

March 25, 1953

MEMORANDUM FOR THE SECRETARY OF DEFENSE

SUBJECT: Segregation in Schools on Army Posts
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At my request, following last week's news conference a memorandum addressed to my Press Secretary has been received from the Secretary of the Army relative to the above subject.

(1) It states that by the opening of the school term next Fall all schools operated by the Army under provisions of Section 6 of Public Law 874 will be on a completely integrated basis. Consequently, the process of integration is almost completed, but in any event will be concluded prior to the opening of the schools next September.

(2) The memorandum likewise discusses the operation of schools by state authorities on Federally-owned property under the provisions of Section 3 of Public Law 874. Since these schools are operated with State funds but on Federal property and in Federally-owned buildings, complicating factors are present.

The Secretary of the Army's memorandum indicates that the Army commanders are in the process of making a survey relative to this question designed to bring about agreement with local authorities for integrating the schools. If such integration is not achieved, other arrangements in these instances will be considered.

signed

DWIGHT D. EISENHOWER



DEPARTMENT OF THE ARMY
WASHINGTON 25, D. C.

MAR 20 1953

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IN REPLY REFER TO:

MEMORANDUM FOR: MR. JAMES C. HAGERTY

SUBJECT: Segregation in Army Schools

1. In response to the question concerning dependent education on Army posts in Virginia, Oklahoma and Texas, posed by Alice Dunnigan of the Associated Negro Press at the President's Press Conference of 19 March, the current status of this problem is as follows.

2. At present there are two types of dependent schools operated on Army Posts in the continental United States where segregation is practiced:

a. The first is that operated by the Army with funds provided by the Commissioner of Education under the provisions of Section 6 of P.L. 874. The only school of this type is at Fort Benning, Georgia, which at the request of local civilian authorities has been operated on a segregated basis. Arrangements have been made recently to operate this school on a completely integrated basis commencing next fall.

b. The second type is that referred to by Alice Dunnigan, operated by State authorities on military reservations under the provisions of Section 3 of P.L. 874. These schools necessarily operate under the applicable local state laws, which in the instances cited provide for segregated schooling. Any change in this system must be negotiated by local commanders with local authorities; where integration cannot be arranged through such negotiation, the assistance of the Commission of Education must be solicited under the provisions of Section 6, P.L. 874. This section authorizes the Commissioner of Education to make arrangements for providing free public education for children living on Federal property when and only when "no tax revenues of the state or any political subdivision thereof may be expended for the free public education of such children; or if it is the judgment of the Commissioner, after he has consulted with the appropriate state educational agency, that no local educational agency is able to provide suitable free public education for such children." This could mean that, in order to provide integrated schools, the federal government would have to duplicate existing school facilities.

3. This situation has been discussed on several occasions in detail among former Assistant Secretary of Defense Rosenberg, Commissioner of Education McGrath, former Assistant Secretary of the Army

SUBJECT: Segregation in Army Schools

*Rpt to Defense.
problem studied under the same*

Korth, and representatives of the National Association for the Advancement of Colored People. Arising from these discussions, steps have been taken to have Army commanders survey the problem to determine whether suitable arrangements can be made with local authorities for integrated schooling. As soon as this situation is clarified, the Department of the Army will consider initiating appropriate action to the Commissioner of Education for his assistance.

4. It must be pointed out that should the Department of the Army prod the Commissioner of Education to set up duplicate facilities at our posts in Virginia, Oklahoma and Texas which now operate segregated schools, at least two problems arising from this action can be foreseen:

a. By declaring that existing facilities are not "suitable" and building new ones for no reason other than to eliminate segregation, the federal government could be attacked in the press and Congress, particularly by the Southern States' representatives, for needlessly spending public funds.

b. Even though the federal government can build new facilities and can provide the students, the government has no way of compelling nor can it counter a possible move of the state involved to refuse to grant teaching certificates to the instructors required to operate such schools. Since in a majority of cases high schools are operated off post, this could well lead to the state school system refusing to accept into its segregated high school (over which the Army, of course, has no control) those graduates of our integrated schools.

5. No funds are expended from the Army Budget for Dependent Education in the continental United States.

Robert T. Stevens
Robert T. Stevens
Secretary of the Army

EXECUTIVE OFFICE OF THE PRESIDENT

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MAR 25 1954

WASHINGTON 25, D. C.

CENTRAL FILES

MAR 20 1953

*process almost
completed*

MEMORANDUM FOR MR. SHANLEY

Subject: Segregation issues involved in temporary extension of
Public Law 874, 81st Congress

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XOF102-g

Public Law 874, 81st Congress, expiring June 30, 1954, authorizes payments to the States and local school districts to aid in meeting operating and maintenance costs of schools in areas where the children of Federal employees have caused substantial increases in attendance. Schools for which Federal payments may be made are: (1) those located on non-Federal property and operated by State and local authorities; (2) those located on Federal property and operated by Federal agencies; (3) those located on Federal property but operated by local authorities.

(1) Schools located on non-Federal property and operated by State and local authorities are segregated or non-segregated as the State law prescribes. No authority exists to require such schools to be non-segregated.

(2) Existing law contains administrative discretion as to whether schools located on Federal property and operated by Federal agencies, should be segregated. The policy is now non-segregation and, Federal Security Agency staff advises that, except for two schools, they are all non-segregated.* Federal Security Agency's staff advises that in one of these two the negro parents have requested a continuation of segregation and that in the other the residences of the pupils make segregation logical. President Truman's veto of H. R. 5411, 82nd Congress, a bill to extend both Public Law 815 (aid for construction) and Public Law 874, was based on the ground that the bill would have required, by law, a number of these federally operated schools on Federal property which were operating successfully on an integrated basis, to be segregated.

(3) Present law also contains discretion as to whether locally operated schools on Federal property should be segregated. The policy now is that they are segregated or non-segregated depending on State laws for regular State and local schools.

* Fort Benning & Fort Campbell. Both are in process of becoming non-segregated & probably will be by September 1955

Federal Security Agency's proposed extension of Public Law 874 to June 30, 1956, would continue the present situation with respect to segregation in all three types of schools.

It is not clear to this office, from the statements President Eisenhower has heretofore made respecting segregation and respecting discrimination in Federal programs, what action, if any, the President desires to take on the two segregation issues involved in the extension of Public Law 874.

(1) Does the President wish that the proposed temporary extension of Public Law 874 provide for stopping Federal payments to all schools which are operated on a segregated basis?

No.

(2) If not, does he wish to stop payments to segregated schools on Federal property. This could be done either by amending the draft bill or action by the President to require the exercise of administrative discretion under existing language.

With respect to the first question, it should be made clear that if non-segregation is a requirement of Federal aid to regular local schools, the segregated local schools would, of course, stop receiving aid and the program would be crippled since a large number of the federally affected areas are in the southern States, which need the aid most. Furthermore, if this were done, similar action would seem appropriate on other school aid programs such as vocational education and school lunch grants as well as, generally, on all Federal grants-in-aid. In making this decision, the merits of non-segregation in federally-aided programs should be weighed against the possible disruption of these programs. The forthcoming Supreme Court decision on the school segregation cases will have a bearing on the segregation issue in many Federal aid programs.

*In constitution
of name*

With respect to the second question, there are now some 18 schools located on Federal property but operated by local school districts on a segregated basis. These are mainly on Army bases. If the law were amended or if administrative discretion were exercised to prohibit segregation in these schools, the local authorities, in segregated States, would be forced to discontinue participation in their operation. The Commissioner of Education would then be required to provide for the Federal operation of the schools without the State and local financial contributions now being made. Federal Security Agency's staff estimates roughly that the increased cost of operation, due largely to the withdrawal of these State and local

contributions, would be \$1,000,000 a year. In addition, FSA staff thinks it is possible that some additional construction aid might be necessary. This, of course, would have to be provided under new legislation such as an extension of the expiring construction aid law (Public Law 815) but it would not exceed one-half million dollars in total, if needed at all.

The report of the President's press conference of March 19, suggests that he might favor measures to end segregation in all those cases where the schools are on Government property. Whether or not this inference is correct, advice on the above questions is necessary to complete Bureau action on the Federal Security Agency draft bill amending Public Law 874.

Reges D. Jones
Assistant Director for
Legislative Reference

X OF 72-B

P.S. Exactly the same issues are to be faced in the extension of P. L. 815 on school construction, the text of which reached us last night. The urgency of an answer grows out of the President's instruction to Mrs. Hobbs to send both bills to Congress before the Easter recess.

Truf

Ike Orders Probe of Segregated Schools At Fort Belvoir and Other Posts in South

By Jeanne Rogers
Post Reporter

President Eisenhower yesterday said he would look into the maintenance by the Federal Government of segregated schools on military posts at Fort Belvoir, Va., and elsewhere in the South.

The segregation question was raised during the President's news conference by a reporter of the Associated Negro Press. She said the Army is operating several schools on encampments which bar Negro children.

"In line with your announced policy of eliminating segregation in the Armed Services," Alice Dunnigan said, "I wonder if anything has been done to correct that situation?"

Mr. Eisenhower replied he would look the matter up. The President added he didn't see how any American could justify discrimination in the expendi-

ture of Federal funds on legal, logical or moral grounds.

For several years families of Negro GIs have complained to various Senators and Representatives about the school discrimination on military reservations.

Last January 10, Senator Hubert H. Humphrey (D-Minn.), asked Anna M. Rosenberg, former Assistant Secretary of Defense, and Earl J. McGrath, Commissioner of Education, to clarify their positions on the subject of school segregation on installations at Fort Sam Houston, Texas; Fort Bliss, Texas; Fort Sill, Okla., and Fort Belvoir, Va.

Humphrey, a member of the Senate Labor and Public Welfare Committee, said that in his judgment, the practice is a violation of Federal policy.

Mrs. Rosenberg referred her query from Humphrey to Commissioner McGrath. She

that segregated schools on the bases cited "do not result from a decision or discretion of the Department of Defense." She reminded that McGrath picks out the educational agencies which could provide suitable free public education on the posts in accordance with the law which grants Federal funds for this purpose.

"It is our feeling that this practice is unsatisfactory and is violative not only of the policy of the Department of Defense but also contravenes the policy set forth by the President," Mrs. Rosenberg wrote.

In clarifying the position of the United States Office of Education, McGrath said, under law, the office has no authority over education in the states.

At Fort Belvoir, the Federal County school system