

THE WHITE HOUSE HISTORICAL ASSOCIATION

Classroom: Grades 9-12

President and Public Pressure: "For a Redress of Grievances"

Activity - That's An Order

Background:

A. Philip Randolph exerted pressure on two presidents of the United States to persuade them to issue executive orders advancing civil rights for black Americans. In times when the chances of getting civil rights legislation through Congress was slim, mass public pressure on a single leader—the president—seemed a more efficient approach. As you learned from the Student Text, Randolph sought civil rights changes through threatening a 100,000-man March on Washington in 1941, and through warnings of a dramatic show of civil disobedience in 1948. Both presidents responded: Franklin Roosevelt's Executive Order 8802 desegregated the defense industry in 1941, and President Harry S. Truman ended segregation in the armed forces through Executive Order 9811 in 1948. Both actions led to significant positive change for black Americans.

Executive orders have an evolving history, but generally they are the "offspring of the implied powers doctrine," and are a critical instrument of active presidential power.¹⁰ Though nowhere defined in the Constitution, executive orders are regulations issued by the president that have the impact of law. Federal courts enforce them just as if they were acts of Congress, as long as they do not conflict with federal law. Nevertheless, there can be restraints on the president. In 1952 President Truman seized the steel mills when its workers went on strike during the Korean War. The Supreme Court ruled this action unconstitutional since, in the Court's opinion, Truman's action violated the "due process" clause of the Constitution.¹¹ Executive orders have been used for a variety of purposes. Often they serve simply to better define bureaucratic processes within the executive office—determining holidays for federal workers, classifying government documents as secret or top secret, or appointing commissions to study certain issues.

Over time, executive orders have been used to make changes having a much broader impact on the citizens of the United States. President Franklin Roosevelt was elected when depression raged across the nation. He was "given wide latitude by Congress and the American people, [and] relied heavily on executive initiatives to attack the economic crisis and rally the nation." Roosevelt issued 654 executive orders in 1933 alone, including one which closed all banks for four days, and another creating the Civilian Conservation Corps.¹² Later, during World War II, Roosevelt seized defense plants, shipyards, and thousands of coal mines so the government could control the production of war materiel. Executive Order 9066, which excluded Japanese Americans from certain

areas of the West Coast and interned them in permanent centers throughout the war, was by far the most controversial of his administration.

Since Roosevelt's order desegregating defense industries, and Truman's integration of the armed services, executive orders have often been used for civil rights enforcement. President Dwight D. Eisenhower, for example, sent troops to Little Rock, Arkansas to enforce Supreme Court decisions forbidding racial segregation in public schools. President John F. Kennedy took similar steps in the 1960s when blacks sought admission into Southern universities. Executive Order 11246, issued by President Lyndon Johnson, directed that firms contracting with the federal government create minority-hiring programs after Congress refused to do so in the Civil Rights Act of 1964. President Richard Nixon used an executive order to set up racial hiring quotas on federal projects.¹³ Perhaps it might be argued that A. Philip Randolph "started something."

Over time various political groups have argued that executive orders allow the president to expand his power to dangerous levels. Some congressmen fear it makes the chief executive less accountable to legislative oversight and tips the balance of power in favor of the White House. This tug of war between the legislative and executive branches over their respective powers is made more complicated by the vaguely defined constitutional order that the president "shall take care that the laws be faithfully executed." While the debate continues, it seems clear that presidents sometimes use executive orders as a means of supporting or extending political agendas.

Activity:

Form nine two-student teams to conduct research about the civil rights initiatives of any one of the presidents who has served since the administration of Harry S. Truman. The goal of your research is to:

1. Discover whether or not the president you chose to study used executive orders to advance the cause of civil rights either within government organizations or for the general population.
2. Assess the magnitude of such executive orders in bringing about significant change in areas affecting civil rights.
3. Make use of resources available through the web sites of the Presidential Libraries to judge the overall civil rights policy of the chief executive you studied.
4. Use secondary library sources to further weigh each president's contribution to making changes that strengthened the civil rights of American citizens.
5. Share your with findings with "Mr. A. Philip Randolph" through a role-playing activity.

Procedure:

1. Study the research tasks described above and make a decision about how you and your partner will accomplish them based on your respective interests and skills.
2. Partner I: Visit the web site of the president whose civil rights policies you are considering. Look especially for primary documents: the contents of the executive order and original correspondence discussing the order. A link to web site and e-mail addresses of the Presidential Libraries is provided at:

<http://www.nara.gov/nara/president/address.html>

For President George W. Bush, do a search on executive orders at:

www.whitehouse.gov.

At some presidential sites you will find an easy path to executive orders or to topics such as civil rights; at others you will have to work harder. If you get stuck, send an e-mail describing the three areas of interest: executive orders affecting civil rights issues; extent of impact; overall civil rights accomplishments. These libraries almost always have research staffers who will help you. Be sure to take notes to use at a later time.

Partner II: Gather information from secondary sources, using your school or public library. Consider encyclopedia resources, periodical literature, and single-subject biographies. Take notes on this president's overall civil rights record. Some of the information will overlap that of your partner, but secondary sources will provide analysis as well as several points of view.

3. As you and your partner continue the research, discuss what you are discovering about the civil rights record of this particular president. Keep these questions in mind:

Do you notice a clear pattern of interest in civil rights issues?

Was there any one proclamation, order, or law related to civil rights that the nation strongly associated with this president? For example, Lyndon Johnson's support and influence in the passage of the Civil Rights Act of 1964.

Did this president seem to break new ground in the civil rights arena? For example, did he strongly support legislation that addressed new categories of concern: equity in the workplace, protection of gays, more services for those who are handicapped.

What is the potential impact of this action on American citizens? Does it primarily affect only a few? Does it bear on employment issues? Educational opportunities? Future generations?

Did this president, in your opinion, take steps too slowly or limit the efforts of certain groups to gain civil rights protection?

4. When you have completed your research, you must prepare to meet "Mr. A. Philip Randolph." Here is the role-playing scenario:

As a great admirer of A. Philip Randolph, you have been invited to a small gathering where he is the guest of honor. You are an analyst in the presidential administration of _____ [you supply a president]. You know that Randolph's great interest is civil rights, so you plan to share with him your perspective on the civil rights progress of this particular president. To impress him with how knowledgeable you are about his interest, you "frame" your explanation using one of his quotes:

". . . Freedom is never a final act, but a continuing evolving process to higher and higher levels of human, social, economic, political, and religious relationships." 14

Using the statement as an organizer, explain the degree to which your president has "evolved" in the areas mentioned by Randolph. Your tone with "Mr. Randolph" should be conversational but respectful. He may ask you questions. Keep in mind that he may have met your president personally, so he is well informed. [A note for your teacher: You will need to choose someone to play "Mr. Randolph." While other students complete the research to support this activity, the role player should study Randolph, emphasizing the post-Truman years, so he can comment or ask questions in response to the students' explanations. Randolph was six feet tall and often described as "elegant" or "regal." Above all, he was focused, serious, and dignified. Choose someone who would enjoy taking on this persona and staying in character.]

As a Follow-Up:

After the teams complete their conversations with "Mr. Randolph," generate a set of compare-and-contrast generalizations with your classmates about the civil rights initiatives of presidents since Truman. Based on the teams' analyses, write a short paper about the degree to which these presidents used executive orders to accomplish civil rights goals.