

# **The Emancipation Proclamation: A Lesson in Executive Orders**

## **By Christy Hansen**

### **Grade 11/U.S. History**

**Lesson Overview: Students will learn about the powers of the executive branch by analyzing and comparing executive orders from the Emancipation Proclamation to the Desegregation of Central High School.**

#### **Objectives:**

1. Analyze the purpose and effect of the Emancipation Proclamation
2. Explore the purpose and effect of other Executive Orders relating to Civil Rights
3. Recognize the structure of an Executive Order
4. Create an Executive Order dealing with a current Civil Rights issue

#### **TEKS/TAKS**

US7: History. The student understands the impact of the American civil rights movement.

- (A) trace the historical development of the civil rights movement in the 18<sup>th</sup>, 19<sup>th</sup>, and 20<sup>th</sup> centuries, including the 13<sup>th</sup>, 14<sup>th</sup>, 15<sup>th</sup> amendments.
- (B) evaluate government efforts, including the Civil Rights Act of 1964, to achieve equality in the United States

US 16: Government. The student understands the changing relationship among the three branches of the federal government. The student is expected to:

US17: Government. The student understands the impact of the constitutional issues on American society in the 20<sup>th</sup> century. The student is expected to:

- (A) analyze the effects of 20<sup>th</sup> century landmark U.S. Supreme Court decisions such as *Brown v Board of education*, *Regents of the University of California v. Bakke*, and *Reynolds v Sims*
- (B) Analyze reasons for the adoption of 20<sup>th</sup> century constitutional amendments.

US21: Culture. The student understands how people from various groups, including racial, ethnic, and religious groups, adapt to life in the United States and contribute to our national identity. The student is expected to:

- (A) explain actions taken by people from racial, ethnic, and religious groups to expand economic opportunities and political rights in American society

US24: Social studies skills. The student applies critical-thinking skills to organize and use information acquired from a variety of sources including electronic technology. The student is expected to

- (A) locate and use primary and secondary sources such as computer software, databases, media and news services, biographies, interviews, and artifacts to acquire information about the United States.
- (B) analyze information by sequencing, categorizing, identifying cause-and-effect relationships, comparing, contrasting, finding the main idea, summarizing, making generalizations and predictions, and drawing inferences and conclusions.
- (C) explain and apply different methods that historians use to interpret the past, including the use of primary and secondary sources, points of view, frames of reference, and historical context.

US26: Social studies skills. The student uses problem-solving and decision-making skills, working independently and with others, in a variety of settings. The student is expected to:

- (A) use a problem-solving process to identify a problem, gather information, list and consider options, consider advantages and disadvantages, choose and implement a solution, and evaluate the effectiveness of the solution.

TAKS Objective 1, 4, 5

**Sponge:** Use photo #1 of Lincoln’s Emancipation Statue. (Slide 1 of attached PowerPoint). Have students study the photo and for 2 minutes create a list of everything they see in the photo. Have volunteers share what they wrote. Ask students what they think is happening in the statue? Why do they think it was built? When? By whom? Finally, ask students to create a name for the statue. Have students share the names they came up with and why. After a discussion on the proposed names, show photo #2 (slide 2 of attached PowerPoint). The name of the statue “Emancipation” will be visible

**Share the following information with the students:** This statue, dedicated in 1876, is also referred to as the Freedmen’s Monument. Most of the money raised to build this statue came from freed slaves. The artist, Thomas Bell, used Archer Alexander, the last slave captured under the Fugitive Slave Law as the model for the slave in the statue. Lincoln is holding a copy of the Emancipation Proclamation in his right hand and beckoning the freed slave to stand with his left. This statue was and still is controversial. Why might that be? (Teacher’s Notes: This statue is located in Lincoln Park in Washington D.C. Many people felt that Lincoln appears to be trying to keep the slave down or that the slave is supplicant to Lincoln. The fact that Lincoln is standing over the kneeling slave caused Frederick Douglass to say that it was a white man’s statue for a white man’s president.)

**Procedure:**

**Before Reading**

Activate Prior Knowledge: Brainstorm “Emancipation Proclamation” having students do a mental map on the Emancipation Proclamation (write down everything they know).

Create a list on the board.

Set Purpose: Have students write a question they have about the Emancipation Proclamation that they hope will be answered by this lesson. Share answers.

Give students a copy of handout #1 (Emancipation Proclamation)

**During Reading**

Have students fill out the following chart (Handout #2) as they read the handout with a partner.

What (Title)	When	Who wrote it
Goal		
Background		
Action		
Result		

Answers may vary but should be similar to the following:

Title: Emancipation Proclamation

When: January 1, 1863

Who: Abraham Lincoln

Goal: Hoped to inspire slaves in the Confederacy to support the Union and also hoped to keep England and France from giving political recognition and aid to the Confederacy

Background: Civil War had been going on for over a year when the Union won the Battle of Antietam. Lincoln hoped to give the Union a new reason to fight—eliminate slavery.

Action: Freed slaves in areas that were in rebellion but not in border states or areas already under Union control. It also announced that black troops would be accepted to fight for the Union.

Result: No slaves were directly freed by the document, but it changed the purpose of the war from a war to restore the Union to a war to end slavery.

After Reading: Have students share their answers

### **What is an Executive Order?**

The Emancipation Proclamation was an Executive Order. What does that mean? When have Executive Orders been used? <http://www.thisnation.com/question/040.html> is an excellent source of information on Executive Orders. **Give students a copy of this webpage (Handout #3).** Read this together and discuss the purpose of an executive order. Break students in to small groups and give each group an executive order that they will read and report on to the class.

Handout #4—EO 8802: Prohibition of Discrimination in the Defense Industry; 1941

Handout #5—EO 9066: Japanese Relocation Order; 1942

Handout #6—EO 9981: Desegregation of the Armed Forces; 1948

Handout #7—EO 10730: Desegregation of Central High School

**Before students start working, point out the pattern that most EO's follow: the use of whereas to establish reason and the use of therefore to establish action.**

**Have students read their assigned EO and fill in the chart on Handout #2.**

After students have had a chance to complete their charts, **have someone from each group share about their EO.** Other students can fill in the remaining charts on their handout.xe

All of the assigned documents deal with the issue of discrimination. Ask students why it might have been necessary for a president to issue an EO to deal with these problems. Some people feel the EOs violate the Constitution. Do you feel that this is the case? What problems could arise from an EO?

**Activity:** Students will develop an Executive Order on the topic of immigration with specific reference to how to handle the issue of illegal immigrants currently living in the United States. It will follow the form of an Executive Order with at least three whereas (reason) statements and two therefore (action) statements.

**Assessment:** This lesson is taught within the bigger unit of the Civil War or Civil Rights. Completion of writing their Executive Order will serve as the assessment for understanding of concepts.

**Gifted Extension:**

1. Choose a recent Executive Order and write a letter to the editor taking a pro or con stance on the issue. The letter must be typed, at least one page in length, and be supported with well researched facts.
2. Research Lincoln's stance on the issue of slavery and create a PowerPoint Presentation that outlines his beliefs over time.
3. Create a statue that you feel would be fitting to celebrate the Emancipation Proclamation. It can either be drawn, computer designed, or create in a scale replica. A two paragraph explanation of your design must be included.

Notes: The text of the Executive Orders used in the lesson can also be found at [www.ourdocuments.gov](http://www.ourdocuments.gov) Navigate to the 100 Milestone Documents. Many other examples of Executive Orders and Proclamations can be found at the National Archives website [www.archives.gov](http://www.archives.gov)

1863

## EMANCIPATION PROCLAMATION

*Even though sectional conflicts over slavery had been a major cause of the Civil War, ending slavery was not an original goal of the war. Initially, the North fought this war with the South to prevent the secession of the southern states and preserve the Union. However, to build military momentum after the Union victory in the Battle of Antietam, Abraham Lincoln changed the character of the war. On January 1, 1863, President Lincoln issued the Emancipation Proclamation, declaring "that all persons held as slaves" within the rebellious areas "are, and henceforth shall be free." He hoped not only to inspire all blacks, and slaves in the Confederacy in particular, to support the Union cause, but also to keep England and France from giving political recognition and military aid to the Confederacy.*

*Because it was a military measure, the Emancipation Proclamation was limited in many ways. It applied only to states that had seceded from the Union, leaving slavery untouched in the loyal border states. It also expressly exempted parts of the Confederacy that had already come under Union control. Most important, the freedom it promised depended upon Union military victory. Although the Emancipation Proclamation did not end slavery in the nation, it fundamentally transformed the war by announcing the acceptance of black troops and expanding the domain of freedom with every advance. As a milestone along the road to slavery's final destruction, it has assumed a place among the great documents of human freedom.*

### **BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: A PROCLAMATION**

Whereas on the 22nd day of September, A.D. 1862, a proclamation was issued by the President of the United States, containing, among other things, the following, to wit:

"That on the 1st day of January, A.D. 1863, all persons held as slaves within any State or designated part of a State the people whereof shall then be in rebellion against the United States shall be then, thenceforward, and forever free; and the executive government of the United States, including the military and naval authority thereof, will recognize and maintain the freedom of such persons and will do no act or acts to repress such persons, or any of them, in any efforts they may make for their actual freedom.

"That the executive will on the 1st day of January aforesaid, by proclamation, designate the States and parts of States, if any, in which the people thereof, respectively, shall then be in rebellion against the United States; and the fact that any State or the people thereof shall on that day be in good faith represented in the Congress of the United States by members chosen thereto at elections wherein a majority of the qualified voters of such States shall have participated shall, in the absence of strong countervailing testimony, be deemed

conclusive evidence that such State and the people thereof are not then in rebellion against the United States."

Now, therefore, I, Abraham Lincoln, President of the United States, by virtue of the power in me vested as Commander-In-Chief of the Army and Navy of the United States in time of actual armed rebellion against the authority and government of the United States, and as a fit and necessary war measure for suppressing said rebellion, do, on this 1st day of January, A.D. 1863, and in accordance with my purpose so to do, publicly proclaimed for the full period of one hundred days from the first day above mentioned, order and designate as the States and parts of States wherein the people thereof, respectively, are this day in rebellion against the United States the following, to wit:

Arkansas, Texas, Louisiana (except the parishes of St. Bernard, Plaquemines, Jefferson, St. John, St. Charles, St. James, Ascension, Assumption, Terrebonne, Lafourche, St. Mary, St. Martin, and Orleans, including the city of New Orleans), Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, and Virginia (except the forty-eight counties designated as West Virginia, and also the counties of Berkeley, Accomac, Northampton, Elizabeth City, York, Princess Anne, and Norfolk, including the cities of Norfolk and Portsmouth), and which excepted parts are for the present left precisely as if this proclamation were not issued.

And by virtue of the power and for the purpose aforesaid, I do order and declare that all persons held as slaves within said designated States and parts of States are, and henceforward shall be, free; and that the Executive Government of the United States, including the military and naval authorities thereof, will recognize and maintain the freedom of said persons.

And I hereby enjoin upon the people so declared to be free to abstain from all violence, unless in necessary self-defense; and I recommend to them that, in all case when allowed, they labor faithfully for reasonable wages.

And I further declare and make known that such persons of suitable condition will be received into the armed service of the United States to garrison forts, positions, stations, and other places, and to man vessels of all sorts in said service.

And upon this act, sincerely believed to be an act of justice, warranted by the Constitution upon military necessity, I invoke the considerate judgment of mankind and the gracious favor of Almighty God.

BY THE PRESIDENT: ABRAHAM LINCOLN

WILLIAM H. SEWARD, SECRETARY OF STATE.

What (Title)	When written	Who wrote it
Goal		
Background		
Action		
Result		

What (Title)	When written	Who wrote it
Goal		
Background		
Action		
Result		

# What is an Executive Order?

*From time to time I hear that President Bush has issued an Executive Order establishing this policy or that. What is an Executive Order? Where does the President get the authority to issue them? Is there any way to reverse an Executive Order?*

"Stroke of the pen. Law of the Land. Kinda cool."

*Paul Begala, former Clinton advisor, The New York Times, July 5, 1998*

"We've switched the rules of the game. We're not trying to do anything legislatively."

*Interior Secretary Bruce Babbitt, The Washington Times, June 14, 1999*

Executive Orders (EOs) are legally binding orders given by the President, acting as the head of the Executive Branch, to Federal Administrative Agencies. Executive Orders are generally used to direct federal agencies and officials in their execution of congressionally established laws or policies. However, in many instances they have been used to guide agencies in directions contrary to congressional intent.

Not all EOs are created equal. Proclamations, for example, are a special type of Executive Order that are generally ceremonial or symbolic, such as when the President declares National Take Your Child To Work Day. Another subset of Executive Orders are those concerned with national security or defense issues. These have generally been known as National Security Directives. Under the Clinton Administration, they have been termed "Presidential Decision Directives."

Executive Orders do not require Congressional approval to take effect but they have the same legal weight as laws passed by Congress. The President's source of authority to issue Executive Orders can be found in the Article II, Section 1 of the Constitution which grants to the President the "executive Power." Section 3 of Article II further directs the President to "take Care that the Laws be faithfully executed." To implement or execute the laws of the land, Presidents give direction and guidance to Executive Branch agencies and departments, often in the form of Executive Orders.

## A Brief History and Examples

Executive Orders have been used by every chief executive since the time of George Washington. Most of these directives were unpublished and were only seen by the agencies involved. In the early 1900s, the State Department began numbering them; there are now over 13,000 numbered orders. Orders were retroactively numbered going back to 1862 when President Lincoln suspended the writ of habeas corpus and issued the Emancipation Proclamation by Executive Order. There are also many other Executive Orders that have not been numbered because they have been lost due to bad record-keeping. Such is not the problem today. All new Executive Orders are easily accessible (see below).

Many important policy changes have occurred through Executive Orders. Harry Truman integrated the armed forces under Executive Order. President Eisenhower used an EO to desegregate schools. Presidents Kennedy and Johnson used them to bar racial discrimination in federal housing, hiring, and contracting. President Reagan used an EO to bar the use of federal funds for advocating abortion. President Clinton reversed this order when he came into office.

President Clinton has come under fire for using the EO as a way to make policy without consulting the Republican Congress (see the quotes at the beginning of this article). Clinton has signed over 300 EOs since 1992. In one case, he designated 1.7 million acres of Southern Utah as the Grand Staircase - Escalante National Monument. He also designated a system of American Heritage Rivers and even fought a war with Yugoslavia under Executive Order.

## **Controversy**

Executive Orders are controversial because they allow the President to make major decisions, even law, without the consent of Congress. This, of course, runs against the general logic of the Constitution -- that no one should have power to act unilaterally. Nevertheless, Congress often gives the President considerable leeway in implementing and administering federal law and programs. Sometimes, Congress cannot agree exactly how to implement a law or program. In effect, this leaves the decision to the federal agencies involved and the President that stands at their head. When Congress fails to spell out in detail how a law is to be executed, it leaves the door open for the President to provide those details in the form of Executive Orders.

## **Congressional Recourse**

If Congress does not like what the executive branch is doing, it has two main options. First, it may rewrite or amend a previous law, or spell it out in greater detail how the Executive Branch must act. Of course, the President has the right to veto the bill if he disagrees with it, so, in practice, a 2/3 majority is often required to override an Executive Order.

Congress is less likely to challenge EOs that deal with foreign policy, national defense, or the implementation and negotiation of treaties, as these are powers granted largely to the President by the Constitution. As the Commander-in-Chief of the armed forces, the President is also considered the nation's "Chief Diplomat." In fact, given national security concerns, some defense or security related EOs (often called National Security Directives or Presidential Decision Directives) are not made public.

In addition to congressional recourse, Executive Orders can be challenged in court, usually on the grounds that the Order deviates from "congressional intent" or exceeds the President's constitutional powers. In one such notable instance, President Harry Truman, was rebuked by the Supreme Court for overstepping the bounds of presidential authority. After World War II, Truman seized control of steel mills across the nation in an effort to settle labor disputes. In response to a challenge of this action, the Supreme Court ruled that the seizure was unconstitutional and exceeded presidential powers because neither the Constitution or any statute authorized the President to seize private businesses to settle labor disputes. For the most part, however, the Court has been fairly tolerant of wide range of executive actions.

*Contributing Author: Jeffrey C. Fox, [Catawba College](#)*

## **Additional Resources**

The ultimate criticism of Executive Orders is that the runaway use of EOs could result in a President becoming a virtual dictator, capable of making major policy decisions without any congressional or

judicial input. The following web sites contain articles arguing against the liberal use of Executive Orders by the President.

- [The Impact of Executive Orders on the Legislative Process: Executive Lawmaking?](#) William Olsen, Cato Institute
- [Executive Orders A Blueprint for Dictatorship?](#) Tanya L. Green, J.D., Concerned Women for America

## **For What Purposes Have Presidents Used Executive Orders?**

The best way to get a feel for the types of "laws" that are made by Executive Order is to access them online. Executive Orders are available through multiple government publications and on the Internet (except those classified in the name of national security). You can read the text of these orders daily in the *Federal Register* and also under Title 3 of the *Code of Federal Regulations*. All EOs have been numbered and published since 1936.

## **Sites Providing Access to Executive Orders**

- [The White House](#)
- [Executive Orders Disposition Tables](#) (Federal Register)
- [Fedlaw](#)

## **Executive Orders in the States**

The use of Executive Orders is not just a presidential activity. They are also used by most state governors, who are the chief executives of their states. The following links will give you a feel for the types of Executive Orders used in a few states:

- [Florida](#)
- [Pennsylvania](#)
- [Utah](#)

1941

EXECUTIVE ORDER 8802: PROHIBITION OF DISCRIMINATION IN THE DEFENSE

INDUSTRY

*In September 1940 A. Philip Randolph, president of the Brotherhood of Sleeping Car Porters, the nation's first predominantly black union, and a delegation of black leaders met with President Franklin Roosevelt to discuss the rankling issue of segregation in the armed services. Despite Roosevelt's graciousness, two weeks later the White House issued a statement making clear that segregation in the military would continue. Convinced that meetings would not achieve his ends, Randolph began to organize a March on Washington to protest discrimination in the defense industries. He was determined that blacks share in the economic opportunities arising from wartime production. By May 1941, despite skepticism within the black community and apprehension among white political leaders, Randolph had enlisted 100,000 African Americans to converge on the nation's capital on July 1<sup>st</sup>.*

*The President called on first lady Eleanor Roosevelt and several members of his administration to confer with Randolph, but eventually he agreed to a personal meeting with the black leader, which occurred on June 18. Randolph, unyielding, warned that blacks would bring "ten, twenty, fifty thousand Negroes on the White House lawn" if the President did not yield to their demands. In response, on June 25, 1941, President Roosevelt issued the first presidential directive on race since Reconstruction. Executive Order 8802 banned discriminatory employment practices by federal agencies and all unions and companies that engaged in war-related work. The order also established the Fair Employment Practices Commission to investigate complaints and redress valid grievances. It would be left to President Harry S Truman, in 1948, to issue an executive order desegregating the military itself.*

REAFFIRMING POLICY OF FULL PARTICIPATION IN THE DEFENSE PROGRAM BY ALL PERSONS, REGARDLESS OF RACE, CREED, COLOR, OR NATIONAL ORIGIN, AND DIRECTING CERTAIN ACTION IN FURTHERANCE OF SAID POLICY

June 25, 1941

WHEREAS it is the policy of the United States to encourage full participation in the national defense program by all citizens of the United States, regardless of race, creed, color, or national origin, in the firm belief that the democratic way of life within the Nation can be defended successfully only with the help and support of all groups within its borders; and

WHEREAS there is evidence that available and needed workers have been barred from employment in industries engaged in defense production solely because of considerations of race, creed, color, or national origin, to the detriment of workers' morale and of national unity:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and the statutes, and as a prerequisite to the successful conduct of our national defense production effort, I do hereby reaffirm the policy of the United States that there shall be no discrimination in the employment of workers in defense industries or government because of race, creed, color, or national origin, and I do hereby declare that it is the duty of employers and of labor organizations, in furtherance of said policy and of this order, to provide for the full and equitable participation of all workers in defense industries, without discrimination because of race, creed, color, or national origin;

And it is hereby ordered as follows:

1. All departments and agencies of the Government of the United States concerned with vocational and training programs for defense production shall take special measures appropriate to assure that such programs are administered without discrimination because of race, creed, color, or national origin;

2. All contracting agencies of the Government of the United States shall include in all defense contracts hereafter negotiated by them a provision obligating the contractor not to discriminate against any worker because of race, creed, color, or national origin;

3. There is established in the Office of Production Management a Committee on Fair Employment Practice, which shall consist of a chairman and four other members to be appointed by the President. The Chairman and members of the Committee shall serve as such without compensation but shall be entitled to actual and necessary transportation, subsistence and other expenses incidental to performance of their duties. The Committee shall receive and investigate complaints of discrimination in violation of the provisions of this order and shall take appropriate steps to redress grievances which it finds to be valid. The Committee shall also recommend to the several departments and agencies of the Government of the United States and to the President all measures which may be deemed by it necessary or proper to effectuate the provisions of this order.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE, JUNE 25, 1941.

1942  
EXECUTIVE ORDER 9066:  
JAPANESE RELOCATION ORDER

*Many Japanese immigrants to the United States settled on the West Coast, cultivating farmlands and fruit orchards, fishing, and operating small businesses. Some state and federal laws and policies restricted citizenship and land ownership. The Japanese attack on Pearl Harbor caused widespread fear in the West and intensified racist attitudes. Contending that circumstances justified unusual security measures, the governors and attorneys general from California, Washington, and Oregon urged the federal government to remove persons of Japanese descent, those born in the United States as well as immigrants, from the West Coast. Department of Justice representatives raised constitutional and ethical objections, so the army was assigned the task instead. However, on February 19, 1942, President Franklin D. Roosevelt issued Executive Order 9066 authorizing the incarceration of Japanese Americans living on the West Coast, and Congress passed the enabling legislation on March 31, 1942.*

*The Western Defense Command oversaw the removal and detention of 122,000 men, women, and children of Japanese ancestry. Nearly 70,000 of the evacuees were American citizens. They were sent to isolated, fenced, and guarded relocation centers, where they remained for most of the war. The government issued no charges against them, nor could they appeal their incarceration. All lost personal liberties; most lost homes and property. With little success, Japanese Americans challenged the government's actions before the Supreme Court. The last of the camps did not close until 1946.*

*Serious efforts to seek compensation began in 1980; the Commission on Wartime Relocation and Internment of Civilians held investigations and made recommendations. As a result, Members of Congress introduced several bills from 1984 until 1988, when Congress finally acknowledged the injustice of the internment, apologized for it, and provided restitution.*

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 material, national-defense premises, and national-defense utilities as defined in Section 4, Act of April 20, 1918, 40 Stat. 533, as amended by the Act of November 30, 1940, 54 Stat. 1220, and the Act of August 21, 1941, 55 Stat. 655 (U.S.C., Title 50, Sec. 104);

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.

This order shall not be construed as modifying or limiting in any way the authority heretofore granted under Executive Order No. 8972, dated December 12, 1941, nor shall it be construed as limiting or modifying the duty and responsibility of the Federal Bureau of Investigation, with respect to the investigation of alleged acts of sabotage or the duty and responsibility of the Attorney General and the Department of Justice under the Proclamations of December 7 and 8, 1941, prescribing regulations for the conduct and control of alien enemies, except as such duty and responsibility is superseded by the designation of military areas hereunder.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE, FEBRUARY 19, 1942.

[F.R. Doc. 42-1563; Filed, February 21, 1942; 12:51 p.m.]

SOURCE: "OUR DOCUMENTS: 100 MILESTONE DOCUMENTS FROM THE NATIONAL ARCHIVES." OXFORD: OXFORD UNIVERSITY PRESS, 2003. P. 178-179

1948  
EXECUTIVE ORDER 9981:  
DESEGREGATION OF THE ARMED FORCES

*Of the 2.5 million African-American males who registered for the draft during World War II, more than one million were inducted into the armed forces. Along with thousands of black women, these inductees served in all branches of the military and in all theaters of operation during World War II. During the war, President Roosevelt had issued an executive order that prohibited discrimination in the defense industries and established a Fair Employment Practices Commission (FEPC) to enforce his directive. Yielding to pressure from Congress, President Truman agreed to shut down the FEPC. However, in December 1946 he appointed a distinguished panel to serve as the President's Commission on Civil Rights. The commission's report, "To Secure These Rights," which the panel issued in October 1947, called for legislation to outlaw lynching and poll taxes, a permanent FEPC, and strengthening of the civil rights division of the Department of Justice.*

*In February 1948 Truman called on Congress to enact all of these recommendations. Because southern senators immediately threatened a filibuster, he moved ahead on civil rights by using his executive powers. He bolstered the civil rights division, appointed the first African-American judge to the federal bench, names several African Americans to high-ranking positions in his administration, and, most important, issued an executive order abolishing segregation in the armed forces and ordering full integration of all the services.*

*Executive Order 9981 committed the government to "equality of treatment and opportunity for all persons in the U.S. military without regard to race, color, religion, or national origin." The order established an advisory committee to examine the rules, practices, and procedures of the armed services and to recommend effective methods of desegregation. Despite considerable resistance from the military, by the end of the Korean conflict, almost all the armed forces had achieved integration.*

EXECUTIVE ORDER

ESTABLISHING THE PRESIDENT'S COMMITTEE ON EQUALITY OF TREATMENT AND OPPORTUNITY IN THE ARMED FORCES.

WHEREAS it is essential that there be maintained in the armed services of the United States the highest standards of democracy, with equality of treatment and opportunity for all those who serve in our country's defense:

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, and as Commander in Chief of the armed services, it is hereby ordered as follows:

1. It is hereby declared to be the policy of the President 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 policy shall be put into effect as rapidly as possible, having due regard to the time required to effectuate any necessary changes without impairing efficiency or morale.

2. There shall be created in the National Military Establishment an advisory committee to be known as the President's Committee on Equality of Treatment and Opportunity in the Armed Services, which shall be composed of seven members to be designated by the President.

3. The Committee is authorized on behalf of the President to examine into the rules, procedures and practices of the Armed Services in order to determine in what respect such rules, procedures and practices may be altered or improved with a view to carrying out the policy of this order. The Committee shall confer and advise the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force, and shall make such recommendations to the President and to said Secretaries as in the judgment of the Committee will effectuate the policy hereof.

4. 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 the services of such persons as the Committee may require in the performance of its duties.

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

6. The Committee shall continue to exist until such time as the President shall terminate its existence by Executive order.

HARRY TRUMAN

THE WHITE HOUSE  
JULY 26, 1948

SOURCE: "OUR DOCUMENTS: 100 MILESTONE DOCUMENTS FROM THE NATIONAL ARCHIVES." OXFORD: OXFORD UNIVERSITY PRESS, 2003. P. 202-203

1957  
EXECUTIVE ORDER 10730:  
DESEGREGATION OF CENTRAL HIGH SCHOOL

*On May 17, 1954, the U.S. Supreme Court ruled in Brown v. Board of Education that segregated schools were “inherently unequal” and in May 1955 ordered the desegregation of public schools “with all deliberate speed.” Consistent with that decision, the Little Rock, Arkansas, school board voted unanimously to desegregate the high school in 1957, followed by the junior high schools, and finally the elementary schools. In September 1957 nine African-American students enrolled at Central High School.*

*On September 2, the night before the first day of school, Arkansas Governor Orval Faubus ordered the state’s National Guard to surround Central High School to prevent any black students from entering. Faubus claimed that he feared protesters would turn violent. President Dwight D. Eisenhower met with the governor in person to discuss the situation. Eisenhower, convinced that Faubus had changed his mind and had agreed to allow the African American students to enroll, permitted the troops to remain at Central High to enforce order and protect the students. But a federal district court, taking into account only the governor’s determination to keep the students out of the school, found his claims of impending violence to be without merit, and Faubus withdrew the National Guard.*

*A few days later, when nine African American students slipped into the school to enroll, a full-scale riot erupted. Because Faubus failed to check the violence, Eisenhower, as the chief law enforcement officer of the United States, had no choice but to act. He had opposed the Brown decision but in his inaugural oath had sworn to uphold the Constitution. On September 23 he issued an executive order placing the Arkansas National Guard under federal control and sending one thousand U.S. Army paratroopers from the 101<sup>st</sup> Airborne Division to restore order in Little Rock and enforce the federal court’s desegregation order.*

*At the end of the school year, a federal district court granted the school board’s request to postpone desegregation for two and a half years to allow the situation to calm down. The NAACP appealed the decision, and the Supreme Court in Cooper v. Aaron ruled unanimously that desegregation must proceed without delay. The justices emphatically declared that governors and state legislatures must uphold the decisions of the Supreme Court. This was the first significant test of the enforcement of Brown.*

**PROVIDING ASSISTANCE FOR THE REMOVAL OF AN OBSTRUCTION OF JUSTICE WITHIN THE STATE OF ARKANSAS**

WHEREAS on September 23, 1957, I issued Proclamation No.3204 reading in part as follows:

"WHEREAS certain persons in the state of Arkansas, individually and in unlawful assemblages, combinations, and conspiracies, have wilfully obstructed the enforcement of orders of the United States District Court for the Eastern District of Arkansas with respect to matters relating to enrollment and attendance at public schools, particularly at Central High School, located in Little Rock School District, Little Rock, Arkansas; and

"WHEREAS such wilful obstruction of d justice hinders the execution of the laws of that State and of the United States, and makes it impracticable to enforce such laws by the ordinary course of judicial proceedings; and

"WHEREAS such obstruction of justice constitutes a denial of the equal protection of the laws secured by the Constitution of the United States and impedes the course of justice under those laws:

"NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States, under and by virtue of the authority vested in me by the Constitution and Statutes of the United States, including Chapter 15 of Title 10 of the United States Code, particularly sections 332, 333 and 334 thereof, do command all persons engaged in such obstruction of justice to cease and desist therefrom, and to disperse forthwith;" and

WHEREAS the command contained in that Proclamation has not been obeyed and wilful obstruction of enforcement of said court orders still exists and threatens to continue:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and Statutes of the United States, including Chapter 15 of Title 10, particularly sections 332, 333 and 334 thereof, and section 301 of Title 3 of the United States Code, It is hereby ordered as follows:

SECTION 1. I hereby authorize and direct the Secretary of Defense to order into the active military service of the United States as he may deem appropriate to carry out the purposes of this Order, any or all of the units of the National Guard of the United States and of the Air National Guard of the United States within the State of Arkansas to serve in the active military service of the United States for an indefinite period and until relieved by appropriate orders.

SEC. 2. The Secretary of Defense is authorized and directed to take all appropriate steps to enforce any orders of the United States District Court for the Eastern District of Arkansas for the removal of obstruction of justice in the State of Arkansas with respect to matters relating to enrollment and attendance at public schools in the Little Rock School District, Little Rock, Arkansas. In carrying out the provisions of this section, the Secretary of Defense is authorized to use the units, and members thereof, ordered into the active military service of the United States pursuant to Section 1 of this Order.

SEC. 3. In furtherance of the enforcement of the aforementioned orders of the United States District Court for the Eastern District of Arkansas, the Secretary of Defense is authorized to use such of the armed forces of the United States as he may deem necessary.

SEC. 4. The Secretary of Defense is authorized to delegate to the Secretary of the Army or the Secretary of the Air Force, or both, any of the authority conferred upon him by this Order.

DWIGHT D. EISENHOWER  
THE WHITE HOUSE,  
September 24, 1957.

SOURCE: "OUR DOCUMENTS: 100 MILESTONE DOCUMENTS FROM THE NATIONAL ARCHIVES." OXFORD: OXFORD UNIVERSITY PRESS, 2003. P. 214-216