.; they gained access to the schools in Gardiner, Me., Kent, Ohio, and Hartford, Conn.

An effort was made to prevent the Gideon Bible distribution in a court test based on the action of the Rutherford, N. J., Board of Education in voting permission for a distribution. A temporary injunction had been obtained by a Catholic and a Jewish parent. Judge J. Wallis Leyden heard testimony that the New Testament offered by the Gideons conflicted with the basic concepts of Judaism; he was told that the Board's action was an "effort to uphold Protestant Christianity through the public school system," and was in "direct contradiction to democratic education"; that the distribution would have an adverse psychological effect on minority children and present pressures on them to conform to the majority; and that the practice would be divisive. Judge Leyden ruled on March 14, 1953, that the action of the Rutherford Board might be "bad policy," but was not unconstitutional. His decision was to be appealed.

Bible reading in the schools met with two significant setbacks during 1952-53. In California a bill introduced on January 12, 1953, authorizing daily readings of selected passages of the Bible "as an aid to moral instruction in the public schools" could not muster enough votes in either the Assembly or Senate Education Committees to bring it to the floor for a vote. Opposition to the measure was vigorously spearheaded by teacher associations. A similar Bible reading bill also died in the Illinois legislature in June 1953.

Prayer

The November 30, 1951, statement of the New York State Board of Regents (see American Jewish Year Book, 1953 [Vol. 54], p. 43) recommending that each school day open with a prayer continued to meet with a cautious reception by school districts during this period. It was estimated that not more than 300 of the 3,000 school districts in the state had adopted the Regents' suggestion. In some instances the school board had acted without benefit of a public hearing. Where protests developed, it was reported that some boards had denied that there was anything controversial in the proposal.

This was not the case with the New York City Board of Education, which recognized at once the explosive character of the Regents' recommendation. After many months of deliberation, the Board finally adopted a "compromise" resolution on January 15, 1953, requiring the daily singing of the fourth

stanza of the patriotic hymn *America*, following the salute to the flag. The influential Catholic weekly *America*, in its January 31, 1953 issue, echoed general Catholic approval of the substitution. The New York Board of Rabbis objected to this compromise, on the ground that the fourth stanza, taken alone, represented a prayer.

**Public-Parochial School Conflict**

Perhaps the most delicate of all the church-state issues centering in the public school remained that of the "public" parochial school. In Illinois, Colorado, New Mexico, Wisconsin, Missouri, and other states the question of the distinction between a parochial and public school was sharply debated.

In August 1952, the Logan County District Court in Colorado rendered its decision in the case of *Outcalt v. Hoefler*. The evidence showed that a former parochial school building owned by a Roman Catholic Church had been leased to the public school board on condition that "two Sisters should be retained as teachers in the school"; that the Sister-teachers wore clerical garb in the course of the secular instruction; and that the children committed to their charge were given sectarian instruction on the school premises immediately before the opening of the school day. The court held that the "religious sectarian influence" exerted by the Sisters in their religious classes "could not be laid off as a cloak when they took these same children into the schoolroom for secular instruction"; nor could the court disregard the distinctively ecclesiastical garb of the teachers as a "circumstance of the school arrangement." The court found that the entire sectarian religious influence and atmosphere surrounding the school left not the slightest doubt that the institution was in fact conducted as a parochial school, in violation of the state and Federal constitutions.

Similarly, the Supreme Court of Missouri, on June 8, 1953, in the case of *Berghorn v. Reorganized School District No. 8*, found that three former parochial schools which had merged with the public schools had continued to use nuns as teachers and remained subject to the control and direction of the Catholic Church; therefore, they could not be deemed "free public schools" entitled to public support.

Still another such suit was instituted in Johnsburg, Illinois, on April 10, 1953, by a Lutheran parent who contended that the "public" school her children were required to attend used parochial school textbooks, that Catholic religious objects were hung on classroom walls, that class time was used to teach Catholic prayers, and that the Sister-teachers wore religious garb during secular instruction. Although it was announced on June 8, 1953, that the six nuns who constituted the school teaching staff would leave their jobs at the close of the school year, the petitioner insisted that the action be continued until decided by the courts.

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4No. 43258.

5*Larson v. Tazewell*, in Circuit Court for McHenry County, Ill.
WISCONSIN LEGISLATION

But perhaps the most significant developments in this area were initiated in Wisconsin, where an effort was made to so amend the laws as to break down existing statutory distinctions between public and parochial schools. A bill was introduced in the state legislature to give to county and district superintendents of schools supervision over all elementary and secondary schools, whether public or private; to authorize the issuance of state teachers' licenses to any person employed in Wisconsin's public or private schools (such certificates were being granted only after two years of satisfactory teaching in the public schools); to provide bus transportation at public expense for pupils attending parochial schools; and to give jurisdiction over all school bus transportation to the local school districts, instead of to the state superintendent of schools. Opponents of the measure argued that its intent was to give parochial schools the same legal status as public schools. Action on the bill was deferred when the legislature recessed until the fall of 1953.

Religion in the Public School Curriculum

The most baffling and, in many respects, the central issue in the area under discussion continued to be the manner in which the public school should deal with religious subject matter in the curriculum. This problem once again came to the fore with the publication in February 1953 of the third in a series of reports by the Committee on Religion and Education of the American Council on Education, under the title, The Function of the Public Schools in Dealing With Religion. The report resulted from a study made under the direction of Clarence C. Linton of Teachers College, Columbia University, whose aim was "to discover what is now being done and what education and religious leaders think should be done about religion in the public schools." The committee found three broad patterns of current practice: avoidance of religion, from "deliberate avoidance at one extreme" through "accidental to incidental treatment at the other"; planned religious activities, characterized by such practices as Bible reading, religious holiday observances, and prayer; and the factual study of religion through "deliberate aim and definite plan to deal directly and factually with religion wherever and whenever it is intrinsic to learning experience in social studies, literature, art, music, and other subjects."

The committee concluded that the "factual study of religion" appeared to offer the best approach to a solution "which is thoroughly in accord with the principle of religious liberty, the tradition of separation of church and state, and the best educational theory and practice." The recommendation followed that there be a few experiments in selected communities and teachers training schools to discover the conditions under which the plan was desirable and feasible, and what would be necessary in the way of teacher preparation, materials, and methods to implement it.

It was observed that the report had adjusted its approach to the needs of good educational practice, rather than the insistence that the schools fill the
breach left vacant by the churches. However, a number of questions remained unresolved: the definition of “religion” in the context in which it was used in the proposal was unclear; there was an ambiguity in respect to the desired objectives (was the purpose to study religion in terms of ideas, or to help shape behavior through a knowledge of the facts about religion?); the “facts” about religion themselves were difficult to determine since differences concerning them had led inevitably to sectarianism; the report was silent on the predicament of the teacher for whom the classroom situation might well be tantamount to a religious test; and there was fear that the introduction of the plan might open the door to unceasing pressures on the schools to conform to one or another doctrinal version.

Other Church-State Areas

Though the public school was the chief center of controversy in the area of the relationship between church and state, there were other significant focal points.

Intra-Church Conflict

On November 24, 1952, the United States Supreme Court struck down a New York statute intended to transfer control over a Russian Orthodox Church from one faction to another, as a violation of freedom of religion. St. Nicholas Cathedral in New York City had been under the control of Archbishop Benjamin, who held his office by virtue of appointment from the Patriarch of Moscow and was subject to the patriarch’s jurisdiction and that of the Holy Synod in Moscow. The competing faction represented the Russian Church in America, which had terminated all administrative relationships with the mother church in Russia. The contest was for possession of the cathedral, which the New York statute sought to vest in the Russian Church in America. The Supreme Court by an 8 to 1 majority found that New York had violated the American tradition of church-state separation in that the transfer by statute of control over churches was irreconcilable with the freedom of religion guaranteed by the Federal and state constitutions.

Jehovah’s Witnesses

On March 9, 1953, Jehovah’s Witnesses once again entered the litigation spotlight in the case of Fowler v. The State of Rhode Island. The United States Supreme Court examined an ordinance of the City of Pawtucket which forbade any “parochial or religious meeting in any public park.” William B. Fowler had addressed a gathering of Jehovah’s Witnesses in a public park in Pawtucket, been arrested, and fined. Although it was acknowledged that Pawtucket so construed the ordinance that it did not forbid other church services in the park, Fowler’s conviction was affirmed by the Rhode Island


Supreme Court. Holding that it is not within the competence of the courts to "approve, disapprove, classify, regulate or in any manner control sermons delivered at religious meetings," the United States Supreme Court found that Pawtucket had treated Jehovah's Witnesses' religious services differently from that of other sects, and reversed the judgment of the court below.

The Jehovah's Witnesses won another important victory, in the Superior Court of California, in the case of *Speith v. The City of Pomona*. On January 15, 1953, the court held that it was improper for the city to deny a permit to the Witnesses to build a church simply because the City Council did not approve the sect's tenets. Public officials, the court observed, were prohibited by the Constitution from directly or indirectly censoring religious convictions.

**Amish Sect**

One of the most perplexing controversies to resolve was the problem presented by the insistence of members of the Amish sect residing in Pennsylvania that their children not be required to attend school after the age of fourteen, although the Pennsylvania state law required attendance until seventeen. In 1950 some thirty-four Amish parents had gone to jail in Lancaster County, Pa., as school boards tried in vain to enforce the compulsory attendance laws. Believing that religious education and training as farmers (to carry out their religious-agricultural way of life) could be better managed at home, the Amish opposed the "worldly" influence of education beyond the age of fourteen years. The Attorney General of the state ruled against any relaxation of school attendance requirements, but the Amish stubbornly defied arrest and imprisonment. At this writing (July 1953) consultations were under way between public officials and Amish leaders in an attempt to seek a way out of the dilemma.

**Child Adoption**

United States courts had generally tended to place children for adoption with parents professing the same faith as the natural parents. However, during the period under review there were signs of a relaxation of this time-honored practice. Thus, in Massachusetts, in two cases the adoption of children by foster parents of a religious faith different from that of the natural parents was permitted. The decisions followed the holding by that state's Supreme Judicial Court in the Gaily case (week of June 28, 1952), which allowed a two-year-old child of a Catholic mother to be adopted by the Protestant couple with whom the child had been living since a few weeks after its birth. Shortly afterward, on July 11, 1952, Probate Judge George M. Poland used his discretionary powers to permit a Jewish couple to adopt the child of a Catholic mother. The child had been born out of wedlock, and its adoption consented to by the natural mother. However, the mother later married and petitioned the court for the right to regain the child. As in the Gally case, Judge Poland was confronted with the 1950 amendment to the state's laws governing adoption, which provided that "the judge when practicable must give custody only to persons of the same religious faith as the child."
courts of Massachusetts followed the rule that the "guiding star" in cases of adoption of a young child was the welfare of the child, in which his religion was but one factor, although a most important one. The Boston archdiocesan newspaper, The Pilot, criticized this trend and expressed the view that it had far-reaching implications for the future.

In a somewhat similar vein, but in a rather more complicated factual setting, was the April 28, 1953, decision by Judge Jacob Panken of the Children's Court in New York City, in the Glavas case. A four-year-old child was before the court as a result of the neglect by his father while the mother was in a mental institution. The maternal grandfather petitioned to have the child remanded to the Jewish Child Care Association for foster home care pending permanent placement. The father claimed that the child was Catholic because of his baptism on October 12, 1952, and therefore asked that the child be placed with the Catholic Home Bureau for Dependent Children. At the hearing it developed that the mother of the child was Jewish; that, with the father's consent, the child was circumcised in a Jewish religious ceremony; and that it was the wish of the mother and her family that the child be reared as a Jew. Moreover, neither the mother nor her family had any knowledge of the baptism until that fact was disclosed in the Children's Court. Judge Panken held that the religion of the child having been determined by the mutual agreement of the parents, the father could not thereafter unilaterally change the religion of the child. He rejected the plea that, since the child was in the custody of the father, the latter had the right to change the religion of the child without the mother's consent. Judge Panken concluded that the child was Jewish, and that the baptism did not change the child's religion.

PHILIP JACOBSON

STATE AND MUNICIPAL LEGISLATION CONCERNING DISCRIMINATION

The accompanying chart indicates the states that had enacted legislation concerning discrimination in employment, housing, and places of public accommodation, as of June 30, 1953.

Employment

Since 1945, twelve states had passed laws barring discrimination by employers and labor unions because of race, color, religion, or national origin, whose administration was vested in a state commission. In addition, two states had established commissions to investigate discrimination in employment. These laws varied 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, provided enforcement powers with regard to public employment only, while the Indiana, Kansas and Wisconsin laws were chiefly educational and did not have enforcement machinery. In addition, Iowa
and Nebraska had provided for commissions to study discrimination in employment.

The following twenty-eight cities had local ordinances prohibiting discrimination in employment: Phoenix, Ariz.; Richmond, Calif.; Chicago, Ill.; East Chicago and Gary, Ind.; Sioux City, Iowa; Pontiac and River Rouge, Mich.; Minneapolis, Minn.; Akron, Campbell, Cincinnati, Cleveland, Girard, Hubbard, Lorain, Lowellville, Niles, Steubenville, Struthers, Warren, and Youngstown, all in Ohio; Farrell, Monessen, Philadelphia, Pittsburgh, and Sharon, in Pennsylvania; and Milwaukee, Wisc. In addition, New York City, N. Y., Denver, Colo., and Seattle, Wash., had ordinances which had sometimes been listed as fair employment practices (FEP) measures; but these could be disregarded because the three cities were in FEP states and the local ordinances did not provide any enforcement machinery.

**Housing**

Legislation concerning discrimination in housing was also of relatively recent origin. New York passed a law barring discrimination in public housing in 1939, but the other ten states which had similar legislation enacted their statutes subsequently. These state laws in general applied only to public and

### Discrimination Prohibited by State Law

<table>
<thead>
<tr>
<th>Name of State</th>
<th>Employment</th>
<th>Housing</th>
<th>Public Accommodations (Hotels, Resorts, Restaurants, Theatres, etc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>Colorado</td>
<td>X</td>
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<tr>
<td>Connecticut</td>
<td>X</td>
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<td>Washington, D.C.</td>
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<tr>
<td>Illinois</td>
<td>X</td>
<td>X</td>
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<tr>
<td>Indiana</td>
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<td>Iowa</td>
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<td>Kansas</td>
<td>X</td>
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<td>Maine</td>
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<tr>
<td>Massachusetts</td>
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<tr>
<td>Michigan</td>
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<td>Minnesota</td>
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<td>Nebraska</td>
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<td>New Hampshire</td>
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<tr>
<td>New Jersey</td>
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<td>New Mexico</td>
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<td>New York</td>
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<td>Ohio</td>
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<tr>
<td>Oregon</td>
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<tr>
<td>Pennsylvania</td>
<td>X</td>
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<tr>
<td>Rhode Island</td>
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<tr>
<td>Washington</td>
<td>X</td>
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<tr>
<td>Wisconsin</td>
<td>X</td>
<td>X</td>
<td>X</td>
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</tbody>
</table>

* Enforcement machinery only with respect to public employment.

b No enforcement machinery.

c FEP study commission.

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

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

f Statute only prohibits discriminatory advertising, but not the discriminatory practices.
## Analysis of Existing Fair Employment Practice State Legislation

<table>
<thead>
<tr>
<th>State</th>
<th>Right to Employment without Discrimination Declared to be</th>
<th>Subject to Act</th>
<th>Excluded from Act</th>
<th>Illegal Practices</th>
<th>Who May File Complaint</th>
<th>Complaints to Be Filed Within</th>
<th>Administered By</th>
<th>Appointed by</th>
<th>Salary per Member</th>
<th>Powers of Commission</th>
<th>Review and Enforcement</th>
<th>Construction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Colorado</td>
<td>Civil right</td>
<td>The State and its political subdivisions. Private employers of six or more employees. Labor organizations. Employment agencies. Employers of less than 6. Persons employed by family. Domestic servants. Educational institutions and school districts.</td>
<td>Discrimination by public or private employers in hiring, firing or working conditions. Discrimination by labor organizations as to rights or privileges of membership. Discrimination by employment agencies. Discrimination by employees, by concerted action, to prevent employment or continuance in employment.</td>
<td>Person aggrieved</td>
<td>3 months</td>
<td>Full-time Director of FEP under the Division of the Industrial Commission. 7-member Governors, Human Relations Commission advises director and Governor on policies and recommends changes in law to General Assembly.</td>
<td>Human Relations Commission appointed by Governor.</td>
<td>None</td>
<td>None</td>
<td>Receive and investigate complaints. To hold hearings on complaints against public employers. Appoint staff. Adopt rules and regulations. Subpoena witnesses. Investigate and study existence, causes and extent of discrimination and formulate plans to eliminate it. Concession. Refer cases involving public employers to attorney general for prosecution. Biennial report to Governor and legislature.</td>
<td>Judicial review and enforcement only with respect to public employers.</td>
<td>Liberal</td>
</tr>
<tr>
<td>Connecticut</td>
<td>Not specified</td>
<td>Labor organizations. All enterprises, including charitable and nonprofit. Employment agencies. The state and its political institutions. Employers of less than 5.</td>
<td>Discrimination by employers in hiring, firing, or working conditions. Discrimination by labor organizations as to rights or privileges of membership. Any form of discrimination against any individual because of his race, color, religious creed, national origin or ancestry. Discrimination against persons filing complaints under the terms of this act.</td>
<td>Person aggrieved, Commission, employer (whose employees refuse or threaten to refuse to comply with FEP law).</td>
<td>6 months</td>
<td>Commission on Civil Rights. 10 members with 5-year overlapping terms—2 appointed each year.</td>
<td>Governor. 10 members with 5-year overlapping terms—2 appointed each year.</td>
<td>None</td>
<td>None</td>
<td>Receive and investigate complaints. Initiate complaints. Appoint staff. Convene hearings. Convene hearings. Issue cease and desist orders. Develop educational programs. Recommend policies and make recommendations for elimination of prejudice. Issue publications and reports.</td>
<td>Not specified</td>
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<tr>
<td>Indiana</td>
<td>Right and privilege.</td>
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<td></td>
<td>Division of Labor. Commissioner of Labor plus 9-men advisory board (4 Senators, 4 Representatives, plus Lieutenant Governor).</td>
<td>Governor. 10 members with 5-year overlapping terms—2 appointed each year.</td>
<td>None</td>
<td>None</td>
<td></td>
<td>Not specified</td>
</tr>
<tr>
<td>Right to employment</td>
<td>Massachusetts</td>
<td>New Jersey</td>
<td>New Mexico</td>
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<tr>
<td>without discrimination declared to be</td>
<td>Right and privilege</td>
<td>Civil right</td>
<td>Civil right</td>
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<tr>
<td>Subject to act</td>
<td>Labor organizations. All enterprises conducted for profit and employing 6 or more. Employment agencies. State agencies.</td>
<td>Labor organizations. All enterprises conducted for profit and employing 6 or more. Employment agencies.</td>
<td>Employers. Labor organizations. Employment agencies. Persons engaging in violation to act. The State and its political subdivisions.</td>
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<tr>
<td>Illegal practices</td>
<td>Discrimination by employers in hiring, firing, or working conditions. Discrimination by labor organizations as to rights or privileges of membership. Advertisements specifying or inquiring concerning race, creed, or national origin of applicants for employment. Failure to post notice of provisions of this act. Discrimination against persons filing complaints under the terms of this act.</td>
<td>Discrimination by employers in hiring, firing, or working conditions. Discrimination by labor organizations as to rights or privileges of membership. Advertisements specifying or inquiring concerning race, creed, or national origin of applicants for employment. Refusal of employees to work with members of minority group. Discrimination against persons filing complaints under the terms of this act.</td>
<td>Discrimination in employment from whatever source, from whatever cause.</td>
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<tr>
<td>Who may file complaint</td>
<td>Person aggrieved, commissioner, attorney general, employer (whose employees refuse or threaten to refuse to comply with FEP law).</td>
<td>Person aggrieved, commissioner of labor, attorney general, employer (whose employees refuse or threaten to refuse to comply with FEP law).</td>
<td>Person aggrieved, any associate or person on his behalf, industrial commissioner, attorney general, employer (whose employees refuse or threaten to refuse to comply with FEP law).</td>
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<tr>
<td>Complaints to be filed within</td>
<td>6 months.</td>
<td>90 days.</td>
<td>No limitation.</td>
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<tr>
<td>Administered by</td>
<td>Commission Against Discrimination (3 members) (Laws 1949, ch. 479)</td>
<td>Division of State Department of Education. Commissioner of education plus 7 members.</td>
<td>State Fair Employment Practice Commission. 5 members.</td>
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<tr>
<td>Appointed by</td>
<td>Governor, with advice and consent of the Council. $4,000. Chairman $5,000. Necessary expenses.</td>
<td>Governor, with advice and consent of the senate. None. Necessary expenses.</td>
<td>2 ex-officio and 3 appointed by the governor. None. Expenses not to exceed $10 per diem.</td>
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<tr>
<td>Salary per member</td>
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<tr>
<td>State</td>
<td>Right to employment without discrimination declared to be.</td>
<td>Subject to act</td>
<td>Excluded from act</td>
<td>Illegal practices</td>
<td>Who may file complaint</td>
<td>Complaints to be filed within</td>
<td>Administered by</td>
<td>Salary per member</td>
<td>Powers of Commission</td>
<td>Review and enforcement</td>
<td>Construction</td>
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<tr>
<td>New York</td>
<td>Civil right</td>
<td>Labor organizations. All enterprises conducted for profit and employing 6 or more.</td>
<td>Employment agencies.</td>
<td>Non-profit enterprises.</td>
<td>Person aggrieved, industrial commissioner, attorney general, employer (whose employees refuse or threaten to refuse to comply with FEP law).</td>
<td>90 days</td>
<td>State Commission Against Discrimination. 5 members</td>
<td>Governor, with advice and consent of the Senate.</td>
<td>$10,000, necessary expenses</td>
<td>Receive and investigate complaints; maintain offices; meet and function at any place within the State; appoint staff; conciliation; subpoena witnesses; conduct hearings; issue cease and desist orders; adopt and promulgate rules and regulations; develop educational programs; create advisory councils; use the services of all Government departments and agencies; issue publications; report annually to the Governor and legislature on activities and recommendations.</td>
<td>Judicial review and enforcement. Liberal construction.</td>
<td></td>
</tr>
<tr>
<td>Oregon</td>
<td>Civil right</td>
<td>Employers. Labor organizations. Employment agencies. Persons inciting to violation of act.</td>
<td>Social, fraternal, charitable, educational, or religious associations or corporations not for profit. Employers of less than 6; parents; domestic servants.</td>
<td>Discrimination by employers in hiring, firing, or working conditions; discrimination by labor organizations as to rights or privileges of membership; advertisements specifying or inquir res concerning race, creed, or national origin of applicants for employment; refusal of employees to work with members of minority group; discrimination against persons filing complaints under the terms of this act.</td>
<td>Person aggrieved, employer (whose employees refuse or threaten to refuse to comply with FEP law).</td>
<td>No limitation</td>
<td>Fair Employment Practices Division of the Bureau of Labor. There is also a 7-member advisory committee.</td>
<td>Governor.</td>
<td>None, necessary expenses</td>
<td>Investigate existence, causes, and extent of discrimination; study ways of eliminating discrimination, and formulate plans therefor; publish and disseminate reports of findings; confer and cooperate with official and private agencies in combating discrimination; transmit to Governor and legislature recommendations, etc.</td>
<td>Judicial review and enforcement.</td>
<td></td>
</tr>
<tr>
<td>Rhode Island</td>
<td>Civil right</td>
<td>Employers. Labor organizations. Employment agencies. Persons inciting to violation of act.</td>
<td>Religious, charitable, fraternal, social, educational, sectarian corporations, or associations not for profit; parents; domestic servants.</td>
<td>Discrimination in recruiting, hiring, or discharging employees; discrimination by labor organizations as to rights and privileges of membership; discrimination by employment agencies; advertising specifying or inquiries concerning race, color, religion, or ancestry; discrimination against persons filing complaints or assisting in any proceeding under this act; refusal of employees to work with members of minority groups.</td>
<td>Person aggrieved, commissioner (whose employees refuse or threaten to refuse to comply with FEP law).</td>
<td>1 year</td>
<td>State Commission on Fair Employment Practices. 5 members</td>
<td>Governor, with advice and consent of Senate.</td>
<td>$2,500 per annum, necessary expenses</td>
<td>Maintain offices; meet and function at any place in the State; appoint executive secretary and other necessary personnel; adopt and promulgate rules and regulations; formulate policies; receive, investigate, and pass upon charges of unlawful employment practices; hold hearings, subpoena witnesses, etc.; use voluntary and uncompensated services; create advisory agencies and conciliation councils; issue publications; report to Governor and legislature.</td>
<td>Judicial review and enforcement. Liberal construction.</td>
<td></td>
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<tr>
<td>Right to employment without discrimination declared to be</td>
<td>Washington</td>
<td>Wisconsin</td>
<td>Kansas</td>
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<tr>
<td>Subject to act...</td>
<td>Civil right</td>
<td>Public policy of the State.</td>
<td>Civil right.</td>
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<tr>
<td>Excluded from act...</td>
<td>Employers employing 8 or more; labor organizations; employment agencies.</td>
<td>Religious, charitable, educational, social, or fraternal associations or corporations not for profit; parents; domestic servants.</td>
<td>Employers employing 8 or more; labor organizations; persons acting for employers (employment agencies); the state and its political subdivisions.</td>
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<tr>
<td>Illegal practices...</td>
<td>Discrimination in employment; discrimination by labor organizations as to rights and privileges of membership; discrimination by employment agencies.</td>
<td>Discrimination in employment; discrimination by labor organizations.</td>
<td>Not stated—although discrimination in employment on the grounds of race, religion, color, national origin or ancestry is declared to be a matter of state concern to be eliminated by methods of conference, conciliation and education.</td>
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<tr>
<td>Who may file complaint...</td>
<td>Person aggrieved, FEP Board, employer (whose employees refuse or threaten to refuse to comply with FEP law).</td>
<td>Not stated — any person with knowledge of discriminatory practices.</td>
<td>Not stated — any person with knowledge of discriminatory practice.</td>
<td></td>
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<tr>
<td>Complaints to be filed within...</td>
<td>6 months.</td>
<td>No limitation.</td>
<td>No limitation.</td>
<td></td>
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<tr>
<td>Administered by...</td>
<td>State Board Against Discrimination in Employment.</td>
<td>Industrial Commission; 7-man advisory committee representing labor, business, and public interests.</td>
<td>Anti-discrimination commission (5 members).</td>
<td></td>
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<tr>
<td>Appointed by...</td>
<td>Governor.</td>
<td>7-member advisory committee appointed by Governor.</td>
<td>Governor.</td>
<td></td>
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</tr>
<tr>
<td>Salary per member...</td>
<td>$20 per diem when in session or on official business.</td>
<td>None. Necessary expenses.</td>
<td>None. Necessary expenses.</td>
<td></td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>Powers of Commission...</td>
<td>Maintain offices; meet and function at any place in the State; appoint executive secretary and other necessary personnel; utilize services of Government departments and agencies; adopt and promulgate rules and regulations; receive, investigate, and pass upon complaints; hold hearings; subpoena witnesses, etc.</td>
<td>Receive and investigate complaints; subpoena witnesses; conduct hearings or proceedings; publicize findings; recommend legislation and formulate plans for the elimination of prejudice; issue publications.</td>
<td>Employ executive secretary and necessary staff; study existence, character and causes of discrimination; study methods of eliminating discrimination; cooperate with and furnish technical and mediation assistance to employers, labor unions, etc.; make recommendations; prepare comprehensive educational program; receive and investigate complaints and seek to adjust them by conciliation and conference.</td>
<td></td>
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</tr>
<tr>
<td>Construction...</td>
<td>Liberal construction.</td>
<td>Liberal construction.</td>
<td>Liberal construction.</td>
<td></td>
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</table>

*Liberal construction.*
publicly assisted housing. The New York law passed in 1950 forbade both discrimination and segregation, while Minnesota forbade discrimination in redevelopment projects on the grounds of religion or political affiliations only. Most of these statutes merely forbade discrimination without providing enforcement procedures. In Connecticut, Massachusetts, and Rhode Island, however, an administrative board had jurisdiction to prevent housing discrimination.

In addition, a number of cities had taken action to bar this type of discrimination. Such cities included New York, N. Y., Los Angeles, Cal., San Francisco, Cal., Cleveland, Ohio, Philadelphia, Pa., Hartford, Conn., Toledo, Ohio, and Omaha, Neb.

Public Accommodations

In the field of public accommodations, twenty-two states had enacted civil rights statutes. These laws had been in existence for many years, some for fifty or more. (Louisiana had an 1869 public accommodation statute that was not enforced.) The laws varied in detail, but generally barred discrimination and provided for civil action for damages or a criminal prosecution for violation. In addition, Connecticut, Massachusetts, New Jersey, New York and Rhode Island provided administrative remedies, while Illinois authorized enjoining the place of violation as a nuisance. Ten states barred discriminatory advertising. Maine and New Hampshire barred these advertising practices, but had no law prohibiting the discrimination itself.

IMMIGRATION

The year under review opened a few days after the passage (on June 27, 1952) over President Harry S. Truman’s veto of the controversial Immigration and Nationality Act of 1952. Known popularly as the McCarran-Walter Act, this law was the end result of a process of study and revaluation of the American immigration system which the Senate had empowered its Judiciary Committee to conduct as far back as July 26, 1947. Up to the time of passage of the McCarran-Walter Act the two main fruits of this study process had been the Displaced Persons Act of 1948, which became law on June 25, 1948, and the 1950 amendments to it; and the Internal Security Act of 1950, which was enacted on September 23, 1950.

McCarran-Walter Act

The controversy over the McCarran-Walter Act did not abate with its final enactment into law in June 1952. Thus, immigration became a major issue in the Presidential campaign during the summer and fall of 1952. The Democratic Party made the immigration issue an important plank in its platform, and the successful Republican candidate, General Dwight D. Eisen-
hower, also issued strong statements in criticism of the act. For example, in speeches in Newark, N. J., and Boston, Mass., on October 17 and 21, 1952, respectively, he called for a "rewriting of the unfair provisions of the McCarran Immigration Act." Other leading spokesmen of both major parties attacked the act; few voices were heard in its defense.

Public Opinion

In the months that followed, many important private organizations took public stands on the immigration question. Thus, on January 25, 1953, a loosely constituted Policy Committee of a large number of religious, nationality, and civic organizations interested in American immigration policy adopted a statement of principles expressing their belief "in an affirmative immigration policy for America—one which will welcome, without racial, national, religious or other discriminations, those who seek to immigrate and become part of our national life." At a Conference on United States Responsibility for World Leadership in 1953, held in Washington, D. C., March 1 through 3, 1953, at which representatives of 120 national organizations were gathered under the auspices of the American Association for the United Nations, the resolutions adopted included one dealing with immigration barriers. This resolution supported President Eisenhower's statement in his State of the Union Message (February 2, 1953) that "the existing [immigration] legislation contains injustices. It does, in fact, discriminate . . . I am therefore requesting the Congress to remove this legislation and to enact a statute which will at one and the same time guard our legitimate national interest and be faithful to our basic ideas of freedom and fairness to all."

The conference resolution urged in particular elimination of restrictions which confined immigration to quotas based on national origins, hampered the United States in cooperating in the resettlement of refugees, barred temporary foreign visitors from access to the United Nations, and prevented attendance of many visitors at international conferences in the United States.

Numerous Catholic groups and leaders voiced criticism of the McCarran-Walter Act. Prominent among Catholic critics was Msgr. John O'Grady, Director of the National Conference of Catholic Charities. Criticism of the act appeared in important Catholic periodicals, including America and Commonweal.

Similarly, the act was subjected to repeated criticism on the part of Jewish groups. These included: the American Jewish Committee, the American Jewish Congress, the Anti-Defamation League of B'nai B'rith, the Jewish Labor Committee, the Jewish War Veterans, the operating agencies in the field of immigration, and numerous Jewish community councils.

Similarly, Protestant groups advocated revision of the act. The National Council of the Churches of Christ in the U. S. A., in the April 4, 1953, issue of its Information Service, pointed out many of the serious defects that needed correction.

Critical editorials also appeared in many periodicals including: The New York Journal American (January 3, 1953); Collier's (February 28, 1953); The Washington Post (February 9, 1953); The St. Louis Post Dispatch, Jan-

The act also provoked widespread criticism throughout Western Europe, where newspapers interpreted the act as indicating that the United States was maintaining a system based on racial discrimination, that it was systematically shutting its doors to immigration, that in its preoccupation with security, the United States was applying a cure worse than the disease, and that it was exhibiting a psychopathic fear of Communism. The criticism was widespread, reaching from the extreme left to the far right. Among the newspapers in which criticism appeared were: Figaro, France's leading conservative morning paper, the London Economist, the Swiss Journal de Genève, Il Messaggero of Rome, and the Sueddeutsche Zeitung of Munich.

However, the McCarran-Walter Act was defended with equal vigor in influential segments of the American press, important among these being The New York World-Telegram and Sun, The Chicago Tribune, and other newspapers in the Hearst and McCormick chains. Opponents of the act were maligned by professional "hate" groups throughout the country, who charged that attempts to liberalize the act were part of a Marxist-Jewish plot to flood the country with aliens determined to abolish the American form of government (see "Anti-Jewish Agitation," p. 73-74).

Report of the Truman Commission

On September 4, 1952, President Truman had announced the appointment of a special commission to study the immigration and naturalization laws of the United States, "in the light of our present and prospective economic and social conditions, and of other pertinent considerations," and the effect of these laws "on the conduct of the foreign policies of the United States. . . ."

Under the chairmanship of Philip B. Perlman, former Solicitor General of the United States, this commission heard testimony from hundreds of representatives of governmental, religious, civic, and welfare agencies. Among these were spokesmen for: the National Council of Churches of Christ in the U. S. A., the Catholic Resettlement Committee of the Archdiocese of Chicago, the American Committee on Italian Migration, the National Association for the Advancement of Colored People, and most of the important national Jewish organizations. Many scholars and influential public figures testified in favor of revision, including Russell W. Davenport, former editor of Fortune magazine, Mildred McAfee Horton, former president of Wellesley College, Carl Frederick Wittke, dean of the graduate school of Western Reserve University, and Philip Edward Mosely, professor of public law and government at Columbia University. The commission's report was made public on January 1, 1953, just eight days after the McCarran-Walter Act went into effect.

The commission found many serious shortcomings in the immigration and nationality code of the United States. Most important, it found that it reflected undesirable attitudes of hostility and distrust towards aliens; that it discriminated against human beings on account of their national origin
and race; that it ignored the needs of the United States at home and abroad, and that it imposed unnecessary and unreasonable restrictions and penalties against individuals.

Recommendations

The chief recommendation of the Truman Commission was that the national origins quota system be discarded and replaced by a unified quota system. Under this new system, the maximum annual quota immigration would be one-sixth of one per cent of the American population as determined by the most recent census. Under the 1950 census, it was estimated, the present immigration limit of approximately 154,000, never fully met, would give way to a completely usable quota of approximately 250,000. The available visas would be distributed on the basis of the following criteria: the right of asylum, the reunion of families, needs in the United States, special needs in the free world, and general nonpreference immigration over and above these categories. This distribution would be without reference to race or natural origin.

Security and Civil Liberties

The report also dealt with the vexing problem of how to protect national security without sacrificing American traditions of civil liberties and fair treatment. The commission made a number of important recommendations along these lines, including the following: that grounds for deportation of aliens should not be retroactive; that aliens should not be deportable for acts which were not prohibited when committed; that there should be a ten-year statute of limitations on both deportation and denaturalization; and that no naturalized citizen should have his citizenship revoked for conduct subsequent to naturalization, unless he had obtained his citizenship by fraud or illegality.

Omnibus Immigration and Citizenship Bill of 1953

The policies recommended by President Truman's Commission were to a large extent adopted in a new Omnibus Immigration and Citizenship Bill, S. 2585, introduced on August 3, 1953, by Senator Herbert H. Lehman (Dem.-Lib., N. Y.), on behalf of himself and seven other senators (Hubert H. Humphrey [Dem., Minn.], Wayne Morse [Indep., Ore.], John O. Pastore [Dem., R. I.], Theodore F. Green [Dem., R. I.], James E. Murray [Dem., Mont.], John F. Kennedy [Dem., Mass.], and Warren F. Magnuson [Dem., Wash.]). In the House of Representatives, the bill was sponsored by twenty-four Democratic congressmen.

This bill, Senator Lehman explained in a detailed statement inserted in the Congressional Record at its introduction, was the result of many months of intensive drafting work by immigration specialists and legal scholars, and before that, by years of study and discussion on the part of social and political scientists, foreign policy experts, voluntary agencies, and students of American immigration and naturalization policies.
There was no reason to expect that the Lehman omnibus bill or similar proposals would find easy sledding in the present or future Congresses. Its limited sponsorship was perhaps a portent of the obstacles that lay in the way of realizing its objectives.

A crucial factor in future developments was expected to be President Eisenhower's intentions, still uncertain at the time of writing. His intervention with Congress in regard to basic immigration law had been limited to a communication to Senator Arthur V. Watkins (Rep., Utah), dated April 6, 1953, in which he called the attention of the Senate Judiciary Committee to the following administrative provisions of the McCarran-Walter Act which, it was claimed, might operate with unwarranted harshness.

1. The provision making inadmissible aliens who, in the opinion of the consul, were likely to become public charges at any time in the future. This provision might permit abuse of discretionary judgment.
2. The provisions making ineligible for visas aliens who, the consul knew, or had reasonable ground to believe, would—after entry—engage in subversive activities. This provision, too, might permit abuse of judgment.
3. The provision permitting an immigration official to interrogate without warrant any alien or person believed to be an alien, as to his right to be in the United States. The word "believe" might open this authority to abuse, since any citizen could be subjected to improper interrogation.
4. Restrictions against granting leave to seamen while ships were in American ports.
5. Deportation provisions that permitted an alien to be deported at any time after entry, no matter how long before his entry he had been involved in an activity or affiliation designated as subversive; such an alien was deportable even if his prior affiliation ended many years before.
6. Provisions resulting in a 50 per cent mortgage extending far into the future on the quota of many countries.

However, critics felt that these points were but a small part of—in some respects, of lesser importance than—the large number of defects in the law.

Refugee Relief Act of 1953

The Eisenhower administration chose to stress and to urge upon Congress the enactment of an emergency refugee program rather than of revisions in the McCarran-Walter Act. Such a program had been advocated by influential religious groups, particularly the Protestant and Catholic ones, who held that Congress would more readily respond to an appeal for a temporary emergency program than to one for revision of the national origins quota system.

A bill providing for such an emergency program, modeled on a proposal made by President Eisenhower in a formal message to both Houses of Congress on April 22, 1953, was introduced by Senator Watkins on May 15, 1953. Witnesses for various groups urged enactment of an emergency program along the lines of the Watkins bill at Congressional hearings in the early part of June 1953. On June 8, major church organizations of all
faiths testified before the House Judiciary Committee in favor of enactment of emergency legislation, though there were some differences among them as to the terms of this legislation. Thus, Catholic organizations favored and Protestant organizations opposed inclusion of measures relating to overpopulation. In a written statement, submitted on June 5, Jewish organizations emphasized the long-range aspect of the immigration problem, asserting: "It is essential in order to meet emergency problems . . . such as this and others that arise in the future that the United States immigration law be revised to eliminate the national origins quota system . . . ."

The emergency program was opposed by the American Legion and by a number of other organizations.

Provisions of Act

As enacted and signed by the President on August 7, 1953, the Refugee Relief Act of 1953 authorized the admission, over a period of three years and five months, of 214,000 refugees, orphans, and certain close relatives of American citizens and aliens. The act provided that the admission of these immigrants was to be outside the regular quotas. The final text of the act, as worked out in a joint Senate-House conference, represented a compromise between different versions adopted by the Senate and House respectively.

Categories

The main categories of persons to whom visas might be issued under the act were:

1. 55,000 German expellees residing in the German Federal Republic, the Western sectors of Berlin, or in Austria.
2. 35,000 escapees residing in the German Federal Republic, the Western sectors of Berlin, or in Austria.
3. 10,000 escapees residing within the European continental limits of the North Atlantic Treaty Organization countries, or in Turkey, Sweden, Iran, or in the Free Territory of Trieste "and who are not nationals of the area in which they reside."
4. 2,000 refugees who were members of the Anders Polish Army and who were residing in the British Isles without having acquired British citizenship.
5. 45,000 refugees of Italian ethnic origin, residing in Italy or in the Free Territory of Trieste.
6. 15,000 persons of Italian ethnic origin, residing in Italy or in the Free Territory of Trieste, who were parents, brothers, sisters, sons, or daughters of American citizens, or spouses or minor children of lawfully admitted immigrant aliens.
7. 15,000 refugees of Greek ethnic origin residing in Greece.
8. 2,000 persons of Greek ethnic origin residing in Greece who were relatives of American citizens and resident aliens (in the relationships described in paragraph 6 above).
9. 15,000 refugees of Dutch ethnic origin residing in continental Netherlands.
10. 2,000 persons of Dutch ethnic origin residing in the Netherlands who were relatives of American citizens and resident aliens (in the relationships described in paragraph 6 above).
The remaining visas were allotted to European and Asiatic refugees residing in the Far East, to refugees of Chinese ethnic origin carrying passports endorsed by the Chinese Nationalist Government, to Arab refugees from Palestine, to orphans under ten years of age, and to non-immigrant aliens in the United States seeking the adjustment of their status to that of regular immigrants on the grounds of inability to return to their countries of origin for fear of persecution.

Definition

A crucial part of the new law was that containing the operative definitions of the words refugee, escapee, and expellee. Although it was hard to predict in advance how these definitions might work out in practice, critical doubts had already been raised with respect to certain of the terms in these definitions. For example, a "refugee" was a person in a non-Communist country "who because of persecution, fear of persecution, natural calamity or military operations," was outside of and unable to return to his usual place of abode, "who has not been firmly resettled, and who is in urgent need of assistance for the essentials of life or for transportation." The italicized language, immigration technicians pointed out, might adversely affect those refugees who had been able to improve their material status above the level of bare subsistence.

"Escapee" was defined as any "refugee, who, because of persecution or fear of persecution, on account of race, religion, or political opinion, fled from the Soviet Union or other Communist-dominated areas of Europe, including Soviet-occupied East Germany, and who cannot return for fear of persecution on account of race, religion, or political opinion." Again, immigration specialists questioned whether by the terms of this definition, a person who, for fear of persecution, had fled from an Eastern European country before it came under Communist domination could qualify as an "escapee." "German expellee" was defined as any refugee of German ethnic origin residing in the German Federal Republic, the Western sectors of Berlin, or in Austria, who had been forcibly removed from or forced to flee from the Soviet satellite countries, the Soviet Union or Yugoslavia. Here, too, the term "ethnic origin" was criticized both for its uncertain meaning and for its close resemblance to the "race" concept.

Assurances, Investigation, and Security

Other than the sections relating to numbers and categories and to definitions, the most important provisions of the act were those concerned with job and housing assurances, investigation, and security. The act required that on behalf of every alien applying for entry under the emergency program, a citizen or citizens of the United States must supply assurances that the alien would have suitable employment and housing and would not displace some other person from employment or housing. In addition, each assurance had to be considered a personal obligation of the citizen giving such assurances.
Another requirement was that each alien applying for entry had to present a "certificate of readmission guaranteeing his readmission to the country in which he obtains a visa under this Act if it is subsequently found that he obtained a visa under this Act by fraud or by misrepresenting a material fact." Critics of this provision expressed the fear that the practices obtaining in various European countries with respect to the issuance of such certificates might in many cases make compliance with this requirement extremely difficult, particularly should this requirement be understood to mean a readmission certificate of unlimited duration.

The act provided for thorough investigation and written reports regarding the applicant's "character, reputation, mental and physical health, history and eligibility under this Act . . . ." The consular and immigration officers had to be "entirely satisfied upon the basis of affirmative evidence adduced by the applicant that the applicant has established his eligibility for a visa . . . under this Act and under the immigration laws and regulations. . . ." No person might be issued a visa "unless complete information shall be available regarding the history of such person covering the period of at least two years immediately preceding his application. . . ."

The security measures involved in these provisions were without question more stringent than any ever contained in American immigration laws and regulations, including those provided for in the McCarran-Walter Act. The strictness of these measures was emphasized in a letter written to Representative Patrick J. Hillings (Rep., Calif.) by Scott McLeod, Administrator of the Bureau of Security and Consular Affairs of the Department of State, to whom the act assigned responsibility for its administration. In this letter, dated July 28, 1953, McLeod stated that:

An applicant under this act is required to meet all of the very stringent security requirements of the Immigration and Nationality Act. Moreover, he is required to produce affirmative evidence which will satisfy entirely the consular officer and the immigration inspector. Under the Immigration and Nationality Act the consul may withhold the visa only if he knows or has reason to believe that the applicant is inadmissible under one or more excluding provisions of the act. Under the provisions of the act now being considered, the consul may withhold the visa on the mere basis that sufficient information is not available to determine, reasonably, the applicant's eligibility and admissibility. The security provisions under the proposed act are stronger than under any present or former immigration laws. Any doubt that may exist will be resolved against the applicant and in favor of the United States.

Conference Committee Statement

The Senate-House conferees' statement accompanying the final version of the bill stressed that it did not constitute an amendment to the McCarran-Walter Immigration Act of 1952, but was "an emergency relief measure designed to implement certain phases of American foreign policy." It also emphasized that it was "not intended to represent any precedent or commitment . . . to participate as an immigrant-receiving country in any international
endeavors aimed at a permanent solution of the problem of surplus populations as it now apparently exists in certain parts of Europe and Asia."

The statement also observed by way of explanation of the term "firm resettlement" as applied in the definition of the term "refugee," that it was "not designed automatically to exclude aliens from the refugee category solely on the ground that they have been collectively, by law or edict, granted full or limited citizenship rights and privileges in any area of their present residence." The group which was expected to benefit most from this interpretation were the German expellees, who had been granted citizenship by the Western German Republic.

**Congressional Action**

The vote in the House on July 28, 1953, was close. The supporters urged adoption of the bill on humanitarian grounds and on the further ground that it would enhance American foreign policy as well as serve as an example to other countries in a position to receive immigrants. The supporters of the bill won by a vote of 221 to 185, after submitting to several amendments insisted upon by the opposition, led by Representative Francis E. Walter (Dem., Pa.), former chairman of the House Immigration Subcommittee.

Voting for the bill were 132 Republicans, 88 Democrats, and one Independent. Opposing were 111 Democrats and 74 Republicans. The bulk of opposition came from Southern Democrats and from Midwestern Republicans.

The opposition to the emergency program in the Senate was led by Senator Pat McCarran (Dem., Nev.), co-author of the controversial McCarran-Walter Act. On July 17, 1953, the Senate Judiciary Committee, over the opposition of a powerful minority group, reported out favorably a bill calling for the admission of 220,000 aliens, essentially limited to refugees. The majority report urged passage of the bill as furthering "the basic foreign policy objective of strengthening the free world." The dissenting minority report asserted that, no matter how tightly drawn the security provisions, "some subversives will slip through."

The Senate approved the bill on July 29 after further reducing from 220,000 to 209,000 the number of aliens to be admitted. The vote was 63 to 30. Of these, 38 Republicans, 24 Democrats, and one Independent voted in favor, and 22 Democrats—all but two from the South—and eight Republicans voted against the bill.

**Immigration Statistics**

Tables 1, 2, and 3 below indicate the immigration to the United States during the fiscal years 1951 and 1952, by the immigrants' quota and non-quota classification, country and region of birth, and their racial composition.

Between July 1, 1952, and June 30, 1953, an estimated 5,000 Jewish immigrants entered the United States.
TABLE I

IMMIGRATION TO THE UNITED STATES
(Quota and Nonquota)

<table>
<thead>
<tr>
<th></th>
<th>1952a</th>
<th>1951b</th>
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</thead>
<tbody>
<tr>
<td><strong>Quota</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ethnic Germans</td>
<td>42,786</td>
<td></td>
</tr>
<tr>
<td>DP's</td>
<td>77,196</td>
<td></td>
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<tr>
<td>Normal</td>
<td>74,265</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>194,247</td>
<td>156,547</td>
</tr>
<tr>
<td><strong>Non Quota</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Natives of nonquota countries</td>
<td>48,418</td>
<td></td>
</tr>
<tr>
<td>Spouses of U.S. citizens</td>
<td>16,851</td>
<td></td>
</tr>
<tr>
<td>Others</td>
<td>6,004</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>71,273</td>
<td>49,170</td>
</tr>
<tr>
<td><strong>Grand Total</strong></td>
<td>265,520</td>
<td>205,717</td>
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</tbody>
</table>

* Refers to the fiscal year July 1, 1951, through June 30, 1952.

** Refers to the fiscal year July 1, 1950, through June 30, 1951.

SIDNEY LISKOFSKY

ANTI-JEWISH AGITATION

THOUGH with less attendant publicity than during the early part of the
Presidential campaign of 1952 (see AMERICAN JEWISH YEAR BOOK, 1953,
[Vol 54], p. 90-91), anti-Semitic agitators in the United States continued
their operations during the period under review (July 1, 1952, through June
30, 1953).

Third Party

Frustrated by the nomination of Dwight D. Eisenhower to run for Presi-
dent on the Republican ticket, the anti-Semites turned to the exploitation of
the third party idea. Gerald L. K. Smith's Christian Nationalist Party
(CNP) and the Constitution Party both nominated General Douglas Mac-
Arthur for President, without his consent. The total national vote (ballot
and write-in) for MacArthur did not exceed 20,000. Some tallies for the
Constitution Party were: Colorado, 2,181; Texas, 730; North Dakota, 751.
Significant tallies for Smith's CNP were: Washington State (where Smith
supporters were particularly active), 7,290; California (long a chief local of
Smith activity), 3,326; Missouri (Smith's headquarters were at St. Louis), 302;
Texas, 833.

Attacks on Republican Administration

The aftermath of the election found anti-Semitic agitators changing their
propaganda lines. To be sure, they retained their basic theme equating
Jews with Communism. However, for the first time in twenty years, they
were deprived of their familiar New Deal-Fair Deal target. Nevertheless,
within a few months after his election, attacks upon President Eisenhower and his administration bade fair to equal those against his predecessors in viciousness and volume. Thus, *The Cross and the Flag* (G. L. K. Smith) as early as January 1953 charged that "Behind the Truman machine and behind the Eisenhower machine stands a Baruch." Conde McGinley's *Common Sense*, September 1, 1953, issue extended its vituperation to the President's family: "Milton and Arthur, like their brother Dwight, were veterans of political intrigue and confidential agents of the Jewish Gestapo in America for years." *Williams' Intelligence Summary* (October 1953) described the President's foreign policy as "get along with Communist governments—to build a world government." Lyrl Van Hyning's *Women's Voice* (September 24, 1953) inveighed against the President's "stupidity" because he "failed to recognize the sinister anti-Christian deeds" of Jewish organizations; inevitably, the bigots headlined all official appointments of persons of Jewish background, with accompanying items of anti-Semitic content.

**Appeals to Xenophobia**

During the period under review the anti-Semites continually appealed to crude xenophobia. This appeal took the form of attacks upon the United Nations (UN) and United Nations Educational, Scientific and Cultural Organization (UNESCO), and of adroit "support" of the McCarran-Walter Immigration Act. Anti-Jewish agitators depicted the UN as an attempt to subvert American sovereignty to the control of Communists, Zionists, and Jews; they distorted the findings of official investigative bodies into mass indictments; they listed UN employees of purported Jewish background as "proof" of Jewish domination of that body; the UN, Israel and Soviet flags and insignia were compared for their hidden significance. UNESCO was invariably portrayed as the Communist, atheistic, propaganda arm of UN, whose aim was to corrupt American schools and school children. By avoiding racist statements, several of the rabble-rousers acquired a larger audience in respectable quarters. Notable among them was W. Henry MacFarland, Jr., who headed the American Flag Committee in Philadelphia. MacFarland's previous venture, the Nationalist Action League, had been listed by the United States Attorney General as "subversive" in 1949. MacFarland's "Report to the American People" attacking UNESCO as subversive, had found its way into the Congressional Record in 1951, and continued to be extensively circulated during the period reviewed. Others who launched similar attacks were Allen Zoll (National Council on American Education), Joseph Kamp (Constitutional Educational League), and Merwin K. Hart (National Economic Council).

Anti-Semitic "partisanship" for the McCarran-Walter Immigration Act took the form of attacks upon those who sought its repeal or revision. Anti-Semites played on popular fears lest the United States be flooded by worthless immigrants; they asserted that the Jews wished to secure the admission of millions of their co-religionists in order to acquire domination of the United
States. The fact that Christian church groups, both Catholic and Protestant, were also opposed to the new immigration law was made light of, if not completely ignored.

Reaction to Soviet Anti-Semitism

The Prague trials and the institution of a flagrantly anti-Semitic policy by the Soviet Union and her satellites during the latter half of 1953 (see p. ) puzzled the agitators only temporarily. With typical irrationality they advanced many contradictory “explanations”: the Prague trials were a “family quarrel between Reds and Zionists, built up into a massive fear campaign by Jew propagandists” (Frank Britton’s American Nationalist, December 25, 1952); “The Jews had outlived their welcome in a revolutionary movement” (Leon DeAryan’s The Broom, December 22, 1952); the Czech purge was “a Red smokescreen,” and “a Jewish move to stampede us into World War as in 1939 . . . .” (Conde McGinley’s Common Sense, December 1, 1952); Lyrl Van Hyning’s Women’s Voice of December 25, 1952, held that the trials were “phony” and merely an effort by the Jews “to clear themselves of Communist crime. . . .”

Other Propaganda Themes

During the period reviewed, the word “Zionist” became more firmly entrenched in the anti-Semitic lexicon as a synonym for Jew. “Zionist” was joined by “Khazar,” a relative newcomer, promoted by John Beaty, Conde McGinley, and others. The Khazars were a Tartaric tribe of the Ukraine, no longer existent, which embraced Judaism in the eighth century. Propagandists employing the word boldly asserted that the present-day descendants of the Khazars dominated Russia and most of Europe, coerced the United States government, and conspired for world control. The term appeared to be used in the hope of avoiding charges of anti-Semitism, since the Khazars were not Semites. Such expectations, however, were invariably vitiated by frequent references to prominent Jews within this context.

Noted, too, was an increased interest in such staples of the anti-Semitic trade as the infamous Protocols of the Elders of Zion, and its equally discredited offshoot, The International Jew. A diabolical, if crude, adaptation of the Protocols theme was given wide currency. Up until the middle of 1953 charges of Jewish control of the atom for world domination were extensively exploited, then declined for the balance of the period.

Significant Activities

Representative of activities in the anti-Semitic and related movements during the period under review were the following:
Gerald L. K. Smith

The Presidential elections over, Gerald L. K. Smith began to attack the UN with greater force. In February 1953 he called a two-day Conference to Abolish the United Nations, which was held at San Francisco, and was attended by 500 persons. The speakers at this event included Smith, Wesley T. Swift, a leading agitator from the Los Angeles area, and California State Senator Jack B. Tenney. This assemblage passed a resolution calling for a mass "pilgrimage to Washington" in June 1953 to propagandize against further American participation in the UN. This project was not carried out; Smith held a meeting at a Washington hotel on July 1 which was attended by fewer than seventy-five persons.

Another front of Smith's was the Save the McCarran Act Committee. In May 1953, Smith transferred his headquarters from St. Louis, Mo., to Glendale, Calif., near Los Angeles. During this move he severed relations with his long-time associate Donald Lohbeck, who appeared to have taken over the printing plant for private business. Though former Smith headquarters had been located at New York and Detroit, his most effective rallies had always been held in Los Angeles. Undoubtedly, the fact that Senator Tenney joined his forces was another factor in this change of location. In addition, in 1953 Missouri enacted a more stringent election law that required a candidate to submit a larger number of petitions, and one with more state-wide representation, to secure a place on the ballot.

Jack B. Tenney

Long a member of the California Legislature, and at one time head of its committee to investigate subversive activities, Senator Jack B. Tenney in September 1952 accepted the Vice Presidential nomination of the Christian Nationalist Party, Gerald L. K. Smith's personal enterprise. (Yet only five years before, in 1947, Tenney had asserted that Smith merited "the most severe public criticism and condemnation for his contribution to racial agitation."

During 1951 Tenney had been chairman of America Plus, a movement formed to further the introduction of a "Freedom of Choice Amendment" to state constitutions. This amendment was calculated in effect to repeal all fair employment practices, equal public accommodations, and other laws designed to eradicate discrimination. Tenney resigned his leadership later that year to campaign unsuccessfully for a Republican Congressional nomination. During 1952 he began to publish attacks upon Jewish organizations, which he distributed widely in the form of leaflet reprints from a small weekly. Early in 1953 a pamphlet, Zion's Fifth Column, appeared; it consisted of citations from various items of literature put out by Jewish defense and communal agencies, accompanied by Tenney's "interpretations." In July 1953 Tenney published a sequel, Zionist Network. Sections of Zion's Fifth Column were reprinted and prominently featured in Gerald L. K. Smith's The Cross and the Flag.
Robert H. Williams

One of the more energetic of the agitators was Robert H. Williams of Santa Ana, Calif. In addition to his *Williams Intelligence Summary*, Williams published during the latter part of 1952, a pamphlet entitled *Can the Police Protect Us?* This publication expounded the thesis that important officials of the Federal Civil Defense Administration were under the influence of the UN, Jews, and Zionists. This pamphlet was widely mailed, many of the recipients being police and Civil Defense officials.

Frank L. Britton

Frank L. Britton, Los Angeles publisher of slick-paper, multi-colored essays in anti-Semitism such as the pamphlet, *Behind Communism*, began publication in December 1952 of his semimonthly *American Nationalist*, which promoted anti-Semitic and anti-Negro canards. Most of its issues attacked opposition to the McCarran Act as paving the way for "a huge Jew invasion from [the] Iron Curtain." Its September 10, 1953, issue attempted to prove the pseudo-scientific thesis of the inferiority of the Negro.

Britton's anti-Semitic boycott movement, The New Confederates, made little or no headway, despite its extensive distribution of lurid, hate-inciting cartoons.

Elizabeth Dilling

Elizabeth Dilling confined her output to distortions of Talmud passages and vicious "interpretations" of the Hebrew ritual. Her principal achievement during the period reviewed was a leaflet called *Brotherhood*, attacking the interfaith movement. Thousands of these pamphlets were mailed to general lists, timed to coincide with preparations for Brotherhood Week (February 15-22, 1953).

Conde McGinley

Conde McGinley's *Common Sense* (Union, N. J.) acquired its own building in March 1953, an event celebrated by a meeting on the premises attended by 125 of his supporters. Claiming over 20,000 subscribers, he shipped copies far in excess of that number in bulk. The publication during the period provided a forum for a variety of authors, including Merwin K. Hart, Kurt Mertig, Robert H. Williams, George W. Armstrong, Elizabeth Dilling, and Eustace Mullins. Equipped with its own press facilities, *Common Sense* published a large reprint edition of *The Protocols of the Elders of Zion* in October 1953. Often using general mailing lists for extensive distribution of special topical issues, the publication's issue No. 191 (dated August 15, 1953) was received by many residents in the Cincinnati area during October.
The Neo-Nazis and Their Associates

Neo-Nazi and German anti-Semitic groups in the United States endeavored to fuse German-Americans into solid racial voting blocs. The remnants of the old German-American Bund, joined by younger bigots (often non-German in extraction), had formerly adopted a line of sympathy for the German people, with their anti-Semitism subdued. They had bewailed the "cruelty" of the Morgenthau Plan, the "ruthless bombing" of German cities, the "rapacity" of Allied troops (German soldiers were described as gallant). The German bigots had received considerable support from nativist elements and organizations, with which they were in close contact. With the economic recovery of Germany, several of these groups became boldly Nazi during the period reviewed.

National Renaissance Party

Headed by James Madole, the National Renaissance Party (NRP) staged weekly street meetings in the Yorkville section of New York during the spring and summer of 1953. Attendance at these meetings grew from 30 to between 75 and 100 persons; they were often accompanied by disturbances. Assisting Madole were Kurt Mertig, Dan Kurtz, H. Keith Thompson, and Eustace Mullins. Mertig's organization, the German-American Republican League, had been listed by the United States Attorney General as "subversive" in 1949; Kurtz was the self-styled Christian Front leader of Queens County (N. Y.); H. Keith Thompson was exposed in 1952 as a registered agent for the neo-Nazi Socialist Reich Party of West Germany (which later dissolved in the face of a government ban); the activities of Mullins are discussed below. Madole told his open-air audience on May 1, 1953:

I am proud of being a fascist and a Nazi. . . . They [the Jews] have got to get the same concentration camps as they got in Germany and Italy. . . . We've got to get rid of them, the sooner the better. . . .

NRP's monthly, National Renaissance Bulletin, in its issue for May 1953, declared:

Although Adolf Hitler is dead his philosophy lives again in the growing strength of Fascist forces in America, Europe, and the Middle East. What Hitler accomplished in Europe, the National Renaissance Party shall yet accomplish in America.

During September 1953 a squad of NRP members appeared at meetings in storm-troop attire. Despite NRP's viciousness, its membership did not exceed 200, although NRP's Bulletin often was distributed in the several thousands, most of it gratis.

Edward A. Fleckenstein

Edward A. Fleckenstein, who headed the Voters' Alliance of Americans of German Ancestry (New York City), visited West Germany in the spring of
1953, and spent much of his sojourn there addressing extreme rightist elements. Before a national rally of delegates of thirty-two extremist groups, Fleckenstein declared, "Democracy is the glorification of mediocrity." In August 1953 Fleckenstein's passport was invalidated on the charges that he had interfered in the internal politics of a foreign nation. West German authorities then ousted him from the country.

**EUSTACE MULLINS**

Eustace Mullins early in 1952 announced his plans to have the Aryan League of America (ALA) function as "an underground organization to protect our families from the bloodbath of Jewish terrorists." Representative of his writings was an article, "Adolph Hitler: An Appreciation," that appeared in NRP's October 1952 Bulletin. Mullins' most significant activity during the period under review was his promotion of the infamous "Rabbi Rabinovich" canard. This purported to be the "text" of an address by a rabbi before an "Emergency Council of European Rabbis in Budapest, January 12, 1952," supposedly detailing plans for the subjection of the world through a third world war. Originally printed in Common Sense, the article was reproduced by Einar Aberg, anti-Semitic publicist of Norrviken, Sweden, and widely distributed through the mails.

**AMERICAN COMMITTEE FOR THE ADVANCEMENT OF WESTERN CULTURE (ACAWC)**

The ACAWC was formed in the spring of 1953 by H. Keith Thompson, Madole, and F. C. F. Weiss. Pretentiously announced as "a dynamic pressure group," the group made little headway, and appeared to be moribund in August 1953.

**Ku Klux Klan**

Ku Klux Klan (KKK) activity throughout the South reached its lowest ebb since 1945, when the late Grand Dragon Samuel Green had revived the hooded order. This decline was largely attributable to the conviction, in 1952, of seventy-three KKK men on various charges of involvement in violence and terror, by Federal and state courts in North Carolina. Many received jail sentences, including Carolina KKK leader Thomas L. Hamilton, who was given four years at hard labor. Florida KKK leader Bill Hendrix all but abandoned his version of the Klan, the American Confederate Army. There was no evidence of KKK organizing activities in northern areas such as had been projected in 1952. While the Florida bombing outrages of 1951 (see American Jewish Year Book, 1953 [Vol. 51], p. 96-97) still were unsolved, a Federal Grand Jury in Miami indicted three men (December 1952) for having denied KKK membership in their testimony; a prominent woman was also indicted for having denied that she had consulted Klansmen about barring Negroes from the Carver Village housing development. In June 1953, a Miami Federal Grand Jury indicted six persons for having committed perjury by denying KKK membership or participation in a series of violent incidents in central Florida during the period from 1949 to 1952.
The Courts

The plea of William Dudley Pelley, former Silver Shirt leader, to have his sedition conviction expunged was denied in Federal Court, Indianapolis, Ind., on September 1, 1953. Pelley, who had served eight years of a fifteen-year sentence, was then on parole.

A charge under Illinois' group libel statute lodged against Lyrl Van Hyning, editor of Women's Voice, was dropped at the prosecutor's request, in November 1952, with leave to reinstate.

Other Literature

The general quality of printing, layout, and typography of anti-Semitic periodicals and publications continued good during the period reviewed, although mimeographed material ranged from clear to illegible. Distribution of John O. Beaty's Iron Curtain Over America appeared to have declined sharply, although many activists pushed its sale at reduced price. In September 1953 Kenneth Goff, a former member of G. L. K. Smith's group, published a sixty-four-page pamphlet, One World a Red World, attacking the UN. After a silence of more than a year, Lawrence L. Reilly, at Lowell, Ariz., in the fall of 1953 published a paper-bound book, The Sedition Trial. Long inactive, Robert P. Edmondson, pre-Pearl Harbor propagandist, recompiled some of his more vicious leaflets and published them as a cloth-bound book during the summer of 1953.