

The core of Executive Order 9981 is the declaration of the President's policy "that there shall be equality of treatment and opportunity for all persons in the armed services without regard to race, color, religion or national origin." This is the general principle by which he elects to be guided. It has the force of law as far as his authority extends. It is stated in clear and unambiguous language. It means that one soldier or sailor may not be treated differently from another or given greater or fewer opportunities than another because of the color of his skin. Actually, this order outlaws segregation in the armed forces and sets up machinery for making that ~~outlawry~~ effective.

his stated policy

I.

The expression "equality of opportunity" has been used by a number of people for a long time to preserve the structure of segregation while supposedly they work to eliminate discrimination. Those same persons suggest that because the President used the expression "equality of treatment and opportunity", he is not ~~averse~~ to the idea of separate but equal accommodations and opportunities in the armed services. This interpretation of ^{*The President's*} ~~his~~ order is wrong for three good reasons.

1. In the first place, when the phrase is read in full and when it is considered in the context of the whole order, it is quite obvious that the President intends something more than "separate but equal opportunities". He included the more definitive term "equal treat



"ment". How a man is treated means how others behave and act toward him. If you extend your neighbor equal treatment you regard him as your equal. This attitude and segregation are incompatible. This attitude is an ideal of democracy. The order states that its purpose is to maintain in the armed services the highest standards of democracy. The President intends changes far more ~~drastic~~ than would be necessary merely to perfect a semblance of equality on a segregated plan. He cautions that efficiency and morale be disturbed as little as possible, but he looks toward ~~drastic~~ ^{such} changes, ~~nevertheless~~, and he wants them put into effect as rapidly as possible. The tenor of the order when read as a whole is that of looking toward a complete and final solution of the problems ^{that arise from} of discrimination and segregation in the armed forces -- a solution to be accomplished in the near future.

effective
to carry out the spirit and purpose of his Orders

2. In the second place, the Executive Order must be read in the light of the President's concern for civil rights. It is one of the steps the little man, under the leadership of his president, is making toward full individual dignity in a democratic state. At a time when the United States is exhibiting itself to the world, its democracy is a farce as long as it limits to any man because of his color or religion a second-class citizenship. This order along with the President's concern for other civil rights is a part of the planning needed to retain our place of leadership in the world and to work toward lasting world peace.

Civil rights in a democracy accrue to the individual, and not to the group or race or religious sect. A system of segregation, on the other hand, ignores the individual and primarily is concerned with the group. The President's order shows no concern for groups. Its subject



matter is each person. It declares equality of treatment and opportunity not for all races, but for all individuals without any attention being paid to race or religion. Perhaps one of the most difficult, and certainly the most important factor to be kept in mind by the Committee established by the President's order, is that the subject matter of its research and planning is not the Negro race. It can not be any race, nor any nationality, nor any religious sect. It is the individual soldier or sailor and his civil right to bear arms. The order declares itself against suppressing ^{The rights of the} individuality beneath racial or religious groupings.

why stress in our country defenses

3. In the third place, it would be gross error to construe an Executive Order as incorporating a system which is contrary to the public policy of the United States, unless the intent to incorporate such a system is clearly expressed in the language of the order.

It is well established that segregation based on race or religion is contrary to the official public policy of the United States. The Supreme Court has recognized that official public policy as expressed in the Declaration of Independence, the Constitution, statutes, treaties, decisions of the Supreme Court and pronouncements of the President. For example, the Declaration of Independence begins by declaring that the equality of men is a self evident truth. The 13th, 14th and 15th amendments to the Constitution seek to prohibit all governments from using race as a basis for distinguishing ~~among~~ ^{between the} men ^{who are the citizens} of our nation. Many federal laws have been enacted which make it illegal for the federal government to use race or religion as a basis for distinguishing between people. The Unemployment Relief Act of 1933, the Act of 1937 establishing the C.C.C., The Ramspeck Act of 1940, the Emergen-

our federal government



by Appropriation Acts of 1939, 1940, 1941 and 1942, the F. E. P. Acts of 1944 and 1945 and the Foreign Service Act of 1946 are but a few of the recent acts of Congress which have sought to prevent the consideration of race or religion where federal benefits are being distributed. Our recent international commitments have pledged our nation to a policy of actively opposing racial and religious segregation. In the Atlantic Charter of 1941, in the 1945 International Conference at Mexico City, in the treaties of 1947 with Italy, Rumania, Bulgaria and Hungary, in the Potsdam Agreement and in our adherence to the Charter of the United Nations, the United States has ~~gone far in~~ ^{insisted on} pledging itself to "promote universal respect and observance of human rights and fundamental freedoms for all persons without distinction as to race." We have reaffirmed the principle that governments shall "prevent in their respective countries all acts which may provoke discriminations among individuals because of race or religion."

The Army has been following a system of segregation, attempting within that system to remove some of the inequities existing between the groups segregated. It ~~has sponsored~~ ^{has fostered} the doctrine of separate but equal opportunities. To suggest that the President, committed to the official public policy of the United States as he is and as he admits, would propose a change from the present practices of our armed forces while at the same time he intends to maintain ^{any} the system of segregation, is to suggest that he issued Executive Order 9881 with dishonest ^{intent}.

II.

Those persons who interpret Executive Order 9881 as not outlawing segregation in the armed forces are the same persons who warn that ultimately the only solution rests in educating the people over a period



CAN NOT

of time. They explain that hatreds ~~can't~~ be ordered or legislated out of existence. It will be wrong for the Committee established by the President's order to approach its task with a pre-disposition toward this idea.

The Committee ^{must} ~~should~~ know that education against discrimination is ineffective in removing existing discriminatory practices while these practices are being fed by governmental acquiescence. American families of different races and religions have learned to forget their differences only by living together as equals. In all education experience is necessary. Speed and certainty in learning depend on application. Integration itself is indispensable to any program of eliminating discrimination through education. Those who advocate "education only" ~~don't~~ ^{do not} really mean education. They mean that government should do nothing at all about the matter, and that it should be left to time and to the voluntary and discretionary efforts of private individuals. They mean that in the ~~army~~ ^{armed services,} it should be left to the officers in command of basic units to do what they think is best at the moment.

This idea does not fit into our traditional concept of a government by laws and not by men. The President, like Congress, is prohibited from making wholesale delegations of governmental responsibilities to the people. Segregation in the armed services is a fact. Its elimination is a governmental responsibility. Either we operate under a double standard of American citizenship or we operate under a single standard. When our nation has professed a single standard to its people and before the world, it is the government's responsibility to square our democracy with the thing we profess. We are unqualified ~~for~~ world leadership as long as we operate under a double standard. If one



soldier is separated from the rest because he is unclean or because he is ignorant, he can wash or he can learn and join the others. If the distinction is made because of the color of his skin, there is nothing he can do about it. His government must take care of this problem for him. He has the right to look to the President as the Commander-in-Chief of the ~~Army and Navy~~ to strike this thing from over his head. The President acts through rules and orders and laws.

III.

That the President has recognized his responsibility is evident in the words of his Executive Order. In it he looks toward taking definite steps to change the existing situation. He wants to act in the very near future. He charges his committee to recommend to him and to the heads of the various services the alterations and improvements which will have to be made in the rules and procedures of the Armed Services in order to effectuate his declared policy. The recommendations must be the concrete kind of recommendations which the top command of military organizations can hand down. If that committee enters upon its assignment reluctant to recommend that the President issue certain definite orders to the Army, the Air Force, the Navy or Marines, it will have abused its assignment. If that committee begins its work pre-disposed toward a policy which is contrary to the official public policy of the United States, or pre-disposed toward some ~~illusory~~ idea of education in the absence of regulation, it will have erred in its interpretation of the intentions of the President. If it fails to point the way to clearing up this whole problem of segregation and discrimination and inequalities, it will have done each American individual an irreparable injury.

and practices

purpose and missed entirely the spirit of the Order.

illusory

