

December 1, 1953

PERSONAL AND CONFIDENTIAL



Dear Governor:

I have put considerable thought and study on the problems involved in the school segregation cases. As you know, I am interested primarily in progress; it has been my fervent hope that some solution would be found to this problem which would progressively work toward the goals established by abstract principle, but which would not, at the same time, cause such disruption and mental anguish among great portions of our population that progress would actually be reversed. Consequently, your personal views have meant much to me. I appreciate your intimate study and knowledge of the problem and count you among my warm personal friends. More than this, I recognize that there are very serious problems that you have to face -- regardless of the exact character of the court decisions in the pending cases. By this I mean that the task of establishing "equal but separate" facilities will involve, I am told, extraordinary expenditures throughout all the southern states. Incidentally, I sometimes wonder just what officials of government would be charged with the responsibility for determining when facilities were exactly equal.

In the study of the case, it became clear to me that the questions asked of the Attorney General by the Supreme Court demanded answers that could be determined only by lawyers and historians. Consequently, I have been compelled to turn over to the Attorney General and his associates full responsibility in the matter. He and I agreed that his brief would reflect the convictions of the Department of Justice as to the legal aspects of the case, including, of course, the legislative history of the enactment of the 14th Amendment. In rendering an opinion as to these phases of the case, it is clear that the Attorney General had to act according to his own conviction and understanding.

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We further agreed that no political consideration of any kind was to be given any weight whatsoever -- and that, no matter what his legal conclusions might be, the principle of local operation and authority would be emphasized to the maximum degree consistent with his legal opinions.

Two or three court decisions of recent years have, as you know, tended to becloud the original decision of "equal but separate" facilities. One of these decisions, I am told, even held that a Negro in graduate school attending exactly the same classes as whites, but separated from them by some kind of railing, was held to be the victim of discrimination and could not be so separated from the white students. This and other decisions had all, of course, to be considered by the Attorney General and his staff. But I am sure that you have no doubt as to the complete integrity and broad capacity of the Attorney General -- even if in this case I suspect you may question his legal wisdom.

In any event, I appreciate your letter and the trouble you are taking to keep me informed as to your views. Whatever the outcome, I hope most fervently that all of us may work together so as to insure the steadiness of progress toward justice for all in the United States.

With warm personal regard,

Sincerely,

The Honorable James F. Byrnes
Governor of South Carolina
Columbia, South Carolina

cc: Attorney General
General Carroll

Handwritten notes in bottom left corner:
D. F. Campbell
C. F. Carroll
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Lynch