

## Living in a World at War, 1939-1945

### A. Philip Randolph, "Why Should We March?" (1942)

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*Stressing that African Americans supported the war effort, black leaders observed that they also wanted to win the war for democracy at home and abroad. Their intent was to eliminate racism and imperialism. In support of the so-called "Double V," victory at war and at home, African Americans and others participated in mass protest meetings.*

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Though I have found no Negroes who want to see the United Nations lose this war, I have found many who, before the war ends, want to see the stuffing knocked out of white supremacy and of empire over subject peoples. American Negroes, involved as we are in the general issues of the conflict, are confronted not with a choice but with the challenge both to win democracy for ourselves at home and to help win the war for democracy the world over.

There is no escape from the horns of this dilemma. There ought not to be escape. For if the war for democracy is not won abroad, the fight for democracy cannot be won at home. If this war cannot be won for the white peoples, it will not be won for the darker races.

Conversely, if freedom and equality are not vouchsafed the peoples of color, the war for democracy will not be won. Unless this double-barreled thesis is accepted and applied, the darker races will never wholeheartedly fight for the victory of the United Nations. That is why those familiar with the thinking of the American Negro have sensed his lack of enthusiasm, whether among the educated or uneducated, rich or poor, professional or nonprofessional, religious or secular, rural or urban, north, south, east or west.

That is why questions are being raised by Negroes in church, labor union and fraternal society; in poolroom, barbershop, schoolroom, hospital, hair-dressing parlor; on college campus, railroad, and bus. One can hear such questions asked as these: What have Negroes to fight for? What's the difference between Hitler and that "cracker" Talmadge of Georgia? Why has a man got to be Jim Crow to die for democracy? If you haven't got democracy yourself, how can you carry it to somebody else?

What are the reasons for this state of mind? The answer is: discrimination, segregation, Jim Crow. Witness the navy, the army, the air corps; and also government services at Washington. In many parts of the South, Negroes in Uncle Sam's uniform are being put upon, mobbed, sometimes even shot down by civilian and military police, and on occasion lynched. Vested political interests in race prejudice are so deeply entrenched that to them winning the war against Hitler is secondary to preventing Negroes from winning democracy for themselves. This is worth many divisions to Hitler and Hirohito. While labor, business, and farm are subjected to ceilings and doors and not allowed to carry on as usual, these interests trade in the dangerous business of race hate as usual.

When the defense program began and billions of the taxpayers' money were appropriated for guns, ships, tanks and bombs, Negroes presented themselves for work only to be given the cold shoulder. North as well as South, and despite their qualifications, Negroes were denied skilled

employment. Not until their wrath and indignation took the form of a proposed protest march on Washington, scheduled for July 1, 1941, did things begin to move in the form of defense jobs for Negroes. The march was postponed by the timely issuance (June 25, 1941) of the famous Executive Order No. 8802 by President Roosevelt. But this order and the President's Committee on Fair Employment Practice, established thereunder, have as yet only scratched the surface by way of eliminating discriminations on account of race or color in war industry. Both management and labor unions in too many places and in too many ways are still drawing the color line.

It is to meet this situation squarely with direct action that the March on Washington Movement launched its present program of protest mass meetings. Twenty thousand were in attendance at Madison Square Garden, June 16; sixteen thousand in the Coliseum in Chicago, June 26; nine thousand in the City Auditorium of St. Louis, August 14. Meetings of such magnitude were unprecedented among Negroes. The vast throngs were drawn from all walks and levels of Negro life - businessmen, teachers, laundry workers, Pullman porters, waiters, and red caps; preachers, crapshooters, and social workers; jitterbugs and Ph.D.'s. They came and sat in silence, thinking, applauding only when they considered the truth was told, when they felt strongly that something was going to be done about it.

The March on Washington Movement is essentially a movement of the people. It is all Negro and pro-Negro, but not for that reason anti-white or anti-Semitic, or anti-Catholic, or anti-foreign, or anti-labor. Its major weapon is the nonviolent demonstration of Negro mass power. Negro leadership has united back of its drive for jobs and justice. "Whether Negroes should march on Washington, and if so, when?" will be the focus of a forthcoming national conference. For the plan of a protest march has not been abandoned. Its purpose would be to demonstrate that American Negroes are in deadly earnest, and all out for their full rights. No power on earth can cause them today to abandon their fight to wipe out every vestige of second-class citizenship and the dual standards that plague them.

A community is democratic only when the humblest and weakest person can enjoy the highest civil, economic, and social rights that the biggest and most powerful possess. To trample on these rights of both Negroes and poor whites is such a commonplace in the South that it takes readily to anti-social, anti-labor, anti-Semitic and anti-Catholic propaganda. It was because of laxness in enforcing the Weimar constitution in republican Germany that Nazism made headway. Oppression of the Negroes in the United States, like suppression of the Jews in Germany, may open the way for a fascist dictatorship.

By fighting for their rights now, American Negroes are helping to make America a moral and spiritual arsenal of democracy. Their fight against the poll tax, against lynch law, segregation, and Jim Crow, their fight for economic, political, and social equality, thus becomes part of the global war for freedom.

**Albert Einstein, Letter to President Roosevelt (1939)**

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*This letter from Albert Einstein warned Franklin Roosevelt that German researchers were close to making an atomic bomb. Inspired by Einstein (and his fellow scientists), Roosevelt organized a secret project (known later as the Manhattan project), to ensure that the United States had a bomb before Germany. In later life, Albert Einstein, committed to peace, regretted sending this letter.*

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Albert Einstein  
Old Grove Rd.  
Nassau Point  
Peconic, Long Island  
August 2nd, 1939  
F. D. Roosevelt,  
President of the United States,  
White House Washington, D. C.

Sir:

Some recent work by E. Fermi and L. Szilard, which has been communicated to me in manuscript, leads me to expect that the element uranium may be turned into a new and important source of energy in the immediate future. Certain aspects of the situation which has arisen seem to call for watchfulness and, if necessary, quick action on the part of the Administration. I believe therefore that it is my duty to bring to your attention the following facts and recommendations:

In the course of the last four months it has been made probable - through the work of Joliot in France as well as Fermi and Szilard in America - that it may become possible to set up a nuclear chain reaction in a large mass of uranium, by which vast amount of power and large quantities of new radium-like elements would be generated. Now it appears almost certain that this could be achieved in the immediate future.

This new phenomenon would also lead to the construction of bombs, and it is conceivable - though much less certain - that extremely powerful bombs of a new type may thus be constructed. A single bomb of this type, carried by boat and exploded in a port, might very well destroy the whole port together with some of the surrounding territory. However, such bombs might very well prove to be too heavy for transportation by air.

The United States has only very poor ores of uranium in moderate quantities. There is some good ore in Canada and the former Czechoslovakia, while the most important source of uranium is the Belgian Congo.

In view of this situation you may think it desirable to have some permanent contact maintained between the Administration and the group of physicists working on chain reactions in America. One possible way of achieving this might be for you to entrust with this task a person who has your confidence and who could perhaps serve in an unofficial capacity. His task might comprise

the following:

a) to approach Government Departments, keep them informed of the further development, and put forward recommendations for Government action, giving particular attention to the problem of securing a supply of uranium ore for the United States:

b) to speed up the experimental work, which is at present being carried on within the limits of the budgets of University laboratories, by providing funds, if such funds be required, through his contacts with private persons who are willing to make contributions for this cause, and perhaps also by obtaining the co-operation of industrial laboratories which have the necessary equipment. I understand that Germany has actually stopped the sale of uranium from the Czechoslovakian mines which she has taken over. That she should have taken such early action might perhaps be understood on the ground that the son of the German Under-Secretary of State, von Weizsacker, is attached to the Kaiser-Wilhelm-Institut in Berlin where some of the American work on uranium is now being repeated.

Yours very truly,

[signed] Albert Einstein

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## **Barbara Woodall and Charles Taylor, Letters to and from the Front (1941-1944)**

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*Barbara Wooddall and Charles Taylor, like many thousands of other couples, had to fit their romance, marriage, and family in between the demands of wartime. In August, 1941, they met on a blind date while Charles was in basic training. A year later they married. For the next two years they moved from base to base, and in 1943 they had a baby girl, Sandra. In June 1944 Charles left for combat in Europe; he did not return until November 1945. Through it all they corresponded regularly, leaving a detailed account of how the war deeply shaped a generation's personal lives. SOURCE: From Miss You: The World War II Letters of Barbara Wooddall Taylor and Charles E. Taylor by J. Linoff, D. Smith, B. Taylor, and C. Taylor. Copyright © 1990 by the University of Georgia Press, Letters of Barbara Wooddall Taylor and Charles E. Taylor. Copyright © by Taylor Thomas Lawson. Reprinted by permission of Taylor T. Lawson, Grandson of Barbara and Charles Taylor.*

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**Fairburn, Georgia  
December 11, 1941**

Dearest Charlie,

....Well, what about this WAR business. Oh, Charlie, will you still get your Christmas leave? You must get it because I'm counting big on being with you again. I hope I feel just the way I did the first night I had a date with you, remember? We had such a good time and I've never been so

knocked for a loop. I remember exactly what I thought about you and I wonder if I will think it again when you come. We must be sure and we will be sure.... A man here in the office just said that Italy had declared WAR on the USA. What's going to happen to us? There is no doubt in my mind as to whom shall win this WAR, but how long will it take us? It makes you feel like getting the best of everything before it's all gone. Now I know that isn't the right way to feel, is it Charlie???? Charlie, please don't threaten me. I just want to wait until I see you and I already know what I'll say and do. I can hardly wait. Must close now,

Sincerely,  
Barbara

**Ft. Leonard Wood, Missouri**  
**14 July 1942**

Dear Mr. Wooddall:

Perhaps this letter from me will come as a surprise to you, but it seems to me that even in these extraordinary circumstances in which we find ourselves today, formalities should still be observed. I realize that you are completely aware that Barbara and I have plans for marriage upon her arrival in St. Louis, but before we go any further in our plans, I would like to have your consent. I already have the consent of my family, they are very proud to add such a wonderful person as Barbara to their family. Sir, I am sorry that we are in War, which does not afford Barbara and I time, under the circumstances, to have the luxury of a normal peace-time wedding. However, there could be nothing about a big formal wedding that could have any effect upon the life and beauty of Barbara's and my life as husband and wife.... Needless to say, I am looking forward to the day when I shall become a member of your happy family.

Respectfully yours,  
Charles E. Taylor

**Evansville, Indiana**  
**August 16, 1942**

My dearest sweetheart,

I am now in Evansville and it is 3:10 p.m. Guess you are well on your way to Ft. Leonard Wood and I would give all I have to be with you. Darling, how will I ever do without you - even for a day!... I was so proud of you when the train started moving in St. Louis. There you were smiling at me and waving, and, darling, it just made me feel good to know that you were my husband and I was your wife. When I couldn't see you any longer, well, I cried just a little bit and the lady sitting with me started crying. Jimminy cricket! say I, everything happens to me! Soon I found out that she had been to see her husband at Jefferson Barracks for the weekend. There were two girls across the aisle from me whose husbands are at Jefferson Barracks and Ft. Leonard Wood.... I'm here with a girl from Kansas who is going to see her boy friend at Macon, Georgia. She's rather cute and I'm glad she's here. At least it's nice having someone to talk with. You know, we have the most beautiful love in the whole wide world. These last two weeks mean a lot more to me than happiness at the moment - they mean that I have a husband who loves me just as much as I do him - they mean that I don't have to live from day-to-day any longer, but that we can live

for the future when the WAR is over and we are together forevermore. You certainly did more than your part to make our honeymoon a success and I love you for everything. I love you,

Your loving wife,  
Barbara

P.S. A conductor just called a St. Louis train and it took all the self-control and will-power I have not to jump up and run to the train that would take me back to you.

**Fairburn, Georgia**  
**July 22, 1943**

My dearest sweetheart, Well, this time next month, you will be a "papa," we hope, eh? Won't that be simply grand! Honestly, I can't even imagine what it's going to be like to have a little ole baby, of our very own!...

Just Your Barbie

**At Sea**  
**21 June 1944**

My Dearest Darling, I haven't written you a letter for two days but it is the same for there is nothing much for me to write except the same old things. I was just lying there on my bunk last night trying to visualize you and Sandra Lee [their daughter]. Gee, it would be a wonderful thing just to see you two. My Barbie, you are so brave and good and oh, so nice to have as a wife. Darling, you must send me some kodak pictures and also some pictures of everything. Gee, I'd give a lot to see you all....By the way, send my mail Air Mail or "V-Mail" so it will come in record time: Also check the addresses on your letters and see that you have the correct address on them.... You know me and my feelings, well, they are still with me and now instead of just feeling I am coming back, I know I will be back. I'll keep up the war front - you keep up the home front. o.k.? Barbie, listen to the news as often as you can. See if you can sorta keep up with the people I have soldiered with or the people we know. Write things to me so I'll not be too dumb about the people I used to know. Darling, you must love me now and forever for we really are matched for this life on earth. The longer I live the surer I become of it, don't you? We may have a lot of things to look forward to that we can't see so live on the theory of today and don't worry about tomorrow - let the engineers build your bridges as you need them. Just be happy and think about all the things you and I have and will have as the years go by.... Live on my love and my regard for your purity and be as good to Sandra Lee as possible. She is good enough to be spoiled so that you can. Give her a hug and kiss from me and save a million for yourself.

Lovingly forever,

Charlie

**Fairburn, Georgia**

**May 23, 1945**

My dearest sweetheart,

.... I liked your letter very much. It was nice and long - just what I needed. Sure I want you to get out of the Army as soon as possible - and I don't think it's the wrong way to feel at all. You've done more than your share already - so it's time someone else stepped in your place - in my opinion. I agree with you about the diaphragm - but, may I be so bold as to ask where you learned so much about the article! After all, Charlie. Anyway, it's a great idea - and although I do want several children - not just two, if you please - I would like to plan for the next ones. So, with a diaphragm it would be better, of course. Do you mean that you want me to get a diaphragm now? You once said to wait until you were sure of coming home - so let me know, I mean ans. this pronto! I do think they're well worth the money. No, I wouldn't feel funny getting pregnant on my second honeymoon - but, frankly, I'd rather not. Just re-read the above sentence "you were sure of coming home" - I don't mean it that way - for I'm sure you're coming home someday - I meant until you were really on the way home, see? The only disadvantage of a diaphragm - if I am capable of explaining what I mean - anyhow, well, most sensible people (from what I hear) only have one sexual intercourse in one evening - but some others (me, for instance, when I really get excited - and I'm sure I will when I see you again - for it gives me goose-pimples to even think about your coming home!!). Anyway, as I started to say - well, in the case of more than one SI in an evening - it isn't satisfactory, on account of - well, guess you know what I mean. Therefore, one has to be good - therefore, you, my friend, will have to control your feelings, in order to make it good. See? So, it's all up to you, as usual.... Write as often as possible and remember I love you.

Always,  
Your Barbie

**France**  
**9 August 1945**

My Dearest Darling:

....What do you think of this new bomb? Wow, it is really a new and bad thing for the Jap[anese], isn't it? I do hope that it is kept in the right hands for even a little nation could surely harness the world with a destructive weapon as that. I feel sure that if it is as powerful as the papers state it is then the War with Japan will be short from here on. They will surely give up soon with a weapon like that against them - plus Russia declaring war on them, all within 48 hours. They will be extremely foolish if they don't give up, eh?... Say, I'll just bet that you are getting to be a good cook. From the things you talk about you must have really learned a lot about the kitchen business, haven't you. And truly I do love vegetables alone, honest!

Lovingly,  
Your Charlie

**Fairburn, Georgia,**  
**August 16, 1945**

My dearest sweetheart,

THE WAR IS OVER - oh, Charlie baby, this is what we waited for so long. Even yet, I can't believe it. I'm so grateful to God. Let's be humble and live such a life that we can show Him how thankful we are. Mother and I were listening to the radio when the news first came on - and we were laughing and crying together. I kept saying, "I want to go to Paris" - meaning, I wanted to go on the air by radio - and sure enough - we did go to Paris - and I felt as if we were there together. I've been wondering if you did go into Paris. We could hardly settle down to eat - and Mother wanted me to go to the Community Meeting at the church. So, I quickly took a bath and dressed, listening to the radio all the time.... Well, I sat in the choir at church and felt good all over singing "My country ÔTis of Thee" etc....

Everyone has a holiday today of course - so we're going swimming this afternoon. And, gasoline is NOT rationed - man, that's wonderful. Honestly, things are happening so fast, well, I just can't grasp it all.

Always,

Your Barbie

## **Executive Order 9066, Relocation of Japanese Americans (1942)**

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*The Japanese attack on Pearl Harbor concerned the government that a Japanese invasion of the west coast was imminent. The War Department urged Roosevelt to order the evacuation of all Japanese and Japanese-Americans on the west coast to relocation centers. This action was debated openly in government and in California before it was implemented with the full knowledge of the American people. SOURCE: Henry Steele Commanger, Documents of American History (New York: Appleton-Century-Crofts, 1949), pp. 464-465; Japanese Relocation Order; Federal Register, vol. VII, No. 38.*

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### **EXECUTIVE ORDER**

#### **Authorizing the Secretary of War to Prescribe Military Areas**

Whereas the successful prosecution of the war requires every possible protection against espionage and against sabotage to national-defense materials, national-defense premises, and national-defense utilities. . . .

Now, therefore, by virtue of the authority vested in me as President of the United States, and Commander in Chief of the Army and Navy, I hereby authorize and direct the Secretary of War, and the Military Commanders whom he may from time to time designate, whenever he or any designated Commander deems such action necessary or desirable, to prescribe military areas in such places and of such extent as he or the appropriate Military Commander may determine,



from which any or all persons may be excluded, and with respect to which, the right of any person to enter, remain in, or leave shall be subject to whatever restrictions the Secretary of War or the appropriate Military Commander may impose in his discretion. The Secretary of War is hereby authorized to provide for residents of any such area who are excluded therefrom, such transportation, food, shelter, and other accommodations as may be necessary, in the judgment of the Secretary of War or the said Military Commander, and until other arrangements are made, to accomplish the purpose of this order. The designation of military areas in any region or locality shall supersede designations of prohibited and restricted areas by the Attorney General under the Proclamations of December 7 and 8, 1941, and shall supersede the responsibility and authority of the Attorney General under the said Proclamations in respect of such prohibited and restricted areas.

I hereby further authorize and direct the Secretary of War and the said Military Commanders to take such other steps as he or the appropriate Military Commander may deem advisable to enforce compliance with the restrictions applicable to each Military area hereinabove authorized to be designated, including the use of Federal troops and other Federal Agencies, with authority to accept assistance of state and local agencies.

I hereby further authorize and direct all Executive Departments, independent establishments and other Federal Agencies, to assist the Secretary of War or the said Military Commanders in carrying out this Executive Order, including the furnishing of medical aid, hospitalization, food, clothing, transportation, use of land, shelter, and other supplies, equipment, utilities, facilities, and services. . . .

Franklin D. Roosevelt

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## **Labor's "No-Strike" Pledge, *Time* (1944)**

*Following the U.S. entry into World War II, the nation's two largest labor federations, the American Federation of Labor (AFL) and the Congress of Industrial Organizations (CIO) put their differences aside to join in an "unconditional no-strike pledge" for the duration of the conflict. Although organized labor won some concessions, as the war continued, many unionists began to question the wisdom of continuing the pledge. By 1944, many local unions, including the United Automobile Workers in Detroit, Flint, and Chicago, adopted resolutions against the no-strike pledge. Unauthorized or "wild cat" strikes broke out, making the war era a period that witnessed more strikes than at any other time in American history.*

Source: *Time Magazine*, September 18, 1944

This week President Roosevelt ordered the Army to seize a small Minneapolis brassworks because the C.I.O. workers had called a "work stoppage," labor's wartime euphemism for a strike.

This was the 21st time in the war that the President had been forced to seize a war-

essential plant because of labor trouble. Strikes breaking out again in the coal fields of Pennsylvania and West Virginia seemed about to swell the list: with 33 mines already being operated by the Government, new walkouts last week left 30 mines and 12,000 miners idle and —presumably — waiting for the Army to come in.

The union-authorized coal strikes were the most serious. In general the U.S. merely went on suffering from its apparently chronic rash of brief wildcat walkouts. At the huge Willow Run Liberator bomber plant, 2,000 key workers walked out one day, walked back in the next; they had entirely stalled production for more than 24 hours. In Chicago 600 employes at the Dodge plant, which makes 6-29 Superfortress engines, struck for three days, scurried back to work after a wounded Army private had pleaded with them. In Bessemer, Ala., male welders in the Pullman-Standard Car Manufacturing Co. went on strike when the female welders got a raise. This was a full week's strike crop.

These flash strikes were almost never individually serious, but their cumulative total was. If walkouts continue at the present rate, labor will hang up a new record in 1944 of 5,200 strikes in one year. (During the six-year period between 1927 and 1932, inclusive, the total number of strikes was 4,520, but only one-third the number of people working now were employed then.) This means that work stoppages, despite labor's no-strike pledge for the duration, are occurring more frequently now than at any time during the past 25 years.

But the real measuring stick is not the number of strikes but the number of man-days they lose, and in this respect labor has done much better this year than last.

From January to July, man-days lost for 1944 totaled 4,850,000 as against 8,272,000 for the same period in 1943. The really serious strike period will probably come after the European war, when labor tries to get the same pay for a 40-hour week that it has been getting for the mandatory 48-hour wartime week.

- Why did workers strike during wartime, according to this article?
- How did President Roosevelt have the authority to seize the factories where “work stoppages” occurred?

## Manhattan Project Notebook

*Since 1939, the United States had secretly utilized nuclear technology to develop an atom bomb. Two billion dollars were spent to create this deadly weapon. The following is a memo from Colonel Stone to General Arnold detailing possible targets for the weapon's use in Japan.*

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MEMORANDUM FOR GENERAL ARNOLD

SUBJECT: Groves Project

1. The following plan and schedule for initial attacks using special bombs have been worked out:

- a. The first bomb (gun type) will be ready to drop between August 1 and 10 and plans are to drop it the first day of good weather following readiness.
- b. The following targets have been selected: Hiroshima, Kokura, Niigata and Nagasaki.
- (1) Hiroshima (population 350,000) is an "Army" city; a major POE; has large QM and supply depots; has considerable industry and several small shipyards.
- (2) Nagasaki (population 210,000) is a major shipping and industrial center of Kyushu.
- (3) Kokura (population 178,000) has one of the largest army arsenals and ordnance works; has the largest railroad shops on Kyushu: and has large munitions storage to the south.
- (4) Niigata (population 150,000) is an important industrial city, building machine tools, diesel engines, etc., and is a key port for shipping to the mainland.
- c. All four cities are believed to contain large numbers of key Japanese industrialists and political figures who have sought refuge from major destroyed cities.
- d. The attack is planned to be visual to insure accuracy and will await favorable weather. The four targets give a very high probability of one being open even if the Weather varies from that forecast, as they are considerably separated.
- e. The bomb will be carried in a master airplane accompanied by two other project B-29's with observers and special instruments.
- f. The three B-29's will take off from North Field Tinian, and fly via Iwo Jima. The use of fighter escort will be determined by General Spaatz upon consideration of all operational factors.
- g. The master plane will attack the selected target from [?] feet plus altitude will immediately upon release of the bomb make a steep diving turn away from the target to achieve maximum slant range distance as quickly as possible. Recording planes and fighters if employed will be kept several miles from the target. The participating planes are believed to be safe from the effects of the bomb.
- h. The bomb will be detonated by radar proximity fuze about 2,000 feet above the ground.
- i. Emergency arrangements have been provided at Iwo Jima for handling the bomb if required.
2. Two tested type bombs are expected to be available in August, one about the 6th and another the 24th. General Groves expects to have more information on future availabilities in a few days which will be furnished you when received.
3. The above has been discussed with Generals Spaatz and Eaker who concur.

JOHN N. STONE  
Colonel, GSC

*Source: National Archives and Records Administration*

**Thurgood Marshall, "The Legal Attack to Secure Civil Rights,"  
1942**

*In the following speech, NAACP attorney, Thurgood Marshall discusses the obstacles and general plan to achieve full citizenship. Note that no mention of WW II or segregation in the military is made.*

SOURCE: Speech, NAACP Wartime Conference, Chicago, Il, July 13, 1942.

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On last night we heard a clear statement of some of the problems facing us today. My job tonight is to point out a part of the general program to secure full citizenship rights.

The struggle for full citizenship rights can be speeded by enforcement of existing statutory provisions protecting our civil rights. The attack on discrimination by use of legal machinery has only scratched the surface. An understanding of the existing statutes protecting our civil rights is necessary if we are to work towards enforcement of these statutes.

The titles “civil rights” and “civil liberties” have grown to include large numbers of subjects, some of which are properly included under these titles and others which should not be included. One legal treatise has defined the subject of civil rights as follows: “In its broadest sense, the term *civil rights* includes those rights which are the outgrowth of civilization, the existence and exercise of which necessarily follow from the rights that repose in the subjects of a country exercising self-government.”

The Fourteenth and Fifteenth Amendments to the Constitution are prohibitions against action by the states and state officers violating civil rights. In addition to these provisions of the United States Constitution and a few others, there are several statutes of the United States which also attempt to protect the rights of individual citizens against private persons as well as public officers. Whether these provisions are included under the title of “civil rights” or “civil liberties” or any other subject is more or less unimportant as long as we bear in mind the provisions themselves.

All of the statutes, both federal and state, which protect the individual rights of Americans are important to Negroes as well as other citizens. Many of these provisions, however, are of peculiar significance to Negroes because of the fact that in many instances these statutes are the only protection to which Negroes can look for redress. It should also be pointed out that many officials of both state and federal governments are reluctant to protect the rights of Negroes. It is often difficult to enforce our rights when they are perfectly clear. It is practically impossible to secure enforcement of any of our rights if there is any doubt whatsoever as to whether or not a particular statute applies to the particular state of facts.

As to law enforcement itself, the rule as to most American citizens is that if there is any way possible to prosecute individuals who have willfully interfered with the rights of other individuals such prosecution is attempted. However, when the complaining party is a Negro, the rule is usually to look for any possible grounds for not prosecuting. It is therefore imperative that Negroes be thoroughly familiar with the rights guaranteed them by law in order that they may be in a position to insist that all of their fundamental rights as American citizens be protected.

The Thirteenth Amendment to the Constitution, abolishing slavery, the Fourteenth Amendment, prohibiting any action of state officials denying due process or the equal protection of its laws, and the Fifteenth Amendment, prohibiting discrimination by the states in voting, are well-known to all of us. In addition to these provisions of the Constitution, there are the so-called Federal "Civil Rights Statutes" which include several Acts of Congress such as the Civil Rights Act and other statutes which have been amended from time to time and are now grouped together in several sections of the United States Code. The original Civil Rights Act was passed in Congress in 1866, but was vetoed by President Andrew Johnson the same year. It was, however, passed over the veto. It was reintroduced and passed in 1870 because there was some doubt as to its constitutionality, having been passed before the Fourteenth Amendment was ratified. The second bill has been construed several times and has been held constitutional by the United States Supreme Court, which in one case stated that "the plain objects of these statutes, as of the Constitution which authorized them, was to place the colored race, in respect to civil rights, upon a level with the whites. They made the rights and responsibilities, civil and criminal, of the two races exactly the same."

The Thirteenth and Fourteenth and Fifteenth Amendments, along with the civil rights statutes, protect the following rights:

1. Slavery is abolished and peonage is punishable as a federal crime. (13th Amendment)
2. All persons born or naturalized in the United States are citizens and no state shall make or enforce any law abridging their privileges and immunities, or deny them equal protection of the law. (14th Amendment)
3. The right of citizens to vote cannot be abridged by the United States or by any state on account of race or color. (15th Amendment).
4. All persons within the jurisdiction of the United States shall have the same right to enforce contracts, or sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings as is enjoyed by white citizens.

5. All persons shall be subject to like punishment, pains, penalties, taxes, licenses, and extractions of every kind, and to no other.
6. All citizens shall have the same right in every state and territory, as is enjoyed by white citizens to inherit, purchase, lease, sell, hold and convey property.
7. Every person who, under color of statutes, custom or usage, subjects any citizen of the United States or person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws is liable in an action at law, suit in equity, or other proper proceedings for redress.
8. Citizens possessing all other qualifications may not be disqualified from jury service in federal or state courts on account of race or color; any officer charged with the duty of selection or summoning of jurors who shall exclude citizens for reasons of race or color shall be guilty of a misdemeanor.
9. A conspiracy of two or more persons to deprive any person or class of persons of any rights guaranteed by Constitution and laws is punishable as a crime and the conspirators are also liable in damages.

Most of these provisions only protect the citizen against wrongdoing by public officials, although the peonage statutes and one or two others protect against wrongs by private persons.

Despite the purposes of these Acts which the United States Supreme Court insisted in 1879 “make the rights and responsibilities, civil and criminal, of the two races exactly the same,” the experience of all of us points to the fact that this purpose has not as yet been accomplished. There are several reasons for this. In the first place, in certain sections of this country, especially in the deep South, judges, prosecutors and members of grand and petit juries, have simply refused to follow the letter or spirit of these provisions. Very often it happens that although the judge and prosecutor are anxious to enforce the laws, members of the jury are reluctant to protect the rights of Negroes. A third reason is that many Negroes themselves for one reason or another hesitate to avail themselves of the protection afforded by the United States Constitution and statutes.

These statutes protecting our civil rights in several instances provide for both criminal and civil redress. Some are criminal only and others are for civil action only. Criminal prosecution for violation of the federal statutes can be obtained only through the United States Department of Justice.

Up through and including the administration of Attorney General Homer S. Cummings, Negroes were unable to persuade the U.S. Department of Justice to enforce any of the civil rights statutes where Negroes were the complaining parties. The NAACP and its staff made repeated requests and in many instances filed detailed statements and briefs requesting prosecution for lynch mobs, persons guilty of peonage and other apparent violations of the federal statutes. It was not until the administration of Attorney General Frank Murphy that any substantial efforts were made to enforce the civil rights statutes as they apply to Negroes. Attorney General Murphy established a Civil Rights Section in the Department of Justice.

During the present administration of Attorney General Francis Biddle there have been several instances of prosecution of members of lynch mobs for the first time in the history of the United States Department of Justice. There have also been numerous successful prosecutions of persons guilty of peonage and slavery. However, other cases involving the question of beating and killing of Negro soldiers by local police officers, the case involving the action of Sheriff Tip Hunter, of Brownsville, Tennessee, who killed at least one Negro citizen and forced several others to leave town, the several cases of refusal to permit qualified Negroes to vote, as well as other cases, have received the attention of the Department of Justice only to the extent of "investigating." Our civil rights as guaranteed by the federal statutes will never become a reality until the U.S. Department of Justice decides that it represents the entire United States and is not required to fear offending any section of the country which believes that it has the God-given right to be above the laws of the United States Supreme Court.

One interesting example of the apparent failure to enforce the criminal statutes is that although the statute making it a crime to exclude persons from jury service because of race or color was declared unconstitutional by the Supreme Court in 1879, and is still on the statute books, there have been no prosecutions by the Department of Justice in recent years for the obvious violations of these statutes. The Department of Justice has most certainly on several occasions been put on notice as to these violations by the many cases carried to the Supreme Court by the NAACP and in which cases the Supreme Court has reversed the convictions on the ground that Negroes were systematically excluded from jury service. One wholehearted prosecution of a judge or other official for excluding Negroes from jury service because of their race would do more to make that particular law a reality than dozens of other cases merely reversing the conviction of individual defendants.

There are, however, certain bright spots in the enforcement of the federal statutes. In addition to the lynching and peonage cases handled by the Washington office of the Department of Justice, there have been a few instances of courageous United States

Attorneys in such places as Georgia who have vigorously prosecuted police officers who have used the power of their office as a cloak for beating up Negro citizens.

As a result of the recent decision in the Texas primary case, it is possible to use an example of criminal prosecution under the civil rights statutes by taking a typical case of the refusal to permit the Negroes to vote in the Democratic Primary elections. Let us see how a prosecution is started: In Waycross, Georgia, for example, we will suppose a Negro elector on July 4, 1944 went to the polls with his tax receipt and demanded to vote in the Democratic Primary. He should, of course, have witnesses with him. Let us also assume that the election official refused to let him vote solely because of his race or color.

As a matter of law, the election officials violated a federal criminal law and are subject to fine and imprisonment. But how should the voter or the organized Negro citizens, or the local NAACP branch go about trying to get the machinery of criminal justice in motion? Of course, the details of what happens must be put in writing and sworn to by the person who tried to vote and also by his witnesses. Then the matter must be placed before the United States Attorney. This is the federal district attorney.

I wonder how many of the delegates here know who is the United States Attorney for their district, or even where his office is. Every branch should know the United States Attorney for that area, even if a delegation goes in just to get the same vigor as used in enforcing other criminal statutes.

But back to the voting case. The affidavits must be presented to the United States Attorney with a demand that he investigate and place the evidence before the Federal Grand Jury. At the same time, copies of the affidavits and statements in the case should be sent to the National Office. We will see that they get to the Attorney General in Washington. I wish that I could guarantee to you that the Attorney General would put pressure on local United States Attorneys who seem reluctant to prosecute. At least we can assure you that we will give the Attorney General no rest unless he gets behind these reluctant United States attorneys throughout the South.

There is no reason why a hundred clear cases of this sort should not be placed before the United States Attorneys and the Attorney General every year until the election officials discover that it is both wiser and safer to follow the United States laws than to violate them. It is up to us to see that these officials of the Department of Justice are called upon to act again and again wherever there are violations of the civil rights statutes. Unfortunately, there are plenty of such cases. It is equally unfortunate that there are not enough individuals and groups presenting these cases and demanding action.



The responsibility for enforcement of the civil provisions of the civil rights statutes rests solely with the individual. In the past we have neglected to make full use of these statutes. Although they have been on the books since 1870, there were very few cases under these statutes until recent years. Whereas in the field of general law there are many, many precedents for all other types of action, there are very few precedents for the protection of civil liberties.

The most important of the civil rights provisions is the one which provides that “every person who, under color of any statute, ordinance, regulation, custom or usage of any state or territory subjects or causes to be subjected any citizen of the United States or person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws shall be liable to the party injured in an action at law, suit in equity or other proper proceeding for redress.” Under this statute any officer of a state, county or municipality who while acting in an official capacity, denies to any citizen or person within the state any of the rights guaranteed by the Constitution or laws is subject to a civil action. This statute has been used to equalize teachers’ salaries and to obtain bus transportation for Negro school children. It can be used to attack every form of discrimination against Negroes by public school systems.

The statute has also been used to enjoin municipalities from refusing to permit Negroes to take certain civil service examinations and to attack segregation ordinances of municipalities. It can likewise be used to attack all types of discrimination against Negroes by municipalities as well as by states themselves.

This statute, along with other of the civil rights statutes, can be used to enforce the right to register and vote throughout the country. The threats of many of the bigots in the South to disregard the ruling of the Supreme Court of the United States in the recent Texas Primary decision has not intimidated a single person. The United States Supreme Court remains the highest court in this land. Election officials in states affected by this decision will either let Negroes vote in the Democratic Primaries, or they will be subjected to both criminal and civil prosecution under the civil rights statutes. In every state in the deep South Negroes have this year attempted to vote in the primary elections. Affidavits concerning the refusal to permit them to vote in Alabama, Florida and Georgia have already been sent to the United States Department of Justice. We will insist that these election officials be prosecuted and will also file civil suits against the guilty officials.

It can be seen from these examples that we have just begun to scratch the surface in the fight for full enforcement of these statutes. The NAACP can move no faster than the individuals who have been discriminated against. We only take up cases where we are requested to do so by persons who have been discriminated against.

Another crucial problem is the ever-present problem of segregation. Whereas the principle has been established by cases handled by the NAACP that neither states nor municipalities can pass ordinances segregating residences by race, the growing problem today is the problem of segregation by means of restrictive covenants, whereby private owners band together to prevent Negro occupancy of particular neighborhoods. Although this problem is particularly acute in Chicago, it is at the same time growing in intensity throughout the country. It has the full support of the real estate boards in several cities, as well as most of the banks and other leading agencies. The legal attack on this problem has met with spotty success. In several instances restrictive covenants have been declared invalid because the neighborhood has changed, or for other reasons. Other cases have been lost. However, the NAACP is in the process of preparing a detailed memorandum and will establish procedure which will lead to an all-out legal attack on restrictive covenants. Whether or not this attack will be successful cannot be determined at this time.

The National Housing Agency and the Federal Public Housing Authority have established a policy of segregation in federal public housing projects. A test case has been filed in Detroit, Michigan, and is still pending in the local federal courts. The Detroit situation is the same as in other sections of the country. Despite the fact that the Housing Authority and other agencies insist that they will maintain separate but equal facilities, it never develops that the separate facilities are equal in all respects. In Detroit separate projects were built and it developed that by the first of this year every single white family in the area eligible for public housing had been accommodated and there were still some 45,000 Negroes inadequately housed and with no units open to them. This is the inevitable result of "separate but equal" treatment.

I understand that in Chicago a public housing project to be principally occupied by Negroes is being opposed by other Negroes on the ground that it will depreciate their property. It is almost unbelievable that Negroes would oppose public housing for the same reason used by real estate boards and other interests who are determined to keep Negroes in slum areas so that they may be further exploited. The NAACP is in favor of public housing and works toward that end every day. It will continue to do so despite real estate boards and other selfish interests opposing public housing whether they be white or Negro. The NAACP is, of course, opposed to segregation in public housing and will continue to fight segregation in public housing.

We should also be mindful of the several so-called civil rights statutes in several states. There are civil rights acts in at least 18 states, all of which are in the North and Midwest. These states are in California, Colorado, Connecticut, Illinois, Indiana, Iowa, Kansas, Massachusetts, Michigan, Minnesota, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Washington. California provides only for civil action. Illinois, Kansas, Minnesota, New York, and Ohio have both civil and

criminal provisions. In New Jersey the only action is a criminal action, or an action for penalty in the name of the state, the amount of the penalty going to the state.

In those states not having civil rights statutes it is necessary that every effort be made to secure passage of one. In states having weak civil rights statutes efforts should be made to have them strengthened. In states with reasonably strong civil rights statutes, like Illinois and New York, it is necessary that every effort be made to enforce them.

The Chicago branch has the record of more successful prosecutions for violation of the local civil rights statute than any other branch of the NAACP. In New York City resorting to the enforcement of the criminal provisions has greatly lessened the number of cases. Outside of New York City there are very few successful cases against the civil rights statutes because of the fact that members of the jury are usually reluctant to enforce the statutes. I understand the same is true for Illinois. The only method of counteracting this vicious practice is by means of educating the general public, from which juries are chosen, to the plight of the Negro.

It should also be pointed out that many of our friends of other races are not as loud and vociferous as the enemies of our race. In Northern and Mid-Western cities it repeatedly happens that a prejudiced Southerner on entering a hotel or restaurant, seeing Negroes present makes an immediate and loud protest to the manager. It is very seldom that any of our friends go to the managers of places where Negroes are excluded and complain to them of this fact. Quite a job can be done if our friends of other races will only realize the importance of this problem and get up from their comfortable chairs and actually go to work on the problem.

Thus it seems clear that although it is necessary and vital to all of us that we continue our program for additional legislation to guarantee and enforce certain of our rights, at the same time we must continue with ever-increasing vigor to enforce those few statutes, both federal and state, which are now on the statute books. We must not be delayed by people who say "the time is not ripe," nor should we proceed with caution for fear of destroying the "status quo." Persons who deny to us our civil rights should be brought to justice now. Many people believe the time is always "ripe" to discriminate against Negroes. All right then—the time is always "ripe" to bring them to justice. The responsibility for the enforcement of these statutes rests with every American citizen regardless of race or color. However, the real job has to be done by the Negro population with whatever friends of the other races are willing to join us.

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## Document Analysis

1. Why did Marshall consider knowledge of existing civil rights statutes important in the struggle for citizenship?
2. Why was the civil provision of the civil rights statutes so important yet rarely enforced? Who was ultimately responsible for enforcement?
3. Explain the concept of restrictive covenants and how they were used to maintain segregation.
4. Why were civil rights cases rarely successful outside of New York? What plan did Marshall recommend to overcome this?

## When Historians Disagree Was World War II the “Good War”?

In the immediate aftermath of World War II most Americans saw the conflict as “the good war,” the time when the nation made great sacrifices in money, materials, and lives to defeat the forces of fascism and militarism around the globe. After the disappointments that followed Woodrow Wilson’s World War I-era call to “make the world safe for democracy,” historians were more cautious in describing the Second World War. Nevertheless there was a strong sense that the U.S. had represented the forces of good against the forces of evil. In time another generation of historians, working at more distance, began to tell a more complex story. Most still believed that defeating fascism was a good thing but the horrors of the war made it hard for historians to call a war that brutalized both victor and vanquished “good.” The Cold War with the Soviet Union also made it hard for many to celebrate a war with such an incomplete outcome. In the readings that follow Stanford’s David M. Kennedy reflects wistfully on the tragedies and lost possibilities as much as the success of the war. Donald L. Miller, professor at Lafayette College also offers a mixed analysis in a book built on original text by the respected historian Henry Steele Commager, but, unlike Kennedy, Miller’s views point more definitively in one direction. These two historians reflect differences that are not stark but nevertheless real and worth a careful look.

Donald L. Miller, *The Story of World War II* (New York: Simon & Schuster, 2001), pp. 15-16.

I share Commager’s conviction that this was a war against modern barbarism. Writing in the midst of the emotional letdown that followed this tumultuous event—not only the greatest war, but perhaps the greatest human catastrophe, in recorded history—he wanted to assure his readers that the cause had been worth all the bloodshed and suffering. His assertive and dramatic style turns parts of the book into a prose hymn to the Allied war effort. But the war was more than a heroic crusade; it was a tragic and

David M. Kennedy, *Freedom From Fear: The American People in Depression and War, 1929-1945* (New York: Oxford University Press, 1999), pp. 855-857.

World War II led directly to the Cold War and ended a century and a half of American isolationism. Yet future historians may well conclude that the Cold War that came to an end in 1989 was neither the most surprising nor the most important or durable of the war’s legacies for American diplomacy. In the long sweep of time, America’s half-century-long ideological, political, and military face-off with the Soviet Union may appear far less consequential than America’s

complex human experience. In battling evil, the armies of democracies committed cruelties that sometimes rivaled those of the enemy, and in the maelstrom of combat, many men broke down or ran.

Just as every American fighting man wasn't a hero, every general wasn't a genius. Allied commanders made stupid blunders that resulted in the unnecessary deaths of thousands of young men, blunders that were covered up by military censors or by reporters who feared public criticism would jeopardize the war effort—or their own jobs. The American armed forces also practiced a policy of racial prejudice that was in obscene defiance of the ideals America claimed to be fighting for; and for long after the war, the military refused to recognize the enormous contribution to victory made by African American and Japanese-American fighting men. I have tried to set the record right without losing sight of the democratic principles Commager rightly believes the war preserved.

I am not sure that the American men and women who saw combat duty in the war were the Greatest Generation, but they were certainly a great generation, one to whom the nation owes an unpayable debt. They took part in what Walter Lippmann called at the time "the greatest human experience that men have passed through for many centuries." But only when we know, through their own words, the full horror of what they experienced and the depth and complexity of their feelings when under fire, can we appreciate how they held together and saved the world from despotism. The American fighting man "was often bored; he wasn't always brave; most times he was scared," wrote Sergeant Debs Myers at the end of the war. "Maybe he didn't know what fascism was—maybe he did. [He] did not destroy fascism. But he helped defeat the fascists, and he took away their guns..."

"With his allies he saved the world and hoped to God he'd never have to do it

leadership in inaugurating an era of global economic interdependence...

Americans could not see that future clearly in 1945, but they could look back over the war they had just waged. They might have reflected with some discomfort on how slowly they had awakened to the menace of Hitlerism in the isolationist 1930s; on how callously they had barred the door to those seeking to flee from Hitler's Europe; on how heedlessly they had provoked Japan into a probably avoidable war in a region where few American interests were at stake; on how they had largely fought with America's money and machines and with Russia's men, had fought in Europe only late in the day, against a foe mortally weakened by three years of brutal warfare in the east, had fought in the Pacific with a bestiality they did not care to admit; on how they had profaned their constitution by interning tens of thousands of citizens largely because of their race; on how they had denied most black Americans a chance to fight for their country; on how they had sullied their nation's moral standards with terror bombing in the closing months of the war; on how their leaders' stubborn insistence on unconditional surrender had led to the incineration of hundreds of thousands of already defeated Japanese, first by fire raids, then by nuclear blast; on how poorly Franklin Roosevelt had prepared for the postwar era, how foolishly he had banked on goodwill and personal charm to compose the conflicting interests of nations, how little he had taken his countrymen into his confidence, even misled them, about the nature of the peace that was to come; on how they had abandoned the reforming agenda of the New Deal years to chase in wartime after the sirens of consumerism; on how they alone among warring peoples had prospered, emerging unscathed at home while 405,399 American soldiers, sailors, marines, and airmen had died... Beyond the war's dead and wounded and their families few Americans had been touched by the staggering sacrifices and unspeakable anguish that the war had visited upon

again.”

There is no need to embellish the deeds of these men; there is heroism enough in what they did.

millions of other people around the globe.