Quest and Response

McCoy, Donald R., Ruetten, Richard T.

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Quest and Response: Minority Rights and the Truman Administration.
A FINAL STAND

On March 29, 1952, speaking to the party faithful at the annual Jefferson-Jackson Day dinner, Harry Truman surprised his audience when he ended his spirited defense of the Democratic party and of his administration with the announcement that he would not seek reelection in 1952. In view of the political liabilities of the administration—the accusations of corruption and communism in government and the growing unpopularity of the stalemated war in Korea—his withdrawal understandably failed to provoke many cries of anguish or pleas to reconsider from the Democrats of the nation.

White southerners were pleased. Ever since 1948, when Truman's candidacy and a strong civil-rights plank had resulted in the Dixiecrat rebellion, Truman had been a constant irritant to the South. The opposition stiffened to the point where, in February 1952, the Alsop brothers predicted that his candidacy would destroy the Democratic party in the South. Early in March a Gallup poll of the region showed Eisenhower receiving 62 percent of the vote, with 30 percent for Truman and 8 percent undecided. With Truman as a candidate, even Senator Taft looked good in magnolia country; Taft was reported to be attracting 46 percent to Truman's 42 percent, with 12 percent undecided. Such vigorous and widespread southern opposition may very well have influenced Truman to remove his divisive presence and permit the party to unify for the campaign of 1952. Above all, Truman was a good party man as well as one who believed that the Democratic party was large enough to envelope diverse views. Predictably, his declaration of withdrawal virtually halted all southern talk of "taking a walk" in 1952. If Truman's decision to step aside provoked delight from many
southerners and relief elsewhere, most Negroes were dismayed. It was one thing to criticize him for not endorsing all of their demands, but it was quite another to imagine him out of the White House. The *Journal and Guide* melodramatically declared that justice, mercy, and a belief in human dignity “died when he decided to yield his right to aspire to another term.” The *Call* was certain that the next president would not be as forthright on civil rights as Harry Truman. The *Courier*, although still unreconciled to Truman personally or to a Democratic president generally, reported that no part of the American electorate “was more shocked and befuddled” when Truman withdrew than Negroes, who “rightly or wrongly . . . regarded Mr. Truman as their great white hope.”

Negro Democrats were concerned not only because they personally preferred Truman but also because they had fears about who might take his place. Since the first of the year, they had taken the precaution of scrutinizing avowed candidates, pretenders, and sleepers in the event that Truman chose not to run. They were unhappy with what they saw. Early in the year, the only active Democratic candidate was Senator Estes Kefauver, the “crimebuster” from Tennessee whose coonskin cap was a baleful reminder of his southern origins. To Negroes, the key to a candidate’s attitude on civil rights was his position on the FEPC, and Kefauver fell short in advocating only a voluntary, persuasive approach. As the *Afro-American* put it, although Kefauver was no Dixiecrat, his progressivism would “not stretch far enough to permit his endorsement of a truly workable federal fair employment practices act.” Walter White was also less than elated, but he knew enough to look at the man as well as at his senatorial voting record. In examining the senator’s votes, White noted that although he had a “bad” record on civil rights, he had nonetheless voted to sustain the Barkley ruling on cloture in March 1949. Moreover, Kefauver was a symbol of the changing South, a “wise and morally decent” man who realized the political and humanitarian considerations of the day. Yet, although Kefauver subsequently promised to abide by the Democratic plank on civil rights, this was not enough to attract the support of civil-rights organizations.

Kefauver was suspect, but Senator Russell of Georgia was altogether unacceptable, and the latter’s victory over Kefauver in the Florida presidential primary in May generated fears in blacks of a potent southern drive to capture a leading spot on the Democratic ticket. In fact, Russell had already been mentioned as a possible running mate with Governor Adlai Stevenson of Illinois. And by the
time that Truman announced his decision, most Negro Democrats had concluded that the Illinois governor was the only palatable Democrat, although he had not indicated his availability. As a result of his egalitarian rhetoric, his decisive action in quelling Cicero's white riot in the summer of 1951, and his repeated requests that the Illinois legislature enact an FEPC with enforcement powers, Stevenson seemed eminently qualified. The pages of the Negro press were replete with glowing tributes about his attitude and ability, and Walter White was impressed with his "excellent record" in Illinois. Among the major Negro papers, only the Courier was hypercritical, contending that Stevenson was "no worthy opponent for whomever the Republicans nominate, whether it be Taft, Eisenhower or MacArthur." It soon became apparent, however, that Stevenson might be a weak reed upon which to hang the hopes of black Americans. For one thing, he steadfastly insisted that he was running only for reelection as governor of Illinois, and Negroes could not afford to be caught without a candidate. Further, and more important, he too had become suspect on the critical issue of an enforceable FEPC. In various interviews, he indicated that he supported a strong FEPC for the state of Illinois—which, however, might not be the answer for every state—but that the states should solve the problem. At the same time, he insisted that the problem was so fundamental as to warrant a federal approach in the event that states took no action, and he insisted that the party should not retreat from the Democratic civil-rights plank of 1948. Beneath such obfuscation and evasion rested the indisputable fact of his opposition to a federal FEPC with strong powers of enforcement. Nor were Negroes pleased when he announced that the main domestic issues in the presidential campaign would be inflation, national solvency, and abuses by those in public office.

By May, hints of desperation were cropping up in the statements of Negro leaders. On May 3 Clarence Mitchell of the NAACP observed that most of the avowed candidates were "far below the standards" of Harry Truman on civil-rights legislation; only Senators Humphrey and Brien McMahon of Connecticut had "fully acceptable records," but neither was likely to be the nominee. By this time, however, a new candidate with attractive credentials had entered the race. On April 22 W. Averell Harriman, currently the Mutual Security director, announced his availability and quickly endorsed the president's position on civil rights, advocating a strong federal FEPC and criticizing senatorial filibusters on civil-rights legislation. Campaigning against Kefauver in the presidential primary in the District of Columbia, Har-
riman also espoused abolition of segregation in Washington's public-school system. On June 17, within a month of the Democratic convention, Harriman crushed Kefauver by a ratio of four to one, and in the Negro wards his victory was even more stunning. This was enough for the leadership of the "nonpartisan" NAACP. Keynoting the annual convention of the association, which was meeting in Oklahoma City, Roy Wilkins declared that Harriman was the only suitable candidate for Negro Americans. In urging enactment of an FEPC with enforcement powers, Wilkins argued, Harriman was supporting the only type "that is worth a hoot." Yet it was a gloomy convention, for everyone realized that Harriman probably lacked the support to win the nomination.7

If Negroes were concerned about the Democratic presidential nomination, they were deeply distressed about developments in the Republican party. The spirited opposition to Truman in the South apparently persuaded several influential Republicans, most notably Senator Karl E. Mundt of South Dakota, of the possibility that there would be heavy Republican inroads into the southern vote in 1952. Accordingly, in the spring of 1951 Mundt openly advocated Republican cooperation with southern Democrats to achieve a conservative victory in 1952. In May 1951 a delegation of Negro Republicans urged the Republican National Committee, meeting in Tulsa, to disavow Mundt's "shocking gospel"; but Chairman Guy Gabrielson refused to consider it a committee matter.8 In February 1952 the Call denounced the Republican plan to campaign extensively in southern states, as did the Afro-American in March, when Gabrielson promised active solicitation of southern votes, no matter who the Republican candidate might be.9

The nominee of the Republican party was the other problem facing black Americans. When Senator Taft announced his candidacy in October 1951, the reaction of most Negro leaders and commentators was predictable. The Afro-American, for example, was firmly opposed to Taft, because of his alleged sympathy with the reactionary wing of the party. Noting that Taft's supporters included Mundt, Wherry, General MacArthur, and Senator Joseph McCarthy—"the Wisconsin 'big lie' technician"—the editor also contended that Taft's voting record "clearly indicates that he belongs to that bewildered element in this nation that is desperately afraid of the future." When Taft spoke in Kansas City in November, the Call denounced both Taft, for his endorsement of a voluntary FEPC, and the "Uncle Toms" in the audience who applauded him. When the senator seemed to espouse segregation in public schools in a speech to Negro students at North Caro-
lina State College in December, Negro leaders were outraged. Nor was Taft a favorite of the black rank and file. In 1950, when he defeated his undistinguished Democratic opponent for the Senate by a commanding margin of some 430,000 votes, he lost the Negro wards in Ohio by nearly two to one. Taft was clearly unacceptable because of his refusal to endorse an enforceable FEPC and because of a generally conservative record on "bread and butter" issues. In an article in the Afro-American, William V. Shannon crisply summed up the black response to Robert Taft: "'Honest Bob' has led the colored people and others interested in civil rights through a long and wearisome game of Blind Man's Bluff, always coming out at the same place: nowhere."10

Nor were civil-rights leaders overcome with gratitude and relief in the next few months when Governor Earl Warren, Harold E. Stassen, and General Eisenhower indicated their availability for the Republican nomination. No one took Stassen seriously, Warren was tagged with a loser's image as a result of 1948, and neither generated any warmth in Negro voters. As the NAACP put it, "Warren has given lip service to civil rights but has failed to deliver in his home state of California." That left General Eisenhower, which to most civil-rights leaders left much too little. It required no taxing of the memory to recall his testimony in 1948 before the Senate Armed Services Committee, when he opposed current demands for integration of the military on the grounds that blacks were ill prepared to compete with whites in integrated units and that legislation could not persuade people to like other people. Since then, he had not publicly disavowed his testimony nor had he revealed his specific beliefs on anything; therefore the Afro-American reveled in the wisecrack: "I like Ike, but what does Ike like."11

Some Negro Republicans did endorse the general. A black leader among Kansas Republicans made a pilgrimage to Abilene to check Eisenhower's record with Negro residents, who apparently had memories stretching back to Ike's boyhood days. Satisfied with what he heard, the Negro leader launched a campaign through the Midwest to attract convention support for the general. Walter White was unimpressed, though he struggled to find something good to say. He recalled that during World War II Eisenhower had been "genuinely concerned about instances of gross injustice against Negro soldiers" and had "acted swiftly to correct cases of mistreatment when they were called to his attention. Unfortunately, he was reluctant to hit the evil at its roots—the segregated system." White hoped that he had "grown in wisdom and courage." But the general's continued silence was discouraging; and on April 20, 1952, the NAACP found him unacceptable.
The Afro-American was impatient. "General, where do you stand on civil rights?" demanded the editor. "Are you for an integrated army? Do you favor compulsory FEPC and federal aid to education? Do you think the federal government should enact legislation against lynching and poll taxes? Speak up, General! Speak up."12

Eisenhower spoke up on June 5 from Abilene, Kansas, in his first "political" press conference. In his opening statement, he stressed his philosophical agreement with the Republican declaration of principles of February 6, 1950, in which Republican members of Congress and the national committee had proclaimed the main domestic issue as "liberty against socialism." The endorsement was surprising, for one of his current advisers, Senator Lodge, had opposed the declaration in 1950 because of its extravagance in labeling Truman a socialist and because of its failure to support strong civil-rights measures. In response to a question concerning FEPC, the general emphasized states' rights, vigorously opposed a compulsory federal FEPC, and even refrained from endorsing one with persuasive powers only. Although Eisenhower subsequently indicated that military segregation had to go, the political damage had been done as far as civil-rights advocates were concerned.13

Negroes thus had much to fret about as the conventions made ready to meet in July 1952. Four years earlier, as the two parties prepared to nominate Truman and Dewey, both of whom were acceptable to many civil-rights advocates, black leaders were able to concentrate on the platforms. In 1952, however, it was distressingly clear that on civil rights Taft and Eisenhower were not Thomas Dewey, and Stevenson and Kefauver were not Harry Truman. Given the views of Taft and Eisenhower and the inclination of many Republicans to campaign vigorously in the South in 1952, a modest civil-rights plank in the Republican platform was foreordained.

On July 10, after several days of behind-the-scenes bickering over a civil-rights plank, the Republican convention unanimously adopted its platform. On civil rights, the party retreated from its 1944 and 1948 positions. After condemning "bigots who inject class, racial and religious prejudice into public and political matters" and the "duplicity and insincerity of the party in power in racial and religious matters," the plank insisted that states should exercise primary responsibility and timidly promised supplemental federal action on lynching and poll taxes, "appropriate action" on segregation in the District of Columbia, and appointment of qualified persons to federal positions. On FEPC—the nub of controversy in both parties—the Republicans equivocated,
advocating legislation "to further just and equitable treatment in the area of discriminatory employment practices," which should not, however, "duplicate state efforts to end such practices; should not set up another huge bureaucracy." Other planks called for home rule for the District of Columbia, statehood for Hawaii and Alaska, eventual statehood for Puerto Rico, and a pledge to aid the American Indian in achieving full citizenship and equal opportunity. Although Negro delegates to the convention had originally threatened a floor fight, they backed off when Eisenhower's supporters pointed out that such a move might increase the conservative strength of Senator Taft. By this time, most Negro delegates were in Eisenhower's corner, and the argument made sense. The Republicans then turned to the nominations, deciding upon Eisenhower after a bitter battle with the Taft forces, and selecting Senator Richard M. Nixon as his running mate.  

If the skimpiness of the civil-rights plank was predestined, so was the Negro response. Rarely was there such agreement, as a drumfire of criticism rolled from the Negro press. To the Call and various ANP correspondents, it was "weak," "watered down," "diluted," and a "disappointment." The Journal and Guide viewed it as a naked appeal for southern votes. The Courier, struggling to say something favorable, was forced to conclude that "it must be a considerable disappointment to all who looked for a straightforward espousal of punitive federal fair employment legislation." In a front-page column, the editor of the Afro-American charged that "the Republican party appears to have written off as lost forever the traditional support of colored voters." This, of course, was an exaggeration, for neither party could permanently ignore the Negro vote, although the Republican platform of 1952 clearly reflected less concern for the black vote than had its 1944 and 1948 counterparts.

The nominations of Eisenhower and Nixon and the equivocal civil-rights plank placed the Democrats in an advantageous position on the issue. Unfortunately for civil-rights advocates, such developments also played into the hands of those Democrats who had been urging some type of compromise since the beginning of the year. Indeed, following Eisenhower's emphasis on states' rights in his statements at Abilene, Senator Humphrey saw no reason to "harden" the Democratic plank of 1948. Even prior to Eisenhower's statement, Democratic National Committee Chairman Frank McKinney had announced plans to draft a civil-rights plank that would be acceptable to all factions of the party. Some liberal Democrats, however, were not listening to the voices of compromise. Averell Harriman was making a major issue of
the president's civil-rights program; and Herbert Lehman was playing the Humphrey role of 1948, insisting upon no retreat whatever.  

But it was Harry Truman who headed the fight against any compromise on civil rights. He now had a record to defend, and defend it he did. On May 17, 1952, speaking to one thousand cheering and applauding members of the Americans for Democratic Action, he assailed the “dinosaur wing” of the Republican party and sparked hope for a Democratic victory in 1952. In the course of the address, he emphasized the necessity for firmness on civil rights, hoping that his position would be the basis of the plank in the Democratic platform of 1952. Although pleased with the “good progress” since 1948, he stressed the need for enactment of the civil-rights legislation recommended in his special message of February 1948.  

Although the speech was largely a partisan performance, Truman refrained from injecting politics into his discussion of civil rights, except to refer to the forthcoming Democratic platform. And the press chose to emphasize that aspect of the address. The New York Times reported that it “threw cold water” on McKinney’s hopes for compromise at the Democratic convention. The Washington Star believed that it “wrecked” McKinney’s plan while launching a determined drive for a vigorous civil-rights plank.  

Yet it was Truman’s speech on June 13 to the graduating students of Howard University that represented the capstone of his oratorical efforts, an address bereft of partisanship and devoted entirely to civil rights. Using the report of his Committee on Civil Rights as a reference point, the president summed up the progress of the past five years. He was happy that the report and his civil-rights program had given “voice and expression” to the “great change of sentiment” throughout the country. “They are the trumpet blast outside the walls of Jericho—the crumbling walls of prejudice. And their work is not yet done. We still have a long way to go.”  

He then turned to the record. Noting that only five states retained the poll tax as a prerequisite for voting, he urged abolition. Observing that local, state, and federal authorities had moved vigorously to protect the security of persons, he pressed for a federal antilynching law to complete the program. He was pleased with the court decisions permitting Negro students to attend previously all-white colleges and universities. In housing, the Supreme Court’s decision outlawing enforcement of restrictive covenants was a “major step” along the road of progress. So was his public-housing program, under which 177 projects were open in 1950 “to families of all races and creeds.” He took special
pride in the progress of the federal government, including the work of his Fair Employment Board and his Committee on Government Contract Compliance. He also reminded his audience that eleven states and twenty cities now had fair employment laws on the books. Observing that some of America's "greatest generals" believed in the necessity of military segregation, Truman pronounced it "plain nonsense." He praised Gen. Matthew Ridgway for integrating the Far Eastern command and referred to the recent order calling for integration of American forces in Europe. "From Tokyo to Heidelberg these orders have gone out that will make our fighting forces a more perfect instrument of democratic defense."

Yet, he concluded, the country needed voluntary, local, and state action. It also needed the civil-rights program that he had recommended to Congress in 1948. "I am not one of those who feel that we can leave these matters up to the states alone, or that we can rely solely on the efforts of men of good will," he asserted. The federal government had to fulfill the promises of this country's great historical documents. "The full force and power of the federal government must stand behind the protection of rights guaranteed in the federal Constitution."19

It was the most impressive speech on civil rights of his career—or the career of any president for that matter—and black Americans were quick to applaud. The reaction of the Negro press was generally twofold. On the one hand, the editors praised Truman for the most candid presidential statement on civil rights in the country's history. They also interpreted his address as a repudiation of those who were pleading for compromise at the Democratic convention.20 And Truman intended such an interpretation. Asked during his news conference on June 19 if his speech reflected what he expected in the civil-rights plank, he quickly replied: "Yes, and if you will read the message of 1948, you will find just what it ought to be. There hasn't been any change on my part."21

Nor were Truman's efforts only rhetorical. Although he declined to endorse publicly any of the Democratic aspirants for the presidential nomination, he and his staff made a determined effort to influence the language and direction of the platform, particularly the civil-rights plank. For several weeks, his aides had been forwarding various drafts of the proposed platform to John McCormack, chairman of the platform committee. Philip Perlman, Truman's solicitor general, was also working closely with the committee, reputedly as his personal representative.22
In the negotiations that followed, Truman and the White House staff decided upon a civil-rights plank calling unequivocally for "enforceable" federal legislation dealing with employment, lynching, and the poll tax. It also included a provision aimed at senatorial filibusters and the arbitrary actions of the House Rules Committee. "In order that the will of the American people may be expressed upon these and other vital legislation proposals," the statement read, "we believe that action should be taken at the beginning of the 83rd Congress to improve congressional procedures so that votes may be had and decisions made after reasonable debate without being blocked by a minority in either House." 23

As expected, the civil-rights plank was the major bone of contention within the resolutions committee. After days of wrangling, the apostles of compromise—particularly John Sparkman, John McCormack, William Dawson, and Brooks Hays—won some concessions. For his conciliatory efforts, Dawson also won the enmity of his black colleague in the House, Adam Clayton Powell, who denounced Dawson as well as the plank. When the platform reached the convention floor around midnight on July 23, fears that there might be a fight did not materialize. Northern liberals had already agreed not to contest the plank, and southerners lost all opportunity to do so when Sam Rayburn, permanent chairman of the convention, indulged in some fast gavel work. As southerners rose to protest the plank, Rayburn called for a voice vote and quickly declared the platform accepted. 24

Although the civil-rights plank fell short of Truman's demands, he was willing to accept it. He praised it in a fighting speech to convention delegates on July 26. "They weasel on civil rights," he stated in referring to Republicans. "Read their civil rights paragraph, and then read our paragraph on civil rights, and see which one you want." Later in the address, he also promised to "carry on the fight for the full protection of civil rights to all of our citizens in all parts of the country, without regard to race, religion, or national origin." 25

Yet lost in most of the news stories heralding the compromise and in the reports of Powell's bitterness was the fact that the civil-rights plank of 1952 represented an advance over that of 1948. Truman had won more than he had lost, and most civil-rights advocates were satisfied with the final product. For example, Walter White called it "a signal victory for the forces of liberalism in the party" and noted that despite some imprecision in language, the plank substantially embodied the demands of the Leadership Conference on Civil Rights. In
short, White said that it represented a “distinct advance” over its counterpart of 1948.26

Although Truman’s demand for a statement calling for “enforceable” federal legislation was sacrificed to the politics of compromise, the plank did favor federal legislation “effectively” to secure equal rights, a statement roughly parallel to that of 1948 “guaranteeing” those rights. Moreover, although the provision urging improvement of procedures to permit majority rule to prevail in both houses was not included in the plank itself, it was included in a separate category immediately preceding the statement on civil rights. To the NAACP, this was the “one item which marks the great advance over 1948,” for legislation was impossible without revision of Rule XXII on senatorial closure. The platform statement also embraced the arbitrary power of the House Rules Committee to bottle up legislation of which it disapproved. The item, concluded the association, was thus “the milk in the coconut.”27

There were other improvements over the 1948 plank. In 1952 Democrats placed equal employment opportunity first on their list of legislative priorities, whereas in 1948 they had referred first to the right of full political participation, or, in other words, abolition of the poll tax. Nor did the party ignore the advances in civil rights of the past four years, pointing proudly to the progress “made in securing equality of treatment and opportunity in the nation’s armed forces and the civil service and all areas under federal jurisdiction.” The plank also complimented the Justice Department for “successfully arguing in the courts for the elimination of many illegal discriminations.” In a separate category, the party also took pride in the new status of Puerto Rico and pledged continued support for its growth and development.

Finally, the plank of 1952 was broader and embraced minority groups that had previously been ignored. In addition to reiterating earlier pleas for Alaskan and Hawaiian statehood, increased self-government for the territories, and home rule for the District of Columbia, the platform advocated “improvement of employment conditions of migratory workers and increased protection of their safety and health.” Another long section promised a fair deal for the American Indian.28

Although Congressman Brooks Hays subsequently refused to compare the two Democratic platforms—because “the background was so different”—he did concede that they were similar, noting also that the southern rebels of 1948 would never have accepted the plank of 1952. The latter confession naturally brings up the question of why the South was more agreeable four years later. There is no simple or single
A Final Stand

answer. Hays suggested a partial explanation when he maintained, perhaps correctly, that the Dixiecrats took a walk in 1948 because the plank specifically commended Truman for his “courageous” position on civil rights. In 1952 neither the White House nor anyone else insisted upon a comparable statement, which represented the major concession to the South in the party platform. In addition, Truman was not a candidate for reelection, and the “traitor” to the South was therefore not a major issue. The Dixiecrats had also suffered the pain of defeat in 1948, thereby learning the virtue of working within the two-party system. Finally, all of the avowed, serious candidates for the Democratic presidential nomination—except Averell Harriman, who had little chance—were either equivocal about or opposed to strong federal civil-rights legislation. The nomination of Adlai Stevenson for the presidency was thus palatable to many southerners, and the choice of John Sparkman of Alabama as his running mate was frosting on the cake.

In contrast with 1948, then, the attitudes of the candidates, and not the civil-rights planks, were probably the major concern of those on the firing line for equal justice. No longer fearful of massive southern defections, Democratic leaders were now worried about losing the votes of northern Negroes and their white allies. Adam Clayton Powell had already promised not to campaign for the national ticket, calling for a boycott of the election unless Stevenson took a stronger position on civil rights. And the Illinois governor was taking his time in catching up with the views of Harry Truman and the Democratic platform. On July 30, when reporters asked if a president should use the authority of his office to influence senatorial revision of Rule XXII, Stevenson equivocated, indicating that he needed further study. Nor would he endorse an enforceable FEPC, as Truman had consistently demanded. On August 4 Stevenson was even more hesitant, when he noted that “it would be a very dangerous thing indeed to limit debate in a parliamentary body in a democracy” and concluded that “perhaps the Senate would be better able to discuss that and adjust it than I would.”

The pressure on Stevenson became intense. On August 4, sixteen Eisenhower supporters, including Henry Cabot Lodge, issued a statement declaring that a Republican victory in November would expedite passage of an FEPC with “adequate” enforcement powers. Although the general had not embraced the promise, several Negro Republicans were convinced that eventually he would do so. Truman was also making things uncomfortable for the governor. During a news conference on August 7, when asked his opinion of Stevenson’s view on clo-
ture, Truman interrupted to snap, "I am standing on the Democratic platform."31

Stevenson soon capitulated. Addressing the New York Democratic convention on August 28, he urged revision of Rule XXII and promised, if elected, to use presidential influence to encourage Congress "to shake off its ancient shackles." He also endorsed an enforceable FEPC. It was enough for Congressman Powell, who declared himself "thoroughly satisfied." So was the NAACP. The association insisted that it was endorsing no one, but its board of directors passed a resolution noting that Stevenson had taken the "most forthright" position on civil rights, particularly because of his views on senatorial cloture and FEPC. Although "impressed" with Eisenhower's sincerity and pleased with his recent pronouncements against segregation in the military and the District of Columbia, the board regretted his failure to support the two key issues that Stevenson had recently endorsed.32

The NAACP, however, was unhappy about the "unsatisfactory records" on civil rights of the vice-presidential candidates. The opposition to Sparkman began shortly before his nomination, when Adam Clayton Powell and most Negro delegates, learning of Stevenson's preference for the Alabama senator, stalked from the convention floor. Sparkman's nomination also prompted Walter White to wonder how the party could nominate a candidate who apparently opposed the civil-rights plank of the platform. Yet Sparkman was not about to repudiate what was partly his handiwork, and within hours after the convention, he publicly reaffirmed his support of the plank.33

Civil-rights spokesmen and organizations, however, were virtually unanimous in their initial opposition to both candidates. Although Nixon's voting record on civil rights was better than Sparkman's, it was nothing for a nonsoutherner to boast about. Moreover, Sparkman was more progressive on "bread and butter" issues, and impartial observers were declaring a draw between the two. Late in September the Negro press discovered something that both had in common. Both had signed racially restrictive covenants in purchasing homes in Washington, and cries of alarm again appeared in the Negro press. By this time, however, most of the Negro newspapers were in the process of lining up with Stevenson, and a double standard in judging the vice-presidential candidates was soon evident. Because Sparkman was from Alabama, one black editor rationalized that he had "many habits customary for a southerner. . . . He is not riding under false colors. Nixon is a northerner. He should have a far better record than Sparkman, but he hasn't."34
Negroes found other palatable things about Sparkman. One editor argued that only on the issue of an enforceable FEPC was the Alabaman “a captive of the region of the country he represents.” A columnist saw significance in Sparkman’s southern Methodist background, for southern Methodists “have always led in programs of interracial cooperation.” And over and over again, blacks were predicting that Sparkman would be another Harry Truman, another Hugo Black, or another Judge Waring.35

The predictions of a possible conversion on Sparkman’s part were based almost entirely on speculation, although he was surely not the same politician who had declared in Mobile in April 1950 that he was opposed to civil rights—“always have been and always will be.” In addition, the mixed reaction of the white South to the Stevenson-Sparkman ticket prompted second thoughts from many Negroes. In September, Governor James Byrnes of South Carolina declared for Eisenhower because of Stevenson’s switch on a compulsory FEPC. Apparently, Byrnes had little faith in Sparkman’s attitude or influence. Moreover, by October, fifty-six southern papers had endorsed the Eisenhower-Nixon ticket, in contrast with only twenty-nine for Stevenson and Sparkman. “The fact that southerners are turning to Eisenhower,” wrote C. A. Franklin, “is evidence enough that John Sparkman is not a bad fellow. If he were a Dixiecrat, he could hold the southern die-hards, but those who voted for Thurmond in 1948 are now supporting Eisenhower and Nixon, not Stevenson and Sparkman.”36

In the fall campaign both Stevenson and Eisenhower vied for the northern Negro vote, and both emulated Truman by speaking in Harlem. But Eisenhower’s unwillingness to endorse an enforceable FEPC or revision of the senatorial rule on cloture, coupled with the southern strategy of the Republican party in 1952, had its price. Negroes were not coming out to hear the general. One black correspondent traveling with the Eisenhower entourage observed that “if there is going to be a wholesale swing of colored voters to the Republican column this year, it will go down as the best kept secret of the century.”37

Yet the major obstacles to Republican inroads into the black vote were the past accomplishments and the present contentiousness of Harry S. Truman. Republican attacks on his administration for bungling concerning Korea, for corruption, and for communism, as well as Stevenson’s frantic attempts to dissociate himself from the administration’s liabilities, goaded Truman into another hard-hitting campaign. And it was Truman, not the nominees of either party, who
attempted to make civil rights one of the major issues of 1952. He intro-
duced civil rights into the campaign in his Labor Day statement,
released on August 28, in which he declared, “We must end the dis-
crimination which has cast shadows on some parts of our great record
of freedom.” In his Labor Day address in Milwaukee, he also praised
Stevenson for his efforts in promoting the cause of civil rights.  

Truman launched his major campaign late in September, a whistle-
stop performance in which he delivered 211 speeches and traveled
18,500 miles by rail. After a whirlwind tour of the West, he headed
north, where he first stressed civil rights in Buffalo on October 9.
Thereafter to the end of the campaign, he emphasized civil rights in
several addresses and sprinkled references to the issue in others; and
his approach of 1948 paled by comparison.  
On October 11 Truman
entered Harlem to receive the Franklin D. Roosevelt Memorial Broth-
erhood Medal for the second time and to deliver his major civil-rights
address. Aside from its partisanship, the speech was largely a para-
phrase of his Howard University address in June.  

Infuriated because of Eisenhower’s endorsement of Senator Joseph
McCarthy and others who had vilified Gen. George C. Marshall, Tru-
man struck hard at the Republican presidential candidate. In Brooklyn,
he criticized him for opposing the use of federal power for an effective
FEPC. Occasionally, he landed some low blows, as when he repeatedly
maintained that Eisenhower still favored segregation in the military,
despite the general’s assertions to the contrary.  

Truman also tried to embellish Sparkman’s record on civil rights.
In Philadelphia, he reminded his listeners that the Alabaman had
promised to support the Democratic platform, and added, “John Spark-
man is an honorable man and he will honor that pledge.” Speaking on
Chicago’s South Side on October 29, he informed his black audience
that Sparkman had had a hand in writing the Democratic platform,
which contained “the strongest civil rights stand ever taken by a major
political party in this country.” He also used the occasion to praise the
Fahy Committee for its role in integrating the military.  

In fact, Truman’s relatively brief message of October 29 was espe-
cially noteworthy, if only because of his choice of words. In the early
years of his administration, he had consistently denounced discrimina-
tion and pleaded for equal justice; but not until after the 1948 cam-
paign had he struck specifically, and then only occasionally, at segre-
gation in his public comments. And when he referred to its absence or
to its eradication, he had generally used the words “nonsegregated,”
“unsegregated,” or “desegregation.” His speech on Chicago’s South
Side, however, was studded with at least a dozen uses of “integration,” “integrated,” and “integrating.” The change in vocabulary was thus symptomatic of the change in the thrust of his administration after 1948.

There were also suggestions of higher priorities. The Republican emphasis on Korea, corruption, and communism was attractive to many Americans who wanted relief from it all. But Harry Truman also had three issues—prosperity, civil rights, and foreign policy—as he contended in a major speech in Detroit on October 30. On civil rights, he declared that his administration had “awakened the conscience of the nation. Instead of falling backward into a period of race hate and prejudice after World War II, we went forward. We are steadily breaking down the barriers of prejudice throughout our economic, cultural, and political life. We still have a very long way to go, but this progress is for me one of the great satisfactions of my whole lifetime.”

Never before had he given civil rights such preference. Nor was it simply a passing thought. Speaking over nationwide radio on election eve, he referred again to the three campaign issues. “This election may decide whether we shall go ahead and expand our prosperity here at home or slide back into a depression,” he argued in his short address. “It may decide whether we shall preserve and extend our civil rights and liberties, or see them fall before a wave of smear and fear. Above all, it may decide whether we shall finally achieve lasting peace or be led into a third world war.”

To most black Americans, Truman had hit the major themes of 1952. As a deprived minority, Negroes were intensely concerned with continued prosperity, progress in civil rights, and world peace. In general, they agreed with Truman that American involvement in Korea was necessary to prevent a third world war. Understandably, as a vulnerable minority, they were never enamored with the wild accusations about subversive elements in government. The charges of corruption, admittedly true in some instances, had never touched the president, and the Call denounced as “Pure Bosh” the argument that Ike’s election would enthrone honesty in government.

In a reversal of 1948, all of the major Negro papers, except the Pittsburgh Courier and the Daily World (Atlanta), endorsed the Democratic ticket, as did all of the major Negro magazines. The endorsements demonstrated that the identification of black leadership with the Democratic party had grown stronger during the Truman administration, in considerable part because of Truman himself. Few black editors agreed with the Courier when it contended that for all
of his fine words, Truman had really done nothing fundamental for Negroes. And they could not see much of an issue in the paper’s indictment of both FDR and Truman for appointing white advisers on race relations nor in the Courier’s statement that “Stevenson will turn this job over to his ghost writer, Arthur Schlesinger Jr., of Harvard, who knows as much about Negroes as the King of Norway.”

Three considerations were paramount to most Negro editors in 1952. One was Harry Truman, whose record on civil rights was unequaled by any president and whose campaign for justice and equality in the fall of 1952 was impressive by the standards of any time or place. Stevenson would continue the commitment, some reasoned, if only because of Harry Truman. A second consideration involved the civil rights planks of both parties and the attitudes of Stevenson and Eisenhower. In 1948, some Negro papers had concluded that both Truman and Dewey were solid on civil rights. Some of the more conservative black editors could thus endorse Dewey for economic reasons without fear of what might happen to civil rights. It was not that easy in 1952, for the two presidential candidates differed significantly on the gut issues of an enforceable FEPC and revision of cloture. Stevenson had embraced both, but reluctantly and only after pressure from Truman and Negro leaders, while Eisenhower refused to commit himself to either. The situation also had its irony; for although the analyses of Negro editors were essentially correct, Eisenhower did speak more vigorously for civil rights in certain northern cities than Dewey had in 1948.

Then, there was also the “I like Ike” sentiment in the South for which Eisenhower was not primarily responsible, even though he was appealing to the region for support. For years, various Republican and southern Democratic leaders had been exchanging wistful glances, and Strom Thurmond’s candidacy in 1948 had only momentarily suspended the flirtation. Ike’s conservative position on several issues added a fillip to the romance, and as Dixie increasingly embraced the general during the fall of 1952, Negro editors became correspondingly more frigid. To Franklin of the Call, Ike was a “changeling,” one who simultaneously courted Negroes in the North and James Byrnes in the South. The Afro-American pointedly noted that its friends did not include “the Dixiecrats whom Ike loves”; and the Amsterdam News, although it endorsed Republicans Irving Ives and Jacob Javits for reelection, could not support the general because of his forays into the South.

This year differed from 1948, in that the opinion of most Negro editors corresponded to that of a majority of black Americans. In a rec-
ord vote, Negroes flocked to the polls to cast 73 percent of their vote for Stevenson and Sparkman, a 4 percent increase over Truman's percentage of 1948. Stevenson's higher percentage resulted from the return of Wallace voters to the Democratic party as well as from the defection of some Negro Republicans. But the Negro vote as the balance of power was completely ineffective in the face of an Eisenhower landslide. Although Stevenson received twenty-seven million popular votes, Eisenhower won nearly thirty-four million votes and defeated Stevenson decisively in the electoral college by a margin of 442 to 89. In the South, Eisenhower cut heavily into the normal Democratic vote and even carried a few states—the first Republican to do so since 1928. Ironically, the Negro vote as a balance of power did operate in South Carolina, and probably in Louisiana, and Negroes thus had the satisfaction of denying Governor Byrnes the pleasure of delivering South Carolina to Eisenhower. It also increased their awareness of the importance of the southern black vote, and black leadership thereafter placed even higher priority on voter registration in the South.50

Although there were predictions that Indians were on the warpath and that 1952 was the first presidential election in which their vote would be noteworthy, they had no effect on the presidential outcome in any state. The newly enfranchised Indians of Arizona, however, did contribute to the defeat of Ernest McFarland by Barry Goldwater; and in Colorado, they provided the margin for Wayne Aspinall's election to the House of Representatives. Indians were also capable of reading the signs of the times, and thereafter they too placed greater emphasis on voter registration. Between 1952 and 1956 the Indians of New Mexico increased their registration from less than 8 percent to more than 24 percent. Elsewhere in the West there were additional increases in the number of Indians registered.51

Black Americans took Eisenhower's victory in stride. The Call urged everyone to close ranks behind the general, although it expected less progress on civil rights in the ensuing four years. The Journal and Guide agreed, seeing no reason for hysteria and subsequently expressing confidence that civil rights would not lose ground under Ike's stewardship. The NAACP observed that Republicans now had to produce, and it expected "Republicans to stop their shadowboxing on civil rights, now that they are in power, and do something about revision of Rule 22 to restore democracy to the Senate."52

Stevenson received few accolades from civil-rights leaders, and the bulk of their favorable comments following the election was reserved for Harry Truman as he prepared to leave the White House. In the
eyes of most white Americans, Truman may have appeared to be discredited, but black Americans saw him in a different light. Glowing tributes appeared in the Negro press, and personal letters flowed into the White House. On November 14 the National Newspaper Publishers Association (NNPA) presented a plaque to Harry S. Truman, "who has awakened the conscience of America and given new strength to our democracy by his courageous efforts on behalf of freedom and equality for all citizens." And in the weeks that followed, he received similar recognition from the American Council on Human Rights and from the American Jewish Congress, which granted him the Stephen S. Wise Award for 1952.

But Truman was not resting on such laurels. Indeed, during the campaign, he had appointed Clifford R. Moore as a United States commissioner, the first Negro to hold such a position since Reconstruction days. Upon receipt of his award from the NNPA, he promised to continue working for implementation of the report of his Committee on Civil Rights, "for it is part and parcel of the principles for which I have always stood, and for which I will always stand as long as I live." On November 16, when laying the cornerstone of the new temple of the Washington Hebrew Congregation, he used the occasion to denounce bigotry and to emphasize the importance of religion in the life of the nation. Upon the death of William Green, he publicly praised the AFL leader for his fight against discrimination in employment. When he participated in the dedication of a Presbyterian church in Alexandria, Virginia, he reminded the gathering that the most important function of the church was to "wage a ceaseless war against injustice in our society. The churches in particular are a force which should fight for brotherhood, and decency, and better lives for all our people." Unfortunately, America's churches were lagging far behind the president.

He also kept the faith in his remaining messages to Congress and the country. On January 7, 1953, he sent his last State of the Union message to the Hill. As it was no longer his place or prerogative to present a legislative program, he concentrated on the challenges and achievements of his administration. On civil rights, he expressed satisfaction that the barriers to equality were crumbling "in our armed forces, our civil service, our universities, our railway trains, the residential districts of our cities—in stores and factories all across the nation—in the polling booths as well." The progress was unmistakable at all levels of government and in many private spheres as well. "There has been a great awakening of the American conscience on the issue of civil rights," he concluded. "And all this progress—still far from
complete but still continuing—has been our answer, up to now, to those who questioned our intention to live up to the promises of equal freedom for us all." He included the same sentiments, and some of the same phraseology, in his farewell address to the American people on January 15. And in his annual economic report to Congress on January 14 he noted that the elimination of discrimination was a "continuing objective of national policy."

In admitting in his State of the Union address that progress on civil rights was "far from complete," Truman certainly would have conceded that elimination of discrimination in the District of Columbia was one of the remaining tasks. In fact, he confessed as much during the campaign of 1952. The Republican plank on civil rights had pledged "appropriate action to end segregation in the District of Columbia"; and in campaigning on the issue, Eisenhower had accused Truman of procrastination and had promised immediate action of his own. Irritated, Truman replied in a speech in Newark on October 21, 1952, warning the general that more was involved than "waving a wand." He also pointed to the progress in Washington, especially the trend toward integration of theaters, hotels, restaurants, colleges and universities, private elementary and secondary schools, and public parks and playgrounds. He had not done more, he maintained after the election, because he had lacked the authority.

It was indeed a complex situation. Race relations had been the District's most difficult problem in the years after the Second World War, as well as one of the administration's greatest embarrassments in the rhetorical battles of the cold war. As racial barriers began to crack elsewhere in the country during the postwar period, Washington's segregationists strengthened its walls of prejudice, so that by mid 1947 their triumph seemed complete. Thereafter, however, they too fought a delaying—and slowly losing—battle. Although the report of the President's Committee on Civil Rights in 1947 called national attention to the disgraceful discrimination in the capital, breakthroughs began in 1948. As a result of *Shelley v. Kraemer* in May 1948, residential segregation showed some signs of erosion. The census of 1950 revealed that housing accommodations for blacks had spread into an additional 459 residential blocks, while those reserved exclusively for whites dropped from 2,041 to 1,956. This indication of progress was compromised by the District's urban renewal program, which generally meant that Negroes were removed even though adequate facilities were not available elsewhere, thus forcing many black families to double up in ac-

*Shelley v. Kraemer*
commodations that were already inadequate for a single household.\textsuperscript{58}

In short, too often urban renewal signified Negro removal.

More important than \textit{Shelley v. Kraemer} was the report in December 1948 of the National Committee on Segregation in the Nation’s Capital, which contained enough statistical material to convince anyone with an open mind of the necessity for drastic improvement. It also gave a shot in the arm to those private organizations, including the NAACP, CORE, the American Friends Service Committee, the Urban League, and the Jewish Community Council, which had long fought the city’s racial tyranny. So, too, did integration of the president’s inaugural festivities of January 1949. In the years that followed, the struggle to democratize Washington was fought in Congress, the courts, and in the offices of large corporations, the District administrators, the National Capital Park and Planning Commission, the Department of the Interior, and the White House itself.\textsuperscript{59}

The District commissioners were initially unsympathetic to the drive for integration and equal treatment, having ignored Truman’s 1948 directive calling for nondiscrimination in federal employment. Perhaps their reluctance stemmed from the unpleasant facts that Congress controlled the city’s purse strings and that southerners dominated the congressional committees. Whatever the case, the commissioners eventually made concessions under pressure from the Interior Department and the White House.

The main struggle in 1949 and 1950 involved integration of recreational facilities. The matter was unusually complicated because of indistinct lines of authority. Although the Department of the Interior still operated and supervised some of the parks and playgrounds, most of them were under the control of the District Recreation Board, which Congress had created in 1942 with authority to develop a comprehensive recreational program. In carrying out this mandate, the board established a policy of racial segregation for many of the facilities, particularly swimming pools. The Recreation Board did so with the knowledge and apparent support of the National Capital Park and Planning Commission, which functioned as a part of the Department of the Interior. In fact, the board insisted that it had segregated certain areas because the planning commission’s map of the District specifically designated them as black or white. Prodded by Under Secretary Oscar Chapman, Secretary Julius Krug in 1949 launched a campaign to integrate all recreational facilities in the District. Krug also applied pressure on the planning commission, which removed the racial designations immediately.\textsuperscript{60}
Now the Recreation Board changed its story, insisting that it had full authority under the act of 1942 to determine racial policies. At this point, the president intervened and summoned the three District commissioners to the White House, where he informed them of his desire that all public facilities in the capital be integrated. Although he admitted that the change in policy could not be precipitant, he wanted it pursued "actively and progressively." The commissioners agreed and immediately contacted the chairman of the Recreation Board, who stated that it was only possible to commit the board to the "progressive elimination of segregation." 61

On June 14, 1949, the District Recreation Board rejected the Interior Department's motion to end segregation in playgrounds immediately and adopted another motion which pledged "realistic" efforts toward removal of segregation consistent "with the public interest, public order and effective administration." The board also unanimously agreed to permit the use of public schools and community buildings for interracial meetings. Although Negroes were displeased and agreed with the Negro board member's denunciation of the settlement, the Washington Post hailed it as "a discreet but a statesmanlike compromise." The board did seem to be moving in the right direction. It had already opened all tennis courts; and when the Interior Department had offered to transfer jurisdiction of its pools and golf courses, if operated under integrated conditions, the board was agreeable as far as the golf courses were concerned. 62

But integrating Washington's swimming pools was another matter, for the Recreation Board was clearly opposed to interracial swimming. Civil-rights organizations, however, insisted upon integration, pointing out that whites in the District could utilize forty-one public, private, and commercial pools, while blacks had only four at their disposal. Until 1949, because of white opposition, blacks had not attempted to swim in four of the six integrated pools operated directly by the Interior Department. One day in June, however, fifty Negro youths were refused admittance to the Anacostia pool, and an incident occurred that evening. To avoid bloodshed and to buy time, Secretary Krug closed the pool for the rest of the season. 63

In the off-season the administration intensified its efforts, although Secretary Krug wavered occasionally, apparently once agreeing to segregate some pools, then denying that he had agreed, which prompted a Washington publisher to call him a "God damn liar." 64 Truman also requested an additional appropriation for construction of an interracial pool approximately a mile from Anacostia, but its location in the heart
of the ghetto was obviously intended to produce voluntary segregation. The Interior Department imported Professor Joseph D. Lohman of the University of Chicago to improve the human touch of capital policemen, who were partially responsible for the Anacostia incident. Lohman subsequently kept in close contact with Philleo Nash of the White House staff. In April 1950 the new secretary of the interior, Oscar Chapman, offered all six pools to the Recreation Board if it would operate them on an integrated basis—an obvious ploy to emphasize the segregation policies of the board and to illustrate his own unwillingness to compromise.\textsuperscript{65}

Chapman was convinced that blacks and whites could swim together without having riots occur in their wake. In a form letter late in May 1950, as he prepared to open all six pools on an integrated basis, he noted the success of integrated swimming in the military and quoted the Fahy Committee’s conclusion that integration decreased racial friction. Nonetheless, the local press predicted riots and bloodshed, and the Recreation Board anticipated catastrophe. But Chapman was right. In September he informed the president that the season had been successful. The department’s six pools had accommodated some 90,000 blacks and 146,000 whites without incident. He was also pleased with the disappearance of racial barriers in a number of Washington’s privately owned restaurants, hotels, and places of amusement. So was Truman. He found such progress “very heartening” and complimented Chapman for a “wonderful job” and for setting an example “which may clear up situations in other cities.”\textsuperscript{66}

The experiment was significant, for it undermined the major argument of the bigots and the faint-hearted alike. The Washington Post, confessing its earlier fear of trouble and its wrong-headedness in opposing Chapman, now conceded that “nonsegregated swimming is here to stay.” Indeed it was, although for the moment the Recreation Board held grimly to segregation of pools under its jurisdiction. The following year the Interior Department’s integrated pools again operated without incident. Chapman was clearly the man of the hour; and Walter White devoted one of his columns in the Defender to the secretary’s persistent efforts to desegregate the District, beginning with his contribution to Marian Anderson’s concert at the Lincoln Memorial in 1939.\textsuperscript{67}

During the remainder of the Truman administration, Chapman and the Recreation Board were at loggerheads. The board’s promise of “gradual” integration seemed farcical. By June 1952, it had integrated only 9 additional playgrounds, all in residential areas in transition from
white to black occupancy, while 128 facilities remained segregated. Supported by a Justice Department brief, Chapman filed suit in district court in March 1952, demanding the withdrawal of sixty recreational areas from the jurisdiction of the Recreation Board unless integrated immediately. Although the judge ruled against Chapman, time was running out on the board. Within a year it voluntarily voted to integrate the pool at Rosedale playground, which was a jump over a major psychological hurdle; and desegregation of other facilities soon followed.68

By 1951 the trend toward elimination of segregation was faintly visible nearly everywhere in Washington. The District commissioners were evincing increasing sympathy; and in 1950 they appointed a Negro—another "first"—to the three-member boxing commission. Truman's commissioners also broke precedent in naming two blacks to the nine-member Citizens Advisory Council, established to study reorganization of the District government. Moreover, Truman's appointment of Joseph Donohue as a District commissioner undoubtedly strengthened the resolve of his colleagues, for Donohue was as outspoken against segregation as they were silent. In 1951, with the support of the chief of the fire department, the commissioners assigned several black firemen to undermanned white companies. But the chairman of the House District Committee hastened to indicate his displeasure, as did the firemen's union, and the commissioners backed off. The situation was touchy because of the close living conditions of the firefighters. Even when the District commissioners, at Eisenhower's instructions, issued a desegregation order in November 1953, they expressly excluded the fire department.69

The halting, painful progress was also evident in the voluntary desegregation of privately owned facilities, although most hotels in the District continued to refuse black guests. But there was noticeable progress in the theaters. In 1952 the National Theater, which had closed in 1948 rather than integrate, reopened under new management on a nondiscriminatory basis. Although several other legitimate theaters were open to all patrons, the downtown motion-picture theaters still excluded blacks, unless they happened to be foreign dignitaries. The restaurant situation, too, was improving, but not without pressure. As a result of extensive picketing over many months, several department stores and dime stores integrated their lunch counters. By 1952, at least sixty-four downtown restaurants and lunch counters were serving black customers.70

In the struggle to integrate eating facilities in the city, the federal
government had taken the lead, first in government cafeterias and then in Washington's National Airport. But the ultimate victory could not have been won without the persistence of concerned citizens of the District. The legal fight to integrate restaurants began shortly after the National Committee on Segregation in the Nation's Capital discovered the "mysterious" disappearance of the civil-rights acts of 1872 and 1873, which had been passed by the popularly elected District Assembly. The acts made it a misdemeanor for owners of restaurants and certain other public accommodations to refuse service to any well-behaved, respectable person because of his race or color. In 1901 Congress had codified all laws for the city but had omitted the acts of 1872 and 1873 without expressly repealing them. In May 1949 lawyers of the District's chapter of the National Lawyers Guild presented evidence of the validity of these laws to the District commissioners, requesting the board to provide for future enforcement of them.\textsuperscript{71}

The commissioners conducted a leisurely investigation of their own, then instructed their lawyers to institute a court case upon receipt of complaints. By this time, civil-rights advocates in the District were well prepared. In September 1949 they organized the interracial Coordinating Committee for the Enforcement of the D.C. Anti-Discrimination Laws to rally the interested and to initiate test cases. The chairman of the committee was the aged and courageous Mary Church Terrell. In company with two other blacks and a white member of the Friends, she sought and was refused service at one of the Thompson restaurants in Washington; and the case of \textit{District of Columbia v. John R. Thompson Company} was soon in the courts. In July 1950 a judge of the District Municipal Court ruled that the "lost" laws had been repealed by implication and were therefore unenforceable.\textsuperscript{72}

The case then went to the Municipal Court of Appeals. In May 1951, by a vote of two to one, the judges declared the act of 1873 valid. Because the Thompson Company immediately appealed to the Circuit Court of Appeals, the District commissioners announced their intention to ignore the issue until its final disposition in the courts. In the meantime, while the case languished in the higher court, Mary Church Terrell and other members of the committee kept up the pressure on Washington restaurants through sit-ins, pickets, and boycotts.\textsuperscript{73}

Mrs. Terrell's committee gained a potent ally in June 1951 when the Department of Justice entered the case. Oscar Chapman, always sensitive to racial events in the District, was apparently the first to notice the Thompson case, and in October 1950 he had called it to the attention of Solicitor General Philip Perlman. The case was then in the
Municipal Court of Appeals; and Perlman promised to participate in the appeal, regardless of the court’s decision. He was as good as his word. He first filed a memorandum, and when the Circuit Court accepted the case, he was ready with an amicus curiae brief which had been prepared with the assistance of Philip Elman and T. S. L. Perlman.  

Contending that the “lost” laws were valid and still enforceable, Philip Perlman cited three reasons for racial discrimination in the capital being a matter of serious concern to the nation. First, the government had an established policy of nondiscrimination concerning its employees and therefore “particularly deplores discriminations of any kind against its employees because of color, religion, national ancestry, or other irrelevant fact.” Second, Washington was the seat of the embassies and legations of foreign countries, and their officials and visiting citizens would receive an “exaggerated” and “misleading” impression of racial discrimination in America as a result of the intolerance of the District. Last, “and perhaps most important,” the brief contended, “the existence of racial discrimination in the nation’s capital constitutes a serious flaw in our democracy. The need to eliminate this gap between ideals and practices represents a challenge to the sincerity of our profession of the democratic faith.”

It was Perlman’s fifth and last amicus curiae brief in a civil-rights case, and it encouraged civil-rights leaders to hope for a favorable decision. In January 1953, however, the Circuit Court of Appeals, by a five to four vote, ruled the acts of 1872 and 1873 invalid on the grounds that the District Assembly lacked the authority to enact legislation and that the code of 1901 had implicitly repealed them anyway. It was a tortured decision with which Judge Charles Fahy strongly disagreed. In a dissenting opinion, concurred in by three of his colleagues, the former chairman of Truman’s committee for equality in the military struck hard in favor of the legitimacy of the “lost” laws, which he thought were by no means simply “derelicts of the past.”

It was now up to the Eisenhower administration and the Supreme Court. In February 1953 the new secretary of the interior, Douglas McKay, urged Attorney General Herbert Brownell to file a petition in the Supreme Court seeking to reverse the decision. Brownell was agreeable. He first “suggested” to the court that it advance the case, then he selected Philip Elman, who had assisted Perlman, to present the administration’s amicus curiae brief. In June 1953 the Vinson court unanimously upheld the law of 1873 but left in doubt the legal status of the 1872 act, which had also applied to hotels in the District and
which may have been repealed by the law of 1873. Moreover, in deciding in favor of the legality of the 1873 law, the court thereby upheld the right of Congress to delegate its legislative power—as it had done to the District Assembly—and thus gave a big boost to the advocates of home rule.\footnote{78}

The Thompson case was one of the most significant events in the history of race relations in the District. The head of the Thompson restaurants immediately indicated his willingness to abide by the decision, and others soon followed. By December 1953 every restaurant was reported open, and the police were enforcing the new policy. Because of the ambiguity of the court's opinion about the 1872 act, however, the hotel situation was chaotic; but it, too, would soon change.\footnote{79}

The Thompson case also spotlighted an embarrassing paradox. While privately owned facilities were becoming increasingly integrated, Washington's public-school system remained rigidly segregated. Moreover, the schools for black children were invariably inferior. In 1947, for example, the District's expenditure per black student was $120.52, compared to $169.21 per white. Classrooms in the ghetto were overcrowded, while space in white schools went unused. Additional appropriations from Congress in 1949 had no meaningful effect on the disparity, which threatened to widen. The first court cases instituted in the city thus concentrated on the glaring inequities and focused on the desperate need for equal facilities. Most organizations backing the protests also avoided a direct attack on segregation itself.\footnote{80}

But sentiment in favor of integration was rising. The President's Committee on Civil Rights had vigorously denounced the situation in the District, pointedly noting that "the core of Washington's segregated society is its dual system of public education" and that "reasonable equality" was impossible under segregated conditions. In 1948 Segregation in Washington devoted a chapter to the subject, and in 1949 the Catholic hierarchy in Washington was concerned enough to order integration of all parochial schools in the District. Catholic University was already integrated, and American University partially so. By 1952 the public school situation was so chaotic and citizens' groups were so aroused that even the fainthearted now conceded the inevitability of integration "in our time."\footnote{81}

In 1952, too, the case of Bolling v. Sharpe, which dealt with the District's segregation of public schools, was before the Supreme Court, in company with four other cases involving segregated public schools in Kansas, South Carolina, Virginia, and Delaware. For the first time, the court had agreed to hear suits concerning segregation in elemen-
tary and secondary schools, and the result would be the historic decision of *Brown v. Board of Education of Topeka*. Faced with this threat, some southern states had been moving with indecent haste to try to equalize expenditures and facilities, but the NAACP’s staff of lawyers and professional consultants were well prepared for this ploy. Indeed, in the *Sweatt* case of 1950 the NAACP had attacked all forms of segregation on the grounds of its adverse psychological effects. So had Solicitor General Perlman in the *Henderson* case of the same year. Moreover, in 1951, when a federal district court in South Carolina had ruled in favor of segregation, the association had offered expert testimony, much of it first assembled for Truman’s Midcentury White House Conference on Children and Youth in 1950, to illustrate the damaging psychological effects of racial segregation.\(^82\)

Not everyone was confident that the Supreme Court would render a favorable decision or that it would expressly reverse the separate-but-equal doctrine. The *Courier* found such a likelihood remote and denounced the NAACP for its frontal assault on *Plessy v. Ferguson*. In particular, there was suspicion that in the *Shelley, Sweatt, McLaurin*, and *Henderson* cases, Chief Justice Fred Vinson had gone as far as his intellectual and environmental equipment would permit. Vinson’s delay in hearing the cases seemed to add credence to the fear. Even White House Assistant Philleo Nash thought it “unlikely that the court will need to go as far as the constitutional question in order to dispose of the cases,” although he added that the government ought to prepare for that possibility.\(^83\)

Nor was the NAACP sanguine at the outset. In fact, the legal staff was initially unhappy with the cases it was representing before the high tribunal. The five cases had resulted by “sheer accident,” Thurgood Marshall later recalled, and had developed on the local level with no master plan involved. The cases had upset the association’s timetable. After successfully assaulting segregation in professional and graduate schools, the NAACP had planned next to attack its presence in colleges and universities, then finally in secondary and elementary schools. The five cases before the Supreme Court in 1952, however, represented a giant leap to the elementary level, where most of the opposition to integration was concentrated. “We were kind of peeved,” Marshall concluded. “We didn’t want it, but we had it.”\(^84\)

The Supreme Court postponed argument on the cases until December 1952, ostensibly to allow sufficient time for the filing of briefs in all five suits. The delay also conveniently, and probably wisely, removed the cases from the politics of a presidential campaign, which
both the court and the Department of Justice may have had in mind. At this point, the Truman administration entered the case. Although it has been suggested that Solicitor General Perlman opposed a government brief in the elementary-schools cases, a statement seemingly at variance with his record, he was no longer involved as a result of his resignation earlier in the year. Instead, Attorney General James P. McGranery, after visiting the White House and receiving Truman's approval, filed an amicus curiae brief on December 2, 1952. He and Philip Elman were its signatories.

In his thirty-two page brief, McGranery struck hard at racial discrimination and its adverse effects both at home and abroad. Observing that Washington was "the window through which the world looks into our house," he placed the argument in the context "of the present world struggle between freedom and tyranny. . . . Racial discrimination provides grist for the Communist propaganda mills, and it raises doubts even among friendly nations as to the intensity of our devotion to the democratic faith." He then quoted Secretary of State Dean Acheson, who had informed him that because of racial discrimination during the past six years, "the damage to our foreign relations attributable to this source has become progressively greater."

The brief granted that the court might not need to reach the question of the validity of the separate-but-equal doctrine, but that if it did, Plessy v. Ferguson should be reexamined and overruled. For, as the government had already pointed out in the Henderson, Sweatt, and McLaurin cases, the doctrine was "wrong as a matter of constitutional law, history and policy. . . . In sum, the doctrine . . . is an unwarranted departure, based upon dubious assumptions of fact combined with a disregard of the basic purposes of the Fourteenth Amendment, from the fundamental principle that all Americans, whatever their race or color, stand equal and alike before the law."

In conclusion, Attorney General McGranery suggested that if the court overturned the Plessy doctrine, it "should take into account the need, not only for prompt vindication of the constitutional rights violated, but also for orderly and reasonable solution of the vexing problems which may arise in eliminating segregation." In a footnote, however, he called for immediate integration where "the separate schools are also physically unequal and inferior." He also suggested that the court might want to consider a second round of argument to determine a timetable for implementing integration, a recommendation which the court subsequently heeded.

The McGranery brief contained neither psychological evidence
about the debilitating effects of segregation nor an insistence that the separate-but-equal doctrine be overturned in these particular cases before the court. The NAACP took care of those arguments in its own brief and its oral presentation. Yet McGranery had vigorously insisted that segregation was unconstitutional and had no place in American life, thus reminding the court that eventually it would have to tangle with the basic question involved. The attorney general also informally requested permission to present an oral argument, but the court apparently rejected the plea on grounds that are as yet unclear.87

Not until June 1953 did the Supreme Court speak, and then only with muffled voice. On the same day as the Thompson decision, the court asked for more information and evidence from the participants in the Brown case, and it rescheduled argument for later in the year. This time, it also requested the new attorney general, Herbert Brownell, to submit both a brief and an oral presentation. Although initially discouraged, the NAACP lawyers soon concluded that a victory of glittering proportions was possible. Moreover, the death of Chief Justice Vinson in September 1953 persuaded some to hope for a more sympathetic replacement, and Thurgood Marshall later contended that Vinson would have caused “trouble.”88 Perhaps, but when Eisenhower quickly offered Earl Warren an interim appointment, they could not have breathed much easier, for Warren’s libertarian attitude was a well-kept secret, as Eisenhower himself would shortly discover.

Attorney General Brownell was now on the spot, for he was having difficulty with the requested brief. The Eisenhower breakthrough in the South in the election of 1952 had further encouraged those Republican strategists who were urging a permanent political alliance with Dixie. A strong brief in favor of desegregation would damage that possibility. Yet, some Republican leaders were still committed to the doctrine of equality and were also impressed with the Negro vote in the North. Above all, no one, apparently not even Brownell, knew exactly where Eisenhower stood on the question.89

The result was a compromise brief, a cool, dry, 188-page exposition prepared under the direction of Assistant Attorney General J. Lee Rankin and Philip Elman. Its purpose, Brownell explained to curious newsmen, was to present “an objective non-adversary discussion of the questions stated in the court’s order of reargument.” In short, it equivocated. Although the Brownell brief insisted that the Supreme Court had the authority to pass on the question of segregation and that the “primary and pervasive purpose of the Fourteenth Amendment . . . was to secure for Negroes full and complete equality before the law
and to abolish all legal distinctions based on race or color,” the brief avoided all discussion of the separate-but-equal doctrine and refused to recommend any action to the court. “Attorney General Brownell’s brief was a side-step,” wrote columnist Doris Fleeson indignantly. “He told the court it had the power to decide the case. He did not—in contrast to Attorney General McGranery for the Truman administration—tell them they ought to decide it against segregation.”

Justice William O. Douglas was also irritated with the brief’s evasiveness. When Assistant Attorney General Rankin presented oral argument to the court, Douglas interrupted to ask if it was the department’s position “that the court could decide the question either way?” Then, and not before, did the Justice Department indicate its position. “No,” Rankin replied, “the court can find only one answer”—which was that the Fourteenth Amendment did not permit segregation on the basis of color. He added that the department associated itself with the views of former Attorney General McGranery, which the Brownell brief had ignored.

On May 17, 1954, Chief Justice Warren, speaking for a unanimous court, announced the epochal decision of Brown v. Board of Education of Topeka, which broke the back of legalized segregation in America. Because of the inconclusiveness of the historical evidence concerning the intent of the framers of the Fourteenth Amendment, the court had concentrated on the psychological effects of segregation. Citing the intangible but persuasive arguments and evidence introduced in the Sweatt and McLaurin cases, and referring in footnotes to psychological studies published between 1944 and 1952, Warren announced that segregation “has a detrimental effect upon the colored children. The impact is greater when it has the sanction of the law; for the policy of separating the races is usually interpreted as denoting the inferiority of the Negro groups. A sense of inferiority affects the motivation of a child to learn.” Therefore, he noted, “whatever may have been the extent of psychological knowledge at the time of Plessy v. Ferguson, this finding is amply supported by modern authority. Any language in Plessy v. Ferguson contrary to this finding is rejected. We conclude that in the field of public education the doctrine of ‘separate but equal’ has no place. Separate educational facilities are inherently unequal.” The Brown decision prohibited segregation in all states, and a separate opinion also ruled it unconstitutional in the District of Columbia.

No one will ever know what the decision might have been had Chief Justice Vinson lived. But as Milton R. Konvitz has written, the decisions of the Vinson court in 1950 in the Sweatt, McLaurin, and
Henderson cases "put the explosives under the Plessy decision" and laid the basis for the Brown opinion. And all of the decisions, he contended, were made possible through the activities of the NAACP, numerous other civil-rights organizations, and, "most important of all, the United States, represented by the Solicitor General and the Department of Justice."\(^{93}\)

The Brown decision of 1954 was indeed a fitting climax to the egalitarian thrust of the Truman administration and a worthy tribute to those who assisted, and occasionally prodded, the president and his successor in their attempts to eradicate injustice in America. As a columnist for the Chicago Defender noted shortly before the court convened in December 1952: "The high court will not decide the school segregation issue before Mr. Truman says his goodbyes at the White House. But whatever the outcome, it will be remembered as the president's final courageous official blow to strengthen democracy at home and peace in the world."\(^{94}\)

Yet if the Brown decision was an end, it was also a beginning. Although some civil-rights advocates permitted the euphoria of the moment to blind them to the problems of the future, others were acutely aware of what was ahead. In an editorial in February 1953 the Journal and Guide correctly predicted the end of legalized segregation in American life. But the editor also reminded his readers of the years of discrimination in which residential lines "have been drawn almost as tightly as precinct or county boundaries. Removing the discriminatory school segregation statutes will not scramble the population. The school populations will remain geographically situated within the boundaries that have been painstakingly established by segregation laws and practices during the past 85 years. The process of change in this area of race relations will be painfully slow."\(^{95}\) It would also be "painfully slow" in other areas as well, although at this point the Eisenhower administration clearly had the initiative. Unfortunately for America, it rarely chose to pursue it.