

Reframing The "Master Narrative": A Simulation of The 1946-1947 President's Committee on Civil Rights

AUTHOR: Aditi Doshi, Van Nuys High School, Van Nuys, California

GUIDING QUESTION: During the Civil Rights Movement of the 1930s and 1940s, which rights did African Americans seek to gain, and how did they compel the United States government to secure these rights?

> OVERVIEW

In this lesson, students will integrate perspectives from various components of the Civil Rights Movement from the 1930s and 1940s and "testify" before President Harry S. Truman's 1946 President's Committee on Civil Rights.

> OBJECTIVES

At the conclusion of this activity, students will be able to

- > Identify the long Civil Rights Movement as a continuum of Black protest, with a focus on the 1930s and 1940s;
- > Research and represent individuals and organizations involved in civil rights activities during the 1930s and 1940s; and
- > Evaluate how the United States government could have more effectively taken responsibility for protecting the civil rights of African Americans in the 1930s and 1940s.

> STANDARDS CONNECTIONS

CONNECTIONS TO COMMON CORE

- > CCSS.ELA-Literacy.RH.11-12.7 Integrate and evaluate multiple sources of information presented in diverse formats and media (e.g., visually, quantitatively, as well as in words) in order to address a question or solve a problem.
- > CCSS.ELA-Literacy.WH.11-12.1 Write arguments focused on discipline-specific content.
- > CCSS.ELA-Literacy.SL.11-12.4 Present information, findings, and supporting evidence, conveying a clear and distinct perspective, such that listeners can follow the line of reasoning, alternative or opposing perspectives are addressed, and the organization, development, substance, and style are appropriate to purpose, audience, and a range of formal and informal tasks.

CONNECTIONS TO C3 FRAMEWORK

- › D2.His.4.9-12. Analyze complex and interacting factors that influenced the perspectives of people during different historical eras.
- › D2.His.16.9-12. Integrate evidence from multiple relevant historical sources and interpretations into a reasoned argument about the past.

› DOCUMENTS USED

PRIMARY SOURCES

Brochure, *Committee for Equal Justice for Mrs. Recy Taylor, A Story of Unequal Justice: The Woman Next Door . . .*, c. 1945

Library of Congress (018.00.01)

<https://www.loc.gov/exhibitions/rosa-parks-in-her-own-words/about-this-exhibition/early-life-and-activism/committee-for-equal-justice-for-mrs-recy-taylor>

Harry S. Truman, Executive Order 9808, December 5, 1946

Harry S. Truman Presidential Library and Museum

<https://www.trumanlibrary.gov/library/executive-orders/9808/executive-order-9808>

National Urban League, “Civil Liberties Implications of the Employment, Housing, and Social Adjustment Problems of Minorities,” April 1, 1947 (excerpt)

National Archives and Records Administration (NAID 239790436)

<https://catalog.archives.gov/id/239790436>

Newspaper article¹, “Segregated Regional College Doomed by McCready Decision”

Miami Times [Miami, Florida], April 29, 1950

<https://chroniclingamerica.loc.gov/lccn/sn83004231/1950-04-29/ed-1/seq-15/>

Oral history interview, Frances Mary Albrier, “We Decided to Picket” [2:41]

The Smithsonian National Museum of African American History and Culture

<https://youtu.be/kJ9vTwM2A3I>

Supreme Court decision, *Pearson v. Murray*, 1936 (excerpt)

BlackPast

<https://www.blackpast.org/african-american-history/raymond-pearson-v-donald-g-murray-1936/>

SECONDARY SOURCES

Article, “Harry S Truman and Civil Rights”

National Park Service

<https://www.nps.gov/articles/000/harry-s-truman-and-civil-rights.htm>

Audio story, Michel Martin, “Hidden Pattern of Rape Helped Stir Civil Rights Movement,” February 28, 2011

National Public Radio

<http://www.npr.org/templates/story/story.php?storyId=134131369>

Mary-Elizabeth B. Murphy, “African Americans in the Great Depression and New Deal,” 2020

Oxford Research Encyclopedia of American History

<https://doi.org/10.1093/acrefore/9780199329175.013.632>

¹ The article immediately next to this article in the newspaper contains a graphic story of a police brutality against three African American men. Please preview before deciding to share the link with students. The student handout does not contain the web address.

Theme Study, *Civil Rights in America: Racial Discrimination in Housing*, March 2021 (excerpt)
National Park Service
https://www.nps.gov/subjects/nationalhistoriclandmarks/upload/Civil_Rights_Housing_NHL_Theme_Study_revisedfinal.pdf

Video, “Historical Context: The Long Road to Civil Rights,” 2024 [9:15]
National History Day
https://www.youtube.com/watch?v=H-auo4bah_A

➤ TEACHER-CREATED MATERIALS

- Group Simulation Instructions
 - » Members of the President’s Committee on Civil Rights
 - » The “Don’t Buy” Movement
 - » Fair Housing
 - » Sexual Violence
 - » Desegregation of Higher Education before *Brown v. Board of Education*
- Simulation Notes
- Formal Written Statement Assessment

➤ ACTIVITY PREPARATION

- Arrange the classroom for group work.
- Organize students into five groups.
- Make one copy of the Group Simulation Instructions for each student group member. Students receive only the materials for their assigned group.
- Preview all materials for appropriateness for your students.

➤ PROCEDURE

ACTIVITY ONE: INTRODUCTION (15 MINUTES)

- Introduce the focus question to students: *During the Civil Rights Movement of the 1930s and 1940s, which rights did African Americans seek to gain, and how did they compel the United States government to secure these rights?* Remind students that the fight for civil rights stretched back to the colonial era and a more accurate account of the Civil Rights Movement needs to include the important stories of students, preachers, working people, activists, and intellectuals who challenged Jim Crow segregation in the American South in the 1930s and 1940s.

Teacher Notes:

- ▶ Read the articles “African Americans: Pursuit of Equality” and “Expanding Inclusivity Through Constitutional Change” in this resource to help set the lesson in the context of modern scholarship.
- ▶ Remind students that historical simulations help us understand ideas and perspectives from the past more deeply. During the simulation, students should avoid any participation that is disrespectful and may detract from that goal.
- ▶ When conducting this lesson, take time to teach your students how to use proper terminology (Black migrants, African American laborers) and not to use collective terms (like “Blacks”) to describe a group of people based solely on their race. Read the article “What’s in a Word? Being Thoughtful about Terminology in Historical Writing” in this resource for additional support.

- › Show the video, “Historical Context: The Long Road to Civil Rights” [9:15]. Lead a class discussion:
 - » *What is the long Civil Rights Movement?*
 - » *What rights did African Americans seek to gain?*
 - » *What strategies and tactics did activists deploy?*
 - » *What is the master narrative of the Civil Rights Movement? In what ways does this resource challenge that narrative?*
- › Record student responses for the follow-up discussion.

ACTIVITY TWO: SIMULATION PREPARATION (30 MINUTES)

- › Explain that students will re-create the Truman administration’s 1946–1947 President’s Committee on Civil Rights. They will represent groups of civil rights activists from the 1930s and 1940s and members of the committee itself.
 - » **Teacher Tip:** Remind students that when simulating people from the past, they should be respectful of those people, sharing their ideas and perspectives but avoiding the tendency to imitate or otherwise act disrespectfully.
- › Assign each student group a simulation role and distribute the appropriate Group Simulation Instructions:
 - » Members of the President’s Committee on Civil Rights
 - » The “Don’t Buy” Movement
 - » Fair Housing
 - » Sexual Violence
 - » Desegregation of Higher Education before *Brown v. Board of Education*
- › Ask students to prepare for their role in the simulation by reading their assigned sources and preparing oral testimony that answers the focus question for their group. Members of the President’s Committee on Civil Rights should prepare an opening statement summarizing the purpose of the Committee.

ACTIVITY THREE: SIMULATION (45 MINUTES)

- › Arrange the room in a panel setting so that each group faces the members of the President’s Committee on Civil Rights.
- › Distribute the Simulation Notes handout to all students.
- › Recreate the 1946–1947 President’s Committee on Civil Rights.
 - » Allow members of the President’s Committee on Civil Rights to deliver their opening statement. Next, they should ask each group to present their testimony.
 - » Following each group’s testimony, members of the President’s Committee will follow up with two or three clarifying and probing questions. For example, Committee members may ask each group how the different branches of the federal government can best use their respective powers to protect all Americans’ civil rights. Each group should receive five or six minutes to present testimony and answer questions.
- › Encourage students to use the Simulation Notes handout and record the main points raised by each group.

- › Ask the members of the President's Committee on Civil Rights to prepare and deliver a closing statement. The closing statement should summarize the Committee's initial findings and next steps on the focus question: *How should the United States government more effectively take responsibility for protecting the civil rights of African Americans?*

ASSESSMENT OPTIONS

- › Assign the Formal Written Statement Assessment.
- › Assign students to research connections between the Civil Rights Movement of the 1930s and 1940s and the later phase of the movement.



Students interested in this topic might be interested in researching the following for an NHD project:

- ▶ **Housewives League of Detroit (1930s)**
- ▶ **Recy Taylor (1919–2017) and Betty Jean Owens (1940–)**
- ▶ **Executive Order 9981 (1948)**
- ▶ ***Shelley v. Kraemer* (1948)**
- ▶ ***Davis v. County School Board of Prince Edward County* (1954)**

To access a PDF containing all of the sources and materials to complete this lesson plan, go to nhd.org/inclusivehistory.

MEMBERS OF THE PRESIDENT'S COMMITTEE ON CIVIL RIGHTS

GROUP SIMULATION INSTRUCTIONS

Focus Question: How should the United States government more effectively take responsibility for protecting the civil rights of African Americans?

In 1946, President Harry S. Truman created the President's Committee on Civil Rights. His instructions to the committee stated, "I want our Bill of Rights implemented in fact as well as on paper . . . there are certain rights under the Constitution of the United States which I think the Federal Government has a right to protect, and I want to find out just how far we can go." He charged the committee to "make recommendations with respect to the adoption or establishment, by legislation or otherwise, of more adequate and effective means and procedures for the protection of the civil rights of the people of the United States."¹

Today, you will lead a simulation of the 1946–1947 President's Committee on Civil Rights and gain a better understanding of Black activism during the long Civil Rights Movement of the 1930s and 1940s.

Directions:

- ▶ Read the secondary and primary sources attached below.
- ▶ Prepare and deliver an opening statement summarizing the purpose of the Committee. Remember that President Truman has tasked you with collecting evidence and making recommendations to protect all Americans' civil rights. Your opening statement should be a minimum of eight sentences long.
- ▶ Prepare clarifying questions for the following groups who will testify before the Committee. You should prepare three or four questions for each group, and your questions may be general or specific to a group.
 - ▶ "Don't Buy" Movement
 - ▶ Fair Housing
 - ▶ Sexual Violence
 - ▶ School Desegregation before *Brown v. Board of Education*
- ▶ Following all groups' testimony, prepare and deliver a closing statement. The closing statement should summarize the Committee's initial findings and next steps in response to the focus question.
- ▶ All group members must participate in the oral delivery of the opening statement, the delivery of the closing statement, and/or by asking questions.

¹ Quoted in William E. Luechtenburg, *The White House Looks South: Franklin D. Roosevelt, Harry S. Truman, Lyndon B. Johnson* (Baton Rouge: LSU Press, 2005), 166.

MEMBERS OF THE PRESIDENT'S COMMITTEE ON CIVIL RIGHTS (CONT.)

Secondary Source:

Article, "Harry S. Truman and Civil Rights"

National Park Service

<https://www.nps.gov/articles/000/harry-s-truman-and-civil-rights.htm>

Primary Source:

Harry S. Truman, Executive Order 9808, December 5, 1946

Harry S. Truman Presidential Library and Museum

<https://www.trumanlibrary.gov/library/executive-orders/9808/executive-order-9808>

EXECUTIVE ORDER 9808

ESTABLISHING THE PRESIDENT'S COMMITTEE ON CIVIL RIGHTS

WHEREAS the preservation of civil rights guaranteed by the Constitution is essential to domestic tranquility, national security, the general welfare, and the continued existence of our free institutions; and

WHEREAS the action of individuals who take the law into their own hands and inflict summary punishment and wreak personal vengeance is subversive of our democratic system of law enforcement and public criminal justice, and gravely threatens our form of government; and

WHEREAS it is essential that all possible steps be taken to safeguard our civil rights;

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States by the Constitution and the statutes of the United States, it is hereby ordered as follows:

1. There is hereby created a committee to be known as the President's Committee on Civil Rights, which shall be composed of the following-named members, who shall serve without compensation:

Mr. Charles E. Wilson, Chairman; Mrs. Sadie T. Alexander; Mr. James B. Carey; Mr. John S. Dickey; Mr. Morris L. Ernst; Rabbi Roland G. Gittelsohn; Dr. Frank P. Graham; the Most Reverend Francis J. Haas; Mr. Charles Luckman; Mr. Francis P. Matthews; Mr. Franklin D. Roosevelt, Jr.; The Right Reverend Henry Knox Sherrill; Mr. Boris Shishkin; Mrs. M. E. Tilley; Mr. Channing H. Tobias.

2. The Committee is authorized on behalf of the President to inquire into and to determine whether and in what respect current law-enforcement measures and the authority and means possessed by Federal, State, and local governments may be strengthened and improved to safeguard the civil rights of the people.

3. All executive departments and agencies of the Federal Government are authorized and directed to cooperate with the Committee in its work, and to furnish the Committee such information or services of such persons as the Committee may require in the performance of its duties.

4. When requested by the Committee to do so, persons employed in any of the executive departments and agencies of the Federal Government shall testify before the Committee and shall make available for the use of the Committee such documents and other information as the Committee may require.

5. The Committee shall make a report of its studies to the President in writing, and shall in particular make recommendations with respect to the adoption or establishment, by legislation or otherwise, of more adequate and effective means and procedures for the protection of the civil rights of the people of the United States.

6. Upon rendition of its report to the President, the Committee shall cease to exist, unless otherwise determined by further Executive order.

HARRY S. TRUMAN.

THE WHITE HOUSE,

“DON’T BUY” MOVEMENT

GROUP SIMULATION INSTRUCTIONS

Focus Question: How should the United States government more effectively take responsibility for protecting the civil rights of African Americans?

In 1946, President Harry S. Truman created the President’s Committee on Civil Rights. His instructions to the committee stated, “I want our Bill of Rights implemented in fact as well as on paper . . . there are certain rights under the Constitution of the United States which I think the Federal Government has a right to protect, and I want to find out just how far we can go.” He charged the committee to “make recommendations with respect to the adoption or establishment, by legislation or otherwise, of more adequate and effective means and procedures for the protection of the civil rights of the people of the United States.”¹

Today, you will participate in a simulation of the 1946–1947 President’s Committee on Civil Rights and gain a better understanding of Black activism during the long Civil Rights Movement of the 1930s and 1940s.

Directions:

- ▶ Read and watch the secondary and primary sources linked below.
- ▶ Prepare and deliver testimony presenting your group’s perspective and answer to the focus question. Remember that you are attempting to convince the Truman administration to use the power of the federal government and take action. Your testimony should be a minimum of ten sentences long.
- ▶ Brainstorm potential questions that the Committee members may ask your group. Brainstorm how you will respond to these questions.
- ▶ All group members must participate in the oral delivery of the opening statement, the delivery of the closing statement, and/or by asking questions.

Secondary Source:

Mary-Elizabeth B. Murphy, “African Americans in the Great Depression and New Deal,” 2020 *Oxford Research Encyclopedia of American History*

<https://doi.org/10.1093/acrefore/9780199329175.013.632>

Note: Focus on the section titled “Militant Black Protest Politics in the 1930s.”

Primary Source:

Oral history interview, Frances Mary Albrier, “We Decided to Picket” [2:41]

National Museum of African American History and Culture

<https://youtu.be/kJ9vTwM2A3I>

¹ Quoted in William E. Luechtenburg, *The White House Looks South: Franklin D. Roosevelt, Harry S. Truman, Lyndon B. Johnson* (Baton Rouge: LSU Press, 2005), 166.

FAIR HOUSING

GROUP SIMULATION INSTRUCTIONS

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Secondary Source:

Theme Study, *Civil Rights in America: Racial Discrimination in Housing*, March 2021 (excerpt)
National Park Service

https://www.nps.gov/subjects/nationalhistoriclandmarks/upload/Civil_Rights_Housing_NHL_Theme_Study_revisedfinal.pdf

Primary Source:

National Urban League, “Civil Liberties Implications of the Employment, Housing, and Social Adjustment Problems of Minorities,” April 1, 1947

National Archives and Records Administration (NAID: 239790436)

<https://catalog.archives.gov/id/239790436>

¹ Quoted in William E. Luechtenburg, *The White House Looks South: Franklin D. Roosevelt, Harry S. Truman, Lyndon B. Johnson* (Baton Rouge: LSU Press, 2005), 166.

FAIR HOUSING (CONT.)

Theme Study, *Civil Rights in America: Racial Discrimination in Housing*, March 2021 (excerpt)
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THE FAIR-HOUSING MOVEMENT AND WHITE BACKLASH DURING THE CIVIL RIGHTS ERA

The NAACP Campaign against Restrictive Racial Covenants

In 1937, Carl Hansberry purchased an apartment building in an all-white Chicago neighborhood in violation of a restrictive racial covenant drawn up by members of the Woodlawn Property Owners Association. Neighbors threw rocks through his window, directed his family to leave, and then filed a lawsuit to enforce the covenant banning property “sold, leased to or permitted to be occupied by any person of the colored race.” In 1939, the Supreme Court of Illinois affirmed a circuit court judgment “declaring the conveyance to Hansberry and wife void and ordering them to remove from the premises, and holding the restrictive agreement valid and in full force and effect.” The NAACP appealed to the US Supreme Court, part of a renewed effort to challenge the constitutionality of racial covenants previously upheld in *Corrigan v. Buckley* (1926). The Supreme Court ruled in Hansberry’s favor but left the *Corrigan* precedent intact by deciding the case on the technicality that barely half of the stipulated 95 percent of homeowners in the Woodlawn neighborhood had signed the agreement.¹⁵⁰ The Chicago episode later inspired Lorraine Hansberry, who was eight years old at the time of her family’s odyssey, to write the 1959 Broadway play *A Raisin in the Sun*, also released in a 1962 film version starring Sidney Poitier. Hansberry’s powerful indictment of White northern racism and her sensitive portrayal of Black family life captured the integrationist spirit of the early civil rights era with the message that African Americans also believed in the American Dream of a detached home in a single-family neighborhood.¹⁵¹

The civil rights challenge to restrictive racial covenants moved to the center of the fair-housing movement that gathered steam during the 1940s. Encouraged by powerful institutions such as the Federal Housing Administration and the NAREB, restrictive covenants governed an estimated three-fourths or more of postwar White-occupied housing in cities such as Los Angeles, Chicago, and Detroit.¹⁵² As in the 1920s, the NAACP led the legal battle to overturn racial covenants as a violation of the equal protection clause of the Fourteenth Amendment. In Los Angeles, the controversy played out in the 1946 “Sugar Hill case,” after prominent Black business leaders and famous actresses such as Hattie McDaniel and Louise Beavers purchased homes in the restricted West Adams neighborhood. White homeowners in the West Adams Heights Improvement Association filed a lawsuit to void the sales, but NAACP attorney Loren Miller convinced the California state courts to invalidate the restrictive covenant on technical grounds. The NAACP then sent Miller to Detroit, where he teamed up with Thurgood Marshall to work on the case of *McGhee v. Sipes*.¹⁵³ Orsel and Minnie McGhee, a middle-class Black couple, were already living in a White neighborhood in Northwest Detroit when the civic

¹⁵⁰ *Lee v. Hansberry*, 372 Ill. 369 (1939); *Hansberry v. Lee*, 311 U.S. 32 (1940); Meyer, *As Long as They Don’t Move Next Door*, 56–57.

¹⁵¹ Lorraine Hansberry, *A Raisin in the Sun: A Drama in Three Acts* (New York: S. French, 1959); *A Raisin in the Sun* (Columbia Pictures, 1961).

¹⁵² Klarman, *From Jim Crow to Civil Rights*, 261–64.

¹⁵³ Josh Sides, *L.A. City Limits: African American Los Angeles from the Great Depression to the Present* (Berkeley: University of California Press, 2003), 98–101. Also see Gibbons, *City of Segregation*, 41–72. In Michigan, the case started as *Sipes v. McGhee*, 316 Mich. 614 (1947).

FAIR HOUSING (CONT.)

Theme Study, *Civil Rights in America: Racial Discrimination in Housing*, March 2021 (excerpt)
National Park Service

https://www.nps.gov/subjects/nationalhistoriclandmarks/upload/Civil_Rights_Housing_NHL_Theme_Study_revisedfinal.pdf

association sued them in 1945 to enforce a covenant restricting occupancy to “the Caucasian race.” Under the authority of *Corrigan v. Buckley*, the Michigan state courts ordered the expulsion of the McGhees from their home. The NAACP appealed the verdict to the US Supreme Court as part of a flood of litigation designed to prove that judicial enforcement of restrictive covenants represented a public, not merely a private, form of racial discrimination.¹⁵⁴

The civil rights climate in national politics seemed advantageous in 1947, when the Supreme Court agreed to hear the consolidated appeals of four cases challenging the constitutionality of racial covenants. That year, the President’s Commission on Civil Rights called for the “elimination of segregation, based on race, color, creed, or national origin, from American life.” The commission appointed by Harry Truman condemned racial prejudice in the housing market and proclaimed that “equality of opportunity to rent or buy a home should exist for every American.” Its report, *To Secure These Rights*, labeled restrictive covenants the “chief weapon in the effort to keep Negroes from moving out of overcrowded quarters into white neighborhoods.” Because “the power of the state is thus utilized to bolster discriminatory practices,” the civil rights commission recommended legislative action and judicial intervention to ban racial covenants.¹⁵⁵ In anticipation of the report’s release, Truman delivered the first presidential address to an NAACP audience, assembled in front of the Lincoln Memorial. “There is no justifiable reason for discrimination because of ancestry, or religion, or race, or color,” Truman declared. “Every man should have the right to a decent home, the right to an education, the right to adequate medical care, the right to a worthwhile job.”¹⁵⁶ After lobbying by civil rights organizations, the Truman administration also filed an *amicus* brief urging the Supreme Court to outlaw racial covenants. The Department of Justice emphasized the negative Cold War repercussions of this blatant form of racial discrimination and acknowledged that restrictive covenants in federally funded developments placed “the stamp of government approval upon separate residential patterns.”¹⁵⁷

The US Supreme Court barred the judicial enforcement of restrictive racial covenants in the 1948 ruling of *Shelley v. Kraemer*. The lead case originated in St. Louis, after J. D. and Ethel Lee Shelley purchased a home covered by a neighborhood covenant prohibiting occupancy by “people of the Negro or Mongolian race,” and the White neighborhood association sued to evict them. The companion cases included the Detroit litigation in *McGhee v. Sipes* and two appeals from Washington, DC, involving Black families who also enlisted the NAACP to fight eviction litigation initiated by White homeowners. The *Shelley* opinion by Chief Justice Fred Vinson reaffirmed the constitutional distinction between public and private discrimination but expanded the scope of the state action doctrine to encompass “active intervention” by local and state courts

¹⁵⁴ Jeffrey Gonda, *Unjust Deeds: The Restrictive Covenant Cases and the Making of the Civil Rights Movement* (Chapel Hill: University of North Carolina Press, 2015), 37–45; Vose, *Caucasians Only*, 125–58.

¹⁵⁵ *To Secure these Rights: The Report of the President’s Commission on Civil Rights* (Washington: GPO, 1947), available at Harry S Truman Presidential Library & Museum, <https://www.trumanlibrary.gov>.

¹⁵⁶ “President Truman’s Address before the NAACP,” Truman Library Institute, <https://www.trumanlibrary.gov/library>.

¹⁵⁷ Gonda, *Unjust Deeds*, 157–173; Vose, *Caucasians Only*, 168–74, 191–93. On the civil rights impact of Cold War geopolitics, see Mary Dudziak, *Cold War Civil Rights: Race and the Image of American Democracy* (Princeton: Princeton University Press, 2000); Thomas Borstelmann, *The Cold War and the Color Line: American Race Relations in the Global Arena* (Cambridge: Harvard University Press, 2003).

FAIR HOUSING (CONT.)

Theme Study, *Civil Rights in America: Racial Discrimination in Housing*, March 2021 (excerpt)
National Park Service

https://www.nps.gov/subjects/nationalhistoriclandmarks/upload/Civil_Rights_Housing_NHL_Theme_Study_revisedfinal.pdf

to deprive the property rights of Black renters and homeowners on the basis of race. *Shelley* specified that the equal protection clause of the Fourteenth Amendment applied to “only such action as may fairly be said to be that of the States. That Amendment erects no shield against merely private conduct, however discriminatory or wrongful.” The Supreme Court concluded that the architects of the Fourteenth Amendment intended to guarantee “equality in the enjoyment of property rights...as an essential pre-condition to the realization of other basic civil rights and liberties.” The two companion cases from Washington, D.C., consolidated in *Hurd v. Hodge* (1948), extended the ban to the separate constitutional issue of enforcement of restrictive covenants by the federal courts. A subsequent 1953 decision, *Barrows v. Jackson*, held that White property owners could not sue for damages based on the violation of racial deed restrictions, closing a loophole left open by the *Shelley* reasoning.¹⁵⁸

Civil rights organizations and fair-housing activists initially celebrated the victory in *Shelley v. Kraemer* as a new dawn for racial equality and housing integration in the United States. In Los Angeles, a Black newspaper headlined its report: “California Negroes Can Now Live Anywhere!” In similar fashion, the African American press in Detroit proclaimed: “We Can Live Anywhere! This far-reaching decision means that a mortal blow has been struck at racial restrictions in homes, artificially created ghettos, . . . and countless other jim-crow manifestations made possible because of heretofore enforced segregation in home ownership.” The *Chicago Defender* praised the Supreme Court for ending “one of the ugliest developments in American history. . . . These covenants have been responsible for more human misery, more crime, more disease and violence than any other factor in our society. They have been used to build the biggest ghettos in history.” Walter White of the NAACP called the ruling an expansion of democracy but warned that the real estate industry and White homeowners associations would “attempt to find some other means of maintaining residential segregation.”¹⁵⁹ Indeed, numerous real estate groups responded by reiterating the NAREB mantra that the maintenance of property values required racial homogeneity in neighborhoods. For two years after *Shelley*, the Federal Housing Administration resisted pressure to discontinue mortgage loans to properties with racial covenants, until President Truman ordered a policy change that the agency then applied only to new deed restrictions. The FHA also rejected the NAACP’s request to “exclude all considerations predicated upon racial, religious, or national distinctions for the purpose of making commitments for insurance.” For two more decades, the federal government declined to require racial nondiscrimination as a condition of loans and mortgages and therefore continued to subsidize segregated housing developments, primarily in the booming suburbs.¹⁶⁰

¹⁵⁸ *Shelley v. Kraemer*, 334 U.S. 1 (1948); *Hurd v. Hodge*, 334 U.S. 24 (1948); *Barrows v. Jackson*, 346 U.S. 249 (1953); Vose, *Caucasians Only*, 100–21, 177–210, 230–46; Gonda, *Unjust Deeds*. On the St. Louis case, also see Gordon, *Mapping Decline*, 71–86. On patterns of housing segregation in Washington, D.C., also see Chris Myers Asch and George Derek Musgrove, *Chocolate City: A History of Race and Democracy in the Nation’s Capital* (Chapel Hill: University of North Carolina Press, 2017).

¹⁵⁹ Sides, *L.A. City Limits*, 100; Sugrue, *Origins of the Urban Crisis*, 181–82; Vose, *Caucasians Only*, 211–18.

¹⁶⁰ Abrams, *Forbidden Neighbors*, 222–24; Hirsch, “Choosing Segregation,” 212; Vose, *Caucasians Only*, 218–30. In 1949, Thurgood Marshall charged that “FHA is more interested in pointing out to prejudiced real estate interests ways and means of evading the clear intent of the Supreme Court decision . . . than in implementing an effective anti-discrimination policy.” In Hirsch, “‘Containment’ on the Home Front,” 165. Also see Gonda, *Unjust Deeds*, 194–218.

FAIR HOUSING (CONT.)

National Urban League, "Civil Liberties Implications of the Employment, Housing, and Social Adjustment Problems of Minorities," April 1, 1947

National Archives and Records Administration (NAID: 239790436)

<https://catalog.archives.gov/id/239790436>

-8-

The Right to a Home

The present national preoccupation with the problem of housing has highlighted the housing problems and needs of thousands of Negro families. It must be stated here that this problem is not new to most Negro families because the majority of them have long known the depressing and debasing effects of substandard housing.

The seriousness of the housing problem for Negroes and certain other minorities is graphically pointed out in the 1940 Census and other related data on this subject. These reports revealed that of the dwellings occupied by Negroes, 83 percent were in need of major repairs or had plumbing deficiencies, while 45 percent of those occupied by non-whites were substandard. Twenty-five percent of the urban housing Negroes occupy is overcrowded compared with 8.5 percent of that of whites. Owner-occupied dwellings were almost twice as numerous among whites as among Negroes, the percentage being 43 for whites and 24 for Negroes. The average value for homes owned by Negroes was reported to be \$1,108, while for whites it was \$3,181. In rental housing, 71 percent of Negro renters paid monthly rentals below \$20. The corresponding figure among white tenants was \$32. This, briefly, presents an over-all picture of the disparities in the housing conditions among a large proportion of the Negro population.

During the six-year period since the 1940 Census, several factors have further aggravated a situation that was already deplorable. almost a million Negroes have migrated from rural and semi-rural areas to urban communities. The overcrowded racial "ghettos" of the pre-war years have expanded very little to accommodate the steady stream of newcomers. The end result is that practically every important American city is now bulging with ill-housed Negro families whose condition is even more desperate than that of similarly-placed whites.

Beyond this meager statement of the facts regarding the housing problem of Negroes, it is important to examine the factors that are contributing to the perpetuation of undesirable patterns in housing. There is an unmistakable correlation between the low earning power of Negro families and their inability to acquire suitable housing. Further, the housing problems of low-income Negro families and other low-income families are essentially the same and are part of the total problem of providing adequate housing for the people of America. But, in addition to these understandable factors, the housing problem for Negroes is complicated and intensified by the application of restrictive policies and practices adopted by real estate interests and property owners in nearly every section of the nation. In a great measure, these policies and practices are sanctioned and supported by agencies of government, both at local and national levels.

FAIR HOUSING (CONT.)

National Urban League, "Civil Liberties Implications of the Employment, Housing, and Social Adjustment Problems of Minorities," April 1, 1947

National Archives and Records Administration (NAID: 239790436)

<https://catalog.archives.gov/id/239790436>

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The crux of the problem is the widely used practice of residential segregation based exclusively on race or nationality. Because of this practice, Negro home-seekers are denied equal access to decent housing regardless of their ability to pay for such housing. The ultimate result is reflected in the concentration of Negro families in congested and frequently neglected slum and blighted areas characteristic of many communities.

The methods employed in achieving this end vary from city to city. In some communities the establishment of racial colonies has become so widely accepted that the practice now has the status of unwritten law. In others, Negroes are prohibited from occupying properties located in so-called white neighborhoods by intimidation and threats of violence. But by far the most prevalent method currently used to prevent Negro occupancy is the restrictive covenant and neighborhood agreement. Through these devices, property owners agree not to sell or rent properties to Negro or other racial minorities for a definite period. Restrictive covenants, while clearly contrary to our democratic concepts, enjoy legal sanction, chiefly because they involve private property rights of the signers. Consequently, court opinions on the legality of such agreements have not provided a clear-cut legal basis for determining their constitutionality.

To further strengthen residential segregation through use of restrictive covenants, the Federal Housing Administration has adopted the policy of private property owners and private real estate financing institutions by advocating such covenants. Although the Federal Housing Administration has approved restrictive covenants under the pretense of protecting the value of mortgages insured by the agency, it is apparent that this policy has served not only to perpetuate existing racial "ghettos", but to create new ones. How the Federal Housing Administration has dealt with the subject is shown in the following excerpt from its Underwriters Manual (1938):

"Special Considerations in Rating Undeveloped Subdivisions and Other Sparsely Built Areas:

980 (1). Protection from Adverse Influences.

The Valuator should realize that the need for protection from adverse influences is greater in an undeveloped or partially developed area than in any other type of neighborhood. Generally a high rating should be given only where adequate and properly enforced zoning regulations exist or where effective restrictive covenants are recorded against the entire tract, since these provide the surest protection against undesirable encroachment and inharmonious use. To be most effective, deed restrictions should be imposed upon all land in the immediate environment of the subject location.

SEXUAL VIOLENCE

GROUP SIMULATION INSTRUCTIONS

Focus Question: How should the United States government more effectively take responsibility for protecting the civil rights of African Americans?

In 1946, President Harry S. Truman created the President's Committee on Civil Rights. His instructions to the committee stated, "I want our Bill of Rights implemented in fact as well as on paper . . . there are certain rights under the Constitution of the United States which I think the Federal Government has a right to protect, and I want to find out just how far we can go." He charged the committee to "make recommendations with respect to the adoption or establishment, by legislation or otherwise, of more adequate and effective means and procedures for the protection of the civil rights of the people of the United States."¹

Today, you will participate in a simulation of the 1946–1947 President's Committee on Civil Rights and gain a better understanding of Black activism during the long Civil Rights Movement of the 1930s and 1940s.

Directions:

- ▶ Read and listen to the secondary and primary sources linked below.
- ▶ Prepare and deliver testimony presenting your group's perspective and answer to the focus question. Remember that you are attempting to convince the Truman administration to use the power of the federal government and take action. Your testimony should be a minimum of ten sentences long.
- ▶ Brainstorm potential questions that the Committee members may ask your group. Brainstorm how you will respond to these questions.
- ▶ All group members must participate in the oral delivery of the opening statement, the delivery of the closing statement, and/or by asking questions.

Secondary Source:

Audio story, Michel Martin, "Hidden Pattern of Rape Helped Stir Civil Rights Movement," February 28, 2011 [14:00]

National Public Radio

<http://www.npr.org/templates/story/story.php?storyId=134131369>

Transcript available at: <https://www.npr.org/transcripts/134131369>

Primary Source:

Brochure, *Committee for Equal Justice for Mrs. Recy Taylor, A Story of Unequal Justice: The Woman Next Door*. . ., 1945

Library of Congress

<https://www.loc.gov/exhibitions/rosa-parks-in-her-own-words/about-this-exhibition/early-life-and-activism/committee-for-equal-justice-for-mrs-recy-taylor>

¹ Quoted in William E. Luechtenburg, *The White House Looks South: Franklin D. Roosevelt, Harry S. Truman, Lyndon B. Johnson* (Baton Rouge: LSU Press, 2005), 166.

SEXUAL VIOLENCE (CONT.)

Brochure, *Committee for Equal Justice for Mrs. Recy Taylor, A Story of Unequal Justice: The Woman Next Door. . .*, 1945

Library of Congress

<https://www.loc.gov/exhibitions/rosa-parks-in-her-own-words/about-this-exhibition/early-life-and-activism/committee-for-equal-justice-for-mrs-recy-taylor>



SEXUAL VIOLENCE (CONT.)

Brochure, *Committee for Equal Justice for Mrs. Recy Taylor, A Story of Unequal Justice: The Woman Next Door...*, 1945

Library of Congress

<https://www.loc.gov/exhibitions/rosa-parks-in-her-own-words/about-this-exhibition/early-life-and-activism/committee-for-equal-justice-for-mrs-recy-taylor>

A Woman You Don't Know...

Mrs. Recy Taylor doesn't actually live next door to you. She might have. She is like your neighbor and hundreds of other Americans. Twenty-four now, she grew up in the country, and then moved to town (not a big town, Abbeville is about 2,000). After a while she got married and had a baby. When little Joyce was old enough to be left with friends Mrs. Taylor worked in the daytime (for things must be better for the baby).

Nights she'd sew, perhaps, or sit on the porch talking with Will, her husband.

Her life was like that—until something happened.

Last September 3rd, Mrs. Taylor left her child with Will, and went to church with Mrs. Daniels, a friend, and Mrs. Daniels' son. After the services they started walking home through the moonlit night.

The Car Passed...

The walkers didn't pay much attention until it passed again, then they noticed the seven young men inside. When the car stopped beside them they drew together.

Mrs. Taylor was forced into the car at the point of a gun.

The Daniels, unable to find the Sheriff, found the Deputy, who started the hunt for the kidnappers. While he was at the home of Mrs. Taylor's father, Mrs. Taylor staggered in. She had been taken out into the country and criminally assaulted by six of the hoodlums. She gave the Deputy a description of the rapists and the car.

Confession

The car—and its driver—was found. The young man confessed, and is reported to have named the others.

Yet none of the rapists were detained in jail.

Mrs. Recy Taylor is a Negro

When Henry County's Grand Jury met on October 9th they refused to indict the rapists, in spite of the confession and the testimony of the Daniels and Mrs. Taylor.

But a new South has come into being. Forward-looking Southerners are fighting to wipe out the blot of unequal citizenship. It used to be said that in the South "A Negro has no rights a white man is bound to respect." There are sections where this is still true, such as the section of Alabama where Abbeville lies. Alabamans are refusing to allow this situation to continue. They asked for help in focusing national attention on the case. A Committee was formed, to make the facts and issues known. Alabama's governor was informed of the case. He assigned investigators to collect evidence. Again the confession.

Pressure's Result: A Special Grand Jury Meeting

The Governor asked the Grand Jury to meet again. Once more feudal attitudes prevailed. The twelve to six vote necessary for indictment was not obtained. But Alabamans are demanding justice. *The Birmingham News*, foremost Alabama daily, insists that Henry County bring the rapists to trial.

Equal Justice Can Be Won

1. Send letters, telegrams, resolutions to Gov. Chauncey M. Sparks, State Capitol, Montgomery, Alabama, commending his forthright stand. Urge him to use his powers as Chief Executive of the state to see that justice is done.

2. Send financial contributions to the Committee for Equal Justice for Mrs. Recy Taylor, Room 204, 112 East 19th St., New York 3, N. Y.

SEXUAL VIOLENCE (CONT.)

Brochure, *Committee for Equal Justice for Mrs. Recy Taylor, A Story of Unequal Justice: The Woman Next Door. . .*, 1945

Library of Congress

<https://www.loc.gov/exhibitions/rosa-parks-in-her-own-words/about-this-exhibition/early-life-and-activism/committee-for-equal-justice-for-mrs-recy-taylor>

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SCHOOL DESEGREGATION BEFORE *BROWN V. BOARD OF EDUCATION*

GROUP SIMULATION INSTRUCTIONS

Focus Question: How should the United States government more effectively take responsibility for protecting the civil rights of African Americans?

In 1946, President Harry S. Truman created the President’s Committee on Civil Rights. His instructions to the committee stated, “I want our Bill of Rights implemented in fact as well as on paper . . . there are certain rights under the Constitution of the United States which I think the Federal Government has a right to protect, and I want to find out just how far we can go.” He charged the committee to “make recommendations with respect to the adoption or establishment, by legislation or otherwise, of more adequate and effective means and procedures for the protection of the civil rights of the people of the United States.”¹

Today, you will participate in a simulation of the 1946–1947 President’s Committee on Civil Rights and gain a better understanding of Black activism during the long Civil Rights Movement of the 1930s and 1940s.

Directions:

- ▶ Read the secondary and primary sources attached below.
- ▶ Prepare and deliver testimony presenting your group’s perspective and answer to the focus question. Remember that you are attempting to convince the Truman administration to use the power of the federal government and take action. Your testimony should be a minimum of ten sentences long.
- ▶ Brainstorm potential questions that the Committee members may ask your group. Brainstorm how you will respond to these questions.
- ▶ All group members must participate in the oral delivery of the opening statement, the delivery of the closing statement, and/or by asking questions.

Secondary Source: Historical Context

In the 1930s, the NAACP began its campaign to end school segregation. While the 1954 *Brown v. Board* decision is the most well-known case, it was built on two decades of lawsuits and a carefully developed strategy that focused first on graduate and professional institutions. These schools were much more geographically spread out, making racial segregation a greater barrier to attendance. The first such case was *Pearson v. Murray* (1936). In 1934, Donald Murray, a Maryland resident, and recent Amherst College graduate, applied to the University of Maryland Law School and was rejected solely on the basis of his race.

¹ Quoted in William E. Luechtenburg, *The White House Looks South: Franklin D. Roosevelt, Harry S. Truman, Lyndon B. Johnson* (Baton Rouge: LSU Press, 2005), 166.

SCHOOL DESEGREGATION BEFORE *BROWN V. BOARD OF EDUCATION* (CONT.)

To circumvent laws mandating equal access, several states had provisions where Black students could receive scholarships equal to the extra tuition they would otherwise be charged at out-of-state schools. However, moving out of state remained a significant burden on many students. The NAACP argued that such scholarships did not make up for the costs of moving great distances, and therefore, rejection on the basis of race essentially made acquiring graduate degrees disproportionately more expensive. In the case of *Murray*, this strategy proved successful. The Supreme Court ruled unanimously that Murray could not be denied admission on racial grounds as an “equal” opportunity was not available to him elsewhere. The University of Maryland Law School became the first integrated law school in the United States, and these tactics were used repeatedly at higher education institutions, including the University of Missouri and the University of Oklahoma. They laid the groundwork necessary for *Brown v. Board*’s success.

Primary Source:

Supreme Court decision, *Pearson v. Murray*, 1936 (excerpt)

Black Past

<https://www.blackpast.org/african-american-history/raymond-pearson-v-donald-g-murray-1936/>

“ . . . The method of furnishing the equal facilities required is at the choice of the state, now or at any future time. At present it is maintaining only the one law school, and in the legislative provisions for the scholarships that one school has in effect been declared appropriated to the whites exclusively. . . . No separate school for colored students has been decided upon and only an inadequate substitute has been provided. Compliance with the Constitution cannot be deferred at the will of the state. Whatever system it adopts for legal education now must furnish equality of treatment now. . . . [T]he equal treatment can be furnished only in the one existing law school, the petitioner, in our opinion, must be admitted there.

“The court is clear that this rather slender chance for any one applicant at an opportunity to attend an outside law school, at increased expense, falls short of providing for students of the colored race facilities substantially equal to those furnished to the whites in the law school maintained in Baltimore. . . . in Maryland no officers or body of officers are authorized to establish a separate law school, there is no legislative declaration of a purpose to establish one, and the courts could not make the decision for the state and order its officers to establish one. Therefore the erection of a separate school is not here an available alternative remedy. . . .

The case, as we find it, then, is that the state has undertaken the function of education in the law, but has omitted students of one race from the only adequate provision made for it, and omitted them solely because of their color. If those students are to be offered equal treatment in the performance of the function, they must, at present, be admitted to the one school provided.”

SCHOOL DESEGREGATION BEFORE BROWN V. BOARD OF EDUCATION (CONT.)

Primary Source:

Newspaper article, "Segregated Regional College Doomed by McCready Decision"
Miami Times [Miami, Florida], April 29, 1950

Segregated Regional College Doomed By McCready Decision

New York — The decision of the Court of Appeals of Maryland upholding the right of Miss Esther McCready to admission to the University of Maryland School of Nursing clearly demonstrates that "the regional education compact cannot be used as an excuse for excluding qualified Negro students from existing educational facilities within a state," Thurgood Marshall, NAACP special counsel, said today in commenting on the court's unanimous decision.

The opinion handed down by the Court of Appeals on April 14 at Annapolis, reversed a decision of Chief Judge W. Conwell Smith of the Baltimore City Court. Judge Smith had held that the university could legally exclude Miss McCready through arranging for her training at the nursing school of Meharry Medical College in Nashville.

Judge Smith's decision, Mr. Marshall said, "inferentially upheld the regional compact as an instrument

MIAMI TIMES, MIAMI, FLORIDA

SATURDAY, APRIL 29, 1950 **PAGE FIFTEEN**

for exclusion of Negroes from state universities."

The Court of Appeals cited its decision of 1938, ordering the admission of Donald Murray to the University of Maryland Law School, and stated that the law "permits no distinction between the study of law and the study of nursing." It referred also to two other NAACP cases, the Gaines and Sipuel cases, in which the United States Supreme Court established the responsibility of a state to provide educational facilities for Negroes within its borders equal to and at the same time as facilities provided for White students.

Miss McCready applied for admission to the university on February 1, 1949. In August of that year the university, refusing to enroll her, offered to arrange for her matriculation at Meharry. She rejected this offer and took her case to the NAACP. Charles H. Houston of Washington, chairman of the Association's national legal committee assisted by Mr. Marshall and Donald Murray of Baltimore, plaintiff in the aforementioned case of 1938, represented her.

In the trial before Judge Smith, John E. Ivey, Jr., director of the Regional Council for Education, filed a brief pointing out that the regional compact was not intended to be used for the purpose of excluding Negroes from the only state facility offering the desired courses.

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SIMULATION NOTES

GROUP	SIMULATION NOTES
President's Committee members	
"Don't Buy" Movement	
Fair Housing	

SIMULATION NOTES (CONT.)

GROUP	SIMULATION NOTES
Sexual Violence	
Desegregation of Higher Education	

FORMAL WRITTEN STATEMENT ASSESSMENT

Focus Question: How should the United States government more effectively take responsibility for protecting the civil rights of African Americans?

Choose one of the following formal written statement options:

- ▶ Formal Written Testimony
- ▶ Formal Written Closing Statement

Formal Written Testimony

Based on one group's testimony during the simulation, write a formal written statement responding to the focus question. Your written statement may be written in the first or third person and should:

- ▶ Be approximately 500 words long;
- ▶ Be addressed to the President's Committee on Civil Rights;
- ▶ Incorporate specific evidence from the assigned secondary and primary sources; and
- ▶ Include a properly formatted bibliography.

Formal Written Closing Statement

Based on all groups' testimony during the simulation, write a formal written closing statement responding to the focus question. Your written statement may be written in the first or third person and should:

- ▶ Be approximately 500 words long;
- ▶ Be addressed to President Harry S. Truman;
- ▶ Incorporate specific evidence from the assigned secondary and primary sources;
- ▶ Include specific references to all groups who presented testimony during the simulation; and
- ▶ Include a properly formatted bibliography.

**MOVING FREEDOM FORWARD:
TEACHING A MORE EXPANSIVE HISTORY**



Teaching African American History

