
LECTURE

E. FREDERIC MORROW AND THE HISTORICAL TIME OF THE CIVIL RIGHTS MOVEMENT

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CONTENTS

INTRODUCTION	1414
I. LIVING AT THE EDGES OF HISTORICAL TIME	1420
II. CIVIL RIGHTS LAW AND POLITICS IN THE UNCERTAIN STREAM OF HISTORY	1427
III. NARRATIVES OF INTEGRATION IN THE MID-TWENTIETH CENTURY	1434
IV. EMMETT TILL, CIVIL RIGHTS, AND FEDERALISM	1452
V. MAKING HISTORY, AND ITS COSTS	1466

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INTRODUCTION

In the fall of 1952, an African American lawyer, former NAACP staffer, and World War II veteran named E. Frederic Morrow sat down for a deeply personal conversation with the White war hero and presidential candidate, Dwight D. Eisenhower.¹ Morrow was a member of Eisenhower's traveling campaign staff, and he convinced the former General to sit for an unscripted conversation in Eisenhower's private railroad car after a speech at West Point.² As the train traveled along the Hudson River, Eisenhower gazed out the window, reminiscing about his days as a cadet.³ Both men knew what was coming, but the General spent the first half hour of the conversation avoiding it. Finally, Morrow broke in and brought Eisenhower around to the subject that was on the minds of African Americans: why had he endorsed a segregated army in his testimony before the Senate four years earlier?⁴ The General, with "a hurt look on his face," first paused, then obliquely asked for Christian forgiveness for his sins.⁵ Eisenhower tried to avoid a direct answer, but Morrow kept pressing. The General finally admitted that he had been a believer in military segregation, but realized the wrongness of his previous views and was now asking to be forgiven.⁶ It was an unprecedented event. African Americans had petitioned, confronted, and demanded things of presidents and presidential aspirants at least as far back as Abraham Lincoln's time in office with mixed success, but this was a far more intimate conversation with a far more revealing reply.⁷

Two-and-a-half years later, Fred Morrow would walk through the northwest gate of the White House and integrate the presidential staff.⁸ He was the first African American to work there in a professional capacity. His official title was Administrative Officer for Special Projects, and his arrival that day brought a rare smile to the face of Sherman Adams, Eisenhower's taciturn Chief of Staff, for integration, of a sort, had come to the highest reaches of the federal service.⁹ The executive mansion had nearly always been a biracial place. Black Americans had occupied a prominent place among the service staff ever since early Presidents had brought people they had enslaved to the national capital.¹⁰

¹ E. FREDERIC MORROW, FORTY YEARS A GUINEA PIG 81 (1980) [hereinafter FORTY YEARS].

² *Id.* at 81-82.

³ *Id.* at 82.

⁴ *Id.* at 82-83.

⁵ *Id.* at 83.

⁶ *Id.* at 81-84.

⁷ *Id.*; see Interview by Ed Edwin with E. Frederic Morrow, in N.Y.C., N.Y., at 31-32 (Jan. 31, 1968) [hereinafter Interview with Morrow] (on file with the Dwight D. Eisenhower Presidential Library) (detailing how Morrow and Eisenhower's conversations involved deeply personal looks into Eisenhower's bias).

⁸ FORTY YEARS, *supra* note 1, at 96.

⁹ *Id.* at 92, 94.

¹⁰ There is an emerging literature on the integration of the federal service, but we have only fragmentary knowledge of the long, complex, and politically charged history of Black

Morrow, however, would interact with White Americans on a plane of equality inside the seat of executive power within the United States government—at least if he negotiated the many pitfalls in his way. Both Morrow and Adams grinned broadly and clasped hands after the Black staffer had finished reciting his oath, for each man sensed that this small act might help redirect historical time to a more hopeful future than the segregationist present.¹¹

Fred Morrow's appointment attracted additional notice because it happened just as civil rights was becoming an unavoidable issue in American law and politics. Only one month earlier, the Supreme Court had handed down its second decision in *Brown v. Board of Education*¹² requiring school desegregation to proceed with "all deliberate speed."¹³ Several months after Morrow's hiring, the murder of Emmett Till, a Black youth in Mississippi, would spur outrage across the nation.¹⁴ As federal officials fielded questions about how much the national government should act to protect the constitutional rights of African Americans in the South, they naturally redirected them to Morrow, even though those issues lay outside his official duties.¹⁵ African Americans who wanted the Administration to invoke federal law more forcefully did the same.¹⁶ Morrow's hiring was greeted with elation by Black activists and civil rights groups who had lobbied successive presidents for integration of the federal service, and by liberal-minded Republicans who saw Morrow as a sign that the party might

workers, enslaved and free, and White politicians and policymakers in the executive residence. For pieces of that story, see generally CLARENCE LUSANE, *THE BLACK HISTORY OF THE WHITE HOUSE* (2011); KENNETH T. WALSH, *FAMILY OF FREEDOM: PRESIDENTS AND AFRICAN AMERICANS IN THE WHITE HOUSE* (1st ed. 2014); LILLIAN ROGERS PARKS, *MY THIRTY YEARS BACKSTAIRS AT THE WHITE HOUSE* (1961); ALONZO FIELDS, *MY 21 YEARS IN THE WHITE HOUSE* (Pickle Partners Publ'g ed., 2019) (1960); ELIZABETH KECKLEY, *BEHIND THE SCENES. OR, THIRTY YEARS A SLAVE, AND FOUR YEARS IN THE WHITE HOUSE* (1988); PAUL JENNINGS, *A COLORED MAN'S REMINISCENCES OF JAMES MADISON* (1865); G. Franklin Edwards & Michael R. Winston, Commentary, *The Washington of Paul Jennings—White House Slave, Free Man, and Conspirator for Freedom*, in 1 *WHITE HOUSE HISTORY* 52 (1983); ANNETTE GORDON-REED, *THE HEMINGSES OF MONTICELLO: AN AMERICAN FAMILY* (2008); Edward Lawler, Jr., *The President's House Revisited*, 129 *PA. MAG. HIST. & BIOGRAPHY* 371 (2005); ERICA ARMSTRONG DUNBAR, *NEVER CAUGHT: THE WASHINGTONS' RELENTLESS PURSUIT OF THEIR RUNAWAY SLAVE*, *ONA JUDGE* (2017); HENRY WIENCEK, *AN IMPERFECT GOD: GEORGE WASHINGTON, HIS SLAVES, AND THE CREATION OF AMERICA* (2003); and FRITZ HIRSCHFELD, *GEORGE WASHINGTON AND SLAVERY: A DOCUMENTARY PORTRAYAL* (1997).

¹¹ FORTY YEARS, *supra* note 1, at 96.

¹² 349 U.S. 294 (1955).

¹³ *Id.* at 301.

¹⁴ See TIMOTHY B. TYSON, *THE BLOOD OF EMMETT TILL* 73-75 (2017); FORTY YEARS, *supra* note 1, at 101.

¹⁵ E. FREDERIC MORROW, *BLACK MAN IN THE WHITE HOUSE: A DIARY OF THE EISENHOWER YEARS BY THE ADMINISTRATIVE OFFICER FOR SPECIAL PROJECTS, THE WHITE HOUSE, 1955-1961*, at 28-30 (1963) [hereinafter *BLACK MAN IN THE WHITE HOUSE*].

¹⁶ See FORTY YEARS, *supra* note 1, at 100-01.

reclaim its hold on Black voters as well as its historic legacy as the party of Lincoln.¹⁷

But events would not proceed as either Morrow, Adams, or Eisenhower imagined they might. The Black staffer would spend five and a half tumultuous years in the White House as a high-level administrator and eventually as the Eisenhower Administration's informal point person on civil rights and race relations issues. He became the person who Black Americans expected to explain race and civil rights to a President reticent about enforcing civil rights law in the South, and who White federal officials expected to explain President Eisenhower's views to an increasingly skeptical Black public.¹⁸ Morrow's tenure would encompass many legal and political milestones of the postwar era: not only the debate over *Brown* and Till's murder, but also the emergence of Martin Luther King, Jr. as a national leader,¹⁹ the birth of the sit-in movement,²⁰ and the presidential election of 1960.²¹ Nevertheless, he would leave the White House in January 1961 with his reputation, and his self-respect, in tatters.²² He penned a bitter memoir/diary of his time in the government, titled *Black Man in the White House*.²³ More memoirs would follow, each tinged with anger, and each an attempt at self-justification, but to no avail.²⁴ Morrow quickly slipped from public notice, largely forgotten by historians and the public alike, just as the civil rights movement was etching itself into law, American public consciousness, and transnational collective memory.²⁵

There have been periodic attempts to grapple with the significance of the "Black Man in the White House," as Morrow styled himself.²⁶ Historians and political scientists began to argue about the meaning of his historical narrative long before his passing in 1994. They have nearly uniformly focused on his tenure as an Eisenhower aide, and have, for the most part, interpreted his story as one of simple failure and neglect by his White colleagues.²⁷ Measured by the

¹⁷ *Id.*; see LEAH WRIGHT RIGUEUR, *THE LONELINESS OF THE BLACK REPUBLICAN: PRAGMATIC POLITICS AND THE PURSUIT OF POWER* 29-30 (2015).

¹⁸ See BLACK MAN IN THE WHITE HOUSE, *supra* note 15, at 48 ("It is my responsibility to explain to [W]hite people how Negroes feel on this matter, and by the same token, explain to Negroes the Administration's attitude.").

¹⁹ *Id.* at 133.

²⁰ See TOMIKO BROWN-NAGIN, *COURAGE TO DISSENT: ATLANTA AND THE LONG HISTORY OF THE CIVIL RIGHTS MOVEMENT* 137-38 (2011); ROBERT FREDRICK BURK, *THE EISENHOWER ADMINISTRATION AND BLACK CIVIL RIGHTS* 253-66 (1984).

²¹ See BLACK MAN IN THE WHITE HOUSE, *supra* note 15, at 292.

²² See *id.* at 274; FORTY YEARS, *supra* note 1, at 213.

²³ See generally BLACK MAN IN THE WHITE HOUSE, *supra* note 15.

²⁴ See generally E. FREDERIC MORROW, *WAY DOWN SOUTH UP NORTH* (1973) [hereinafter *WAY DOWN SOUTH*]; FORTY YEARS, *supra* note 1.

²⁵ See LUSANE, *supra* note 10, at 277-78.

²⁶ See generally BLACK MAN IN THE WHITE HOUSE, *supra* note 15.

²⁷ See, e.g., RIGUEUR, *supra* note 17, at 29-38 (chronicling Morrow's failed attempts to convince Republicans to improve stance toward African Americans); N.D.B. Connolly, *Black*

tremendous legal and legislative victories and civil rights milestones of the succeeding decades and by the history that has been erected out of them, Morrow's story does indeed seem like one of failure. More recently, some have tried to link Morrow to the imagery surrounding another Black man in the White House—the first African American President.²⁸ Yet, Morrow's story, and its significance, remains elusive.

How does one make sense of Morrow's narrative and its importance for the history of American law and politics? Morrow seems to have placed himself on the wrong side of many of the events with which we organize the narrative of law and civil rights in the second half of the twentieth century. He launched his career at the NAACP, helped propose an important program for its future, and earned a law degree just as the organization was moving decisively on the path that would lead to its greatest legal victory.²⁹ But Morrow forsook his legal training, burned his bridges with the organization at that very moment, and left it on contentious terms.³⁰ He was a Republican at a time when Black Americans were shifting to the Democratic party.³¹ He remained steadfastly loyal to a President whose reputation as an enforcer of civil rights law remains mixed at best, despite recent efforts to redeem it.³² He was among the first wave of Black

Appointees, Political Legitimacy, and the American Presidency, in RECAPTURING THE OVAL OFFICE: NEW HISTORICAL APPROACHES TO THE AMERICAN PRESIDENCY 123, 133-35 (Brian Balogh & Bruce J. Schulman eds., 2015) (discussing Morrow's service and challenges during White House tenure); LUSANE, *supra* note 10, at 271-78 (noting Morrow ultimately "faded into obscurity"); BURK, *supra* note 20, at 253-66 (illustrating new phase in civil rights movement, in which lack of proper engagement resulted in failure for Republican party in 1960 election); Milton S. Katz, *E. Frederick Morrow and Civil Rights in the Eisenhower Administration*, 42 PHYLON 133, 141-42, 144 (1981) (describing Morrow's frustrations and ultimate disappointment after experience in White House). For a contrary view, although still measuring Morrow's story using the conventional civil rights narrative, see Michael J. Birkner, *From Hackensack to the White House: The Triumph and Travail of E. Frederic Morrow*, 3 N.J. STUD.: AN INTERDISC. J., Summer 2017, at 78.

²⁸ In 2014, a Kindle edition of Morrow's White House memoir appeared, marketed with an added subtitle on the cover that reads: "Before Obama . . ." E. FREDERIC MORROW, BLACK MAN IN THE WHITE HOUSE (Devault-Graves digit. ed., 2014).

²⁹ See Birkner, *supra* note 27, at 82-84.

³⁰ See *id.* at 84.

³¹ *Id.* at 83.

³² For example, Eisenhower's defenders point to him desegregating many public facilities in the District of Columbia and on military bases, and his completion of the military desegregation—begun under Truman but still unfinished when Eisenhower took office. See DAVID A. NICHOLS, A MATTER OF JUSTICE: EISENHOWER AND THE BEGINNING OF THE CIVIL RIGHTS REVOLUTION 111-14 (2007) (analyzing Eisenhower's actions supporting civil rights despite his cautious public rhetoric); TIMOTHY N. THURBER, REPUBLICANS AND RACE: THE GOP'S FRAYED RELATIONSHIP WITH AFRICAN AMERICANS, 1954-1974, at 34-57 (2013) (discussing Eisenhower's desegregation efforts in D.C. and inclusion of nondiscrimination clauses in government contracts). His detractors point to his hesitancy to confront white supremacy and segregation where federal power was weaker—such as school integration and racial violence—and his supposed sympathy for White Southerners who feared their worlds were coming apart. For the traditional, more critical view, see JIM NEWTON, EISENHOWER:

Americans to integrate the ranks of corporate management in the aftermath of World War II, but he left that position as well—perhaps unwisely—to join the Eisenhower Administration.³³ And he departed from the White House just in time to be eclipsed by the glow of a new set of African American figures, many of whom would come to be associated with the story that we now tell as the legal history of the civil rights movement.³⁴

Morrow's story is so difficult to grasp in part because he inhabited a world that remains unfamiliar, despite the recent outpouring of scholarship exploring race, law, and civil rights in the post-World War II era.³⁵ This Article is an attempt to make sense of the assumptions that underlay that world—assumptions that were shared by many Americans at mid-century. It was a mid-twentieth-century world of law and politics where much of the familiar terrain of our own post-civil rights world was new or uncertain. It was a world in which segregation, both in its Northern and Southern variants, was on the wane, and the initial legal victories that we now use to tell the story of its demise had been won.³⁶ But the participants in this story did not yet know or understand themselves to be in the midst of a narrative that would end with anything like the lodestone accomplishments of the 1960s—the Birmingham demonstrations, the Civil Rights Act of 1964, the Voting Rights Act of 1965, and so many more—least of all Morrow.³⁷

It was a world in which “Mr. Civil Rights,” Thurgood Marshall, could express a profound uncertainty about the path forward in the aftermath of the 1950 Supreme Court victories that we now believe set the NAACP on the road to

THE WHITE HOUSE YEARS 116-18, 247-53 (2011); TONY A. FREYER, *LITTLE ROCK ON TRIAL: COOPER V. AARON AND SCHOOL DESEGREGATION* 41-46 (2007); and JAMES T. PATTERSON, *GRAND EXPECTATIONS: THE UNITED STATES, 1945-1974*, at 392-94, 412-16 (1996).

³³ See Birkner, *supra* note 27, at 84-85.

³⁴ See *id.* at 113-17.

³⁵ See generally, PATRICIA SULLIVAN, *JUSTICE RISING: ROBERT KENNEDY'S AMERICA IN BLACK AND WHITE* (2021); CAROL ANDERSON, *BOURGEOIS RADICALS: THE NAACP AND THE STRUGGLE FOR COLONIAL LIBERATION, 1941-1960* (2015); NICO SLATE, *COLORED COSMOPOLITANISM: THE SHARED STRUGGLE FOR FREEDOM IN THE UNITED STATES AND INDIA* (2012); BROWN-NAGIN, *supra* note 20; THOMAS J. SUGRUE, *SWEET LAND OF LIBERTY: THE FORGOTTEN STRUGGLE FOR CIVIL RIGHTS IN THE NORTH* (2008); ANGELA D. DILLARD, *FAITH IN THE CITY: PREACHING RADICAL SOCIAL CHANGE IN DETROIT* (2007); SCOTT KURASHIGE, *THE SHIFTING GROUNDS OF RACE: BLACK AND JAPANESE AMERICANS IN THE MAKING OF MULTIETHNIC LOS ANGELES* (2008); MATTHEW J. COUNTRYMAN, *UP SOUTH: CIVIL RIGHTS AND BLACK POWER IN PHILADELPHIA* (2006); PENIEL E. JOSEPH, *WAITING 'TIL THE MIDNIGHT HOUR: A NARRATIVE HISTORY OF BLACK POWER IN AMERICA* (2006); NANCY MACLEAN, *FREEDOM IS NOT ENOUGH: THE OPENING OF THE AMERICAN WORKPLACE* (2006); IAN F. HANEY LÓPEZ, *RACISM ON TRIAL: THE CHICANO FIGHT FOR JUSTICE* (2003); MARY L. DUDZIAK, *COLD WAR CIVIL RIGHTS: RACE AND THE IMAGE OF AMERICAN DEMOCRACY* (2000).

³⁶ See BURK, *supra* note 20, at 151-73.

³⁷ *Id.* at 264.

Brown v. Board of Education.³⁸ It was a world in which Martin Luther King, Jr. could pen his now-famous “Letter from Birmingham Jail” without really knowing whether the Birmingham demonstrations would even be successful, much less result in the civil rights laws that we now associate with them.³⁹ It was a world in which Black and White Americans, lawyers, judges, and ordinary people struggled with momentous changes in racial politics without knowing exactly what was ahead. It was a world in the last throes of de jure segregation, but those who would enter it did not yet understand that they would, or might, do so—at least in the manner in which it would be finally accomplished. This was the world in which E. Frederic Morrow lived and made his own fateful decisions about law, politics, and life.

Describing legal history this way puts that scholarly enterprise in tension with the narratives that both lawyers and historians use to imagine and reconstruct the past, and also with the central contours of civil rights history. Comparisons between lawyers’ and historians’ history are legion, but this project is distinct from both enterprises.⁴⁰ One of the things that distinguishes the lawyer’s craft is the ability to tell a story of continuity: continuity of institutions of the kind described by Alexis de Tocqueville, continuity of doctrine in the way that we teach analogical reasoning in law school, continuity of meaning that allows some to imagine that they can project themselves back into the meaning of eighteenth-century words and then project that meaning forward into the vastly different world of the present, and continuity of culture of a kind that Roscoe Pound described as the “taught legal tradition.”⁴¹ Historians’ story of continuity, by contrast, has to do with periodization. This or that historical phenomenon, we say, has a beginning, a middle, and an end. Whether the story is that of the

³⁸ See Thurgood Marshall, *The Supreme Court as Protector of Civil Rights: Equal Protection of the Laws*, in THURGOOD MARSHALL: HIS SPEECHES, WRITINGS, ARGUMENTS, OPINIONS, AND REMINISCENCES, at xviii, 116-25 (Mark V. Tushnet ed., 2001).

³⁹ MARTIN LUTHER KING, JR., *Letter from Birmingham Jail*, in WHY WE CAN’T WAIT 77, 85-100 (1964). For analyses of the legal background and rhetorical strategies of King’s letter and the Supreme Court’s eventual opinion in his case, see David Luban, *Difference Made Legal: The Court and Dr. King*, 87 MICH. L. REV. 2152 (1989); David Benjamin Oppenheimer, *Martin Luther King, Walker v. City of Birmingham and the Letter from Birmingham Jail*, 26 U.C. DAVIS L. REV. 791 (1993) [hereinafter Oppenheimer, *Martin Luther King*]; and David Benjamin Oppenheimer, *Kennedy, King, Shuttlesworth and Walker: The Events Leading to the Introduction of the Civil Rights Act of 1964*, 29 U.S.F. L. REV. 645 (1995) [hereinafter Oppenheimer, *Kennedy, King, Shuttlesworth and Walker*].

⁴⁰ For a stark comparison between professional historians’ methods and those of judges and lawyers, see *N.Y. State Rifle & Pistol Ass’n v. Bruen*, 142 S. Ct. 2111, 2174-91 (2022) (Breyer, J., dissenting). See generally LAURA KALMAN, *THE STRANGE CAREER OF LEGAL LIBERALISM* (1996), for a discussion on the rise of historical analysis in legal arguments.

⁴¹ Daniel R. Ernst, *Law and American Political Development, 1877-1938*, 26 REVS. AM. HIST. 205, 207 (1998); see also ALEXIS DE TOCQUEVILLE, *DEMOCRACY IN AMERICA* 321-22 (Arthur Goldhammer trans., 2004) (1835); Morton J. Horwitz, *The Conservative Tradition in the Writing of American Legal History*, 17 AM. J. LEGAL HIST. 275, 275-94 (1973); Logan Everett Sawyer III, *Method and Dialogue in History and Originalism*, 37 L. & HIST. REV. 847, 856-60 (2019).

history of something called the “long civil rights movement,” of what we call capitalism, of statebuilding, or any of the other frames we use to organize our work, we imagine historical actors as advancing along our reconstructed timeframes.⁴² This has been especially true of civil rights history.⁴³ The world described here is the world of the latter years of the legal struggle against segregation, yet the actors in this world did not understand this or always act as if this were so. This is the world that E. Frederic Morrow inhabited.

Morrow lived in a world in which history itself, or what I will call “historical time,” remained uncertain. The same was true of Marshall, King, and many other actors at mid-century. They understood that momentous changes seemed to be afoot in American race relations, and they made sense, as best they could, of that changing context and how they might act within it. They told stories, constructed narratives, and acted based on their imagined pasts and the possible futures those actions might bring about. And they made choices that often do not fit within our own understandings of events in mid-century American racial politics, because modern scholars and readers live within reconstructed narratives of historical time. Those narratives often make it difficult to understand the worlds that actors like Morrow, King, or Marshall inhabited. But we can catch glimpses of their worlds if we understand the contingency of the narratives in which we have constructed them in our imagined histories.⁴⁴

I. LIVING AT THE EDGES OF HISTORICAL TIME

I first became interested in Morrow because of a half-remembered *Ebony* magazine cover that had featured Dwight Eisenhower’s African American aide. That, it turned out, was the April 1961 cover, where Simeon Booker, perhaps the leading journalist of the civil rights movement, wrote a flattering story that chronicled Morrow’s tenure in the White House.⁴⁵ By then, as we will see, the

⁴² Jacquelyn Dowd Hall, *The Long Civil Rights Movement and the Political Uses of the Past*, 91 J. AM. HIST. 1233, 1235 (2005) (periodizing “long civil rights movement” in eras throughout mid-twentieth century).

⁴³ Current trends in civil rights history—social movement scholarship, the “long civil rights movement,” and the turn to transnational history—have expanded the historical narrative along many dimensions. Nonetheless, these works still construct their own narratives and populate them as indicated in the text. *See id.*; Scott Cummings, *The Social Movement Turn in Law*, 43 L. & SOC. INQUIRY 360 (2018); *see generally* SLATE, *supra* note 35.

⁴⁴ Historical time, as defined in this article, is influenced by Walter Benjamin’s famous theses on history, although it does not join in the contentious debate about how to interpret his writings. WALTER BENJAMIN, *Theses on the Philosophy of History*, in ILLUMINATIONS 245, 252-255 (Hannah Arendt ed., Harry Zorn trans., 2015). For a small sample of that voluminous literature, see MARK LILLA, *THE RECKLESS MIND: INTELLECTUALS IN POLITICS* 79-112 (2001); Werner Hamacher, *Guilt History: Benjamin’s Fragment “Capitalism as Religion,”* 26 CARDOZO L. REV. 887, 915-20 (2005); Amy Kapczynski, *Historicism, Progress, and the Redemptive Constitution*, 26 CARDOZO L. REV. 1041, 1043-47 (2005).

⁴⁵ Simeon Booker, *Black Man in the White House*, EBONY, Apr. 1961, at 77-82, 84-86.

narrative that Morrow yearned to be a part of had moved decisively in another direction.

Morrow began his own story in a place where the civil rights movement—even the long movement of recent scholarship—seemed a faraway and unfamiliar thing, as it must have been for most African Americans. He began his narrative with his hometown of Hackensack, New Jersey, and with a story of a struggle.⁴⁶ That struggle was not for civil and human rights, but rather for self-respect. New Jersey had been late to abolish slavery in the nineteenth century and had done so only gradually.⁴⁷ Slavery and its vestiges had persisted there in a sort of half-life, still visible in the assumptions of its lawyers, judges, and ordinary citizens even after its partial displacement by degrees of freedom.⁴⁸ The New Jersey legislature had initially refused to ratify the Fifteenth Amendment after the Civil War.⁴⁹ It waited until after the Amendment had already been ratified by the necessary number of states to vote its *pro forma* assent.⁵⁰ The state's then-relatively small Black population was mostly comprised of holdovers from the era of slavery, as well as more recent Southern migrants who went north at the turn of the century.⁵¹ In Hackensack, the Bergen County seat across the Hudson River from New York City, the small Black community lived in the first and third wards, Morrow remembered, while his family, by accident, lived in the more affluent fourth ward.⁵²

Morrow seems to have spent his youth on the edges of various now-familiar historical narratives without fitting easily within any of them. He titled his memoir of growing up *Way Down South Up North*, invoking a common enough comparison with Southern segregation that many Northern African Americans used to describe the segregation they felt.⁵³ Many Black Philadelphians, for instance, referred to their putatively Northern city as “Up South.”⁵⁴ Morrow's remembrances are a reminder that for nineteenth-century Americans, the distinctions between the slave South and the free North were not nearly as sharp as they have been seen in retrospect. For their twentieth-century counterparts, the political science trope of civil rights successes like *Brown* as an effort by White Northerners to discipline segregationist outliers ran up against a far messier reality.⁵⁵ Morrow remembered the Northern New Jersey of his youth as

⁴⁶ WAY DOWN SOUTH, *supra* note 24, at 7-9.

⁴⁷ See HENDRIK HARTOG, THE TROUBLE WITH MINNA: A CASE OF SLAVERY AND EMANCIPATION IN THE ANTEBELLUM NORTH 1-7 (2018).

⁴⁸ *See id.*

⁴⁹ Marion Thompson Wright, *Intensified Battles for Emancipation and the Rights of Citizenship*, 33 J. NEGRO HIST. 184, 218 (1948).

⁵⁰ *Id.* at 220-22.

⁵¹ WAY DOWN SOUTH, *supra* note 24, at 8; HARTOG, *supra* note 47, at 2.

⁵² WAY DOWN SOUTH, *supra* note 24, at 7-8.

⁵³ *Id.*

⁵⁴ *See generally*, COUNTRYMAN, *supra* note 35.

⁵⁵ A number of works have tried to break down the common perception of the distinction between a Southern civil rights movement and Northern race relations, including Hall, *supra*

a place where Blacks could aspire to little—educationally, occupationally, or residentially—without running up against a firm effort by paternalistic Whites to keep them in a separate and unequal place.⁵⁶

Paternalism would remain an uncomfortable and consistent theme in his life and career. The phenomenon remains, for understandable reasons, suppressed in many accounts and memoirs of civil rights history that still bear traces of the old notions of protest versus accommodation that once organized the field.⁵⁷ Morrow's mother and father had migrated north from Virginia and North Carolina respectively; not in the famous Great Migration that began during World War I, but rather at the turn of the century.⁵⁸ They bypassed the well-established Black enclaves in places like Washington, Baltimore, and Philadelphia for the small community of Hackensack.⁵⁹ In North Carolina, Morrow's father had been a waiter and handyman at a resort, where a White lawyer named William Snow ("Colonel Snow," Morrow would call him) took notice of him.⁶⁰ Snow asked the elder Morrow to come with him to Hackensack as a family retainer when Snow took a job practicing in New York.⁶¹ There, the Morrow family lived slightly apart from the city's one thousand-plus Black population—"right in the midst of the wealthy" Whites who ran the town—in a former caretaker's house originally built by one of the city's more affluent families.⁶² His father eventually moved on to a job as the custodian in the public library and was ordained as a minister in the African Methodist Episcopal Zion Church, while his mother looked after their five children, including Everett Frederic ("Fred"), born in 1909.⁶³

Morrow's narrative of his youth—bitter, like all his memoirs—is a catalogue of slights and disrespect from White teachers who had little regard for their

note 42; MACLEAN, *supra* note 35; SUGRUE, *supra* note 35; and FREEDOM NORTH: BLACK FREEDOM STRUGGLES OUTSIDE THE SOUTH, 1940-1980 (Jeanne Theoharis & Komozi Woodard eds., 2003). Of course, there have been rejoinders to this move. *See, e.g.*, Sundiata Keita Cha-Jua & Clarence Lang, *The "Long Movement" as Vampire: Temporal and Spatial Fallacies in Recent Black Freedom Studies*, 92 J. AFR. AM. HIST. 265, 265-66 (2007); Clarence Lang, *Locating the Civil Rights Movement: An Essay on the Deep South, Midwest, and Border South in Black Freedom Studies*, 47 J. SOC. HIST. 371, 372-74 (2013).

⁵⁶ WAY DOWN SOUTH, *supra* note 24, at 22-23.

⁵⁷ *See, e.g.*, William Jordan, *"The Damnable Dilemma": African-American Accommodation and Protest During World War I*, 81 J. AM. HIST. 1562, 1564-65 (1995) (collecting scholarship on protest and accommodation).

⁵⁸ WAY DOWN SOUTH, *supra* note 24, at 48, 54.

⁵⁹ *Id.* at 54.

⁶⁰ *Id.* at 52-53.

⁶¹ *Id.* This was probably William D. Snow, a Union Civil War veteran and son of the founder of *The Detroit Tribune*. Snow briefly served as a Senator from Arkansas after the war, later studied law, and moved to Hackensack. *William D. Snow*, in GENEALOGICAL HISTORY OF HUDSON AND BERGEN COUNTIES, NEW JERSEY 500, 500 (Cornelius Burnham Harvey ed., 1900).

⁶² WAY DOWN SOUTH, *supra* note 24, at 8-9.

⁶³ *Id.* at 9, 59-60; FORTY YEARS, *supra* note 1, at 8.

Black pupils.⁶⁴ He recalled that his parents emphasized education, but that each familial educational advance was met with attempts by local Whites to limit the family's aspirations to service or unskilled labor.⁶⁵ All the children would attend college, with Morrow going to Bowdoin College in Maine, his brother John eventually earning a Ph.D. at the University of Pennsylvania, and his sister Nellie earning a degree from Montclair State Teachers College.⁶⁶

To be sure, the Hackensack of Morrow's youth contained many markers of the conventional narrative of the civil rights movement in the North. It was covered by a rarely-enforced state civil rights law which New Jersey, like many Northern States, had enacted in 1884 and amended in 1921 in the space left over by the holding of the Supreme Court decision in the *Civil Rights Cases*.⁶⁷ Like many Northern cities, there was some effort made to segregate Black children in the elementary schools in Hackensack, relying on the housing segregation that was receiving its imprimatur in state and later federal law.⁶⁸ Later, when he joined the NAACP's national office, Morrow complained to local officials about exclusion of Black children from local swimming pools.⁶⁹ Decades after that, the NAACP would enter into years of negotiations with the city's board of education over its segregated schools in an effort to extend the *Brown* decision to the North, led by its General Counsel, Robert L. Carter.⁷⁰ But none of these things seemed to matter much to the young Morrow and his small Black community in Hackensack in the 1920s.

The nascent civil rights movement did make its presence felt here and there. W.E.B. Du Bois and William Pickens of the NAACP's national office came to town, spoke forcefully of Southern atrocities, and rallied support for anti-lynching legislation.⁷¹ Morrow's sister, Nellie, returned home from the state teachers college determined to become the first Black teacher in the local schools.⁷² She would achieve that objective, and would remain in her pioneering

⁶⁴ WAY DOWN SOUTH, *supra* note 24, at 11-19.

⁶⁵ *Id.* at 87-95; FORTY YEARS, *supra* note 1, at 13.

⁶⁶ WAY DOWN SOUTH, *supra* note 24, at 87-95, 123-26.

⁶⁷ Elizabeth Dale, "Social Equality Does Not Exist Among Themselves, nor Among Us": Baylies vs. Curry and Civil Rights in Chicago, 1888, 102 AM. HIST. REV. 311, 324 n.44 (1997); WILLIAM M. SYNDER, THE CIVIL RIGHTS OF THE NEGROES IN ATLANTIC CITY, N.J. 7, *microformed on* NAACP Papers, Folder No. 001421-015-0717 (on file with the Library of Congress).

⁶⁸ See WAY DOWN SOUTH, *supra* note 24, at 11; DAVISON M. DOUGLAS, JIM CROW MOVES NORTH: THE BATTLE OVER NORTHERN SCHOOL SEGREGATION, 1865-1954, at 138-53 (2005).

⁶⁹ Letter from E. Frederic Morrow to George A. Merrill, Superintendent of Hackensack Schs. (July 6, 1938), *microformed on* NAACP Papers, Folder No. 001469-005-0506 (on file with the Library of Congress).

⁷⁰ See Letter from Joan Franklin, NAACP Assistant Couns., to Carlos Peay, Jr. (Feb. 15, 1966), *microformed on* NAACP Papers, Folder No. 016310-014-0801 (on file with the Library of Congress).

⁷¹ WAY DOWN SOUTH, *supra* note 24, at 43-45.

⁷² *Id.* at 87-91.

position for decades.⁷³ Morrow remembered the Ku Klux Klan organizing a rally in Hackensack in response to his sister's employment and his father teaching him how to handle a gun.⁷⁴ By 1927, the city had an NAACP branch, and Morrow's father attended a meeting with state officials on its behalf.⁷⁵ Morrow's own ambitions, however, ran to politics—and in Bergen County, the political establishment was Republican.⁷⁶

Morrow's choice to join, and remain loyal to, the party of Lincoln was the decision that would both place him in the stream of mid-twentieth-century history and hold him outside its central currents. Alongside his decision to exit the NAACP, law degree in hand, on the eve of its greatest legal victories, it was the turning point that would leave him partly outside the emerging civil rights narrative.⁷⁷ He would maintain that loyalty straight through the 1950s, in the face of betrayals and insults from his White colleagues in the Eisenhower White House, in the face of the growing disappointment of civil rights leaders with the President he served, and even in the face of the shift by Black voters in his native Bergen County away from the party of his youth.⁷⁸ In the end, his was a lonely crusade—like those of other Black Republicans, as one scholar has recently observed.⁷⁹ Some have attributed the persistence of Black Republicans to a dissenting ideology within African American life.⁸⁰ But Morrow and his young African American colleagues in the party differed little from the civil rights leadership in their vision of the future of their race.⁸¹ Morrow's fateful choice, rather, made perfect sense in a context in which the modern civil rights narrative had not yet taken hold. That choice, it turned out, would cost him dearly, even though no one would have been able to envision that outcome at the time.

Morrow spent his formative years in an environment where “[i]t was a form of heresy” among African Americans to be a Democrat.⁸² Bergen County was a Republican stronghold, counterbalancing the relative Democratic strength in

⁷³ *Id.* at 94, 124-25.

⁷⁴ *Id.* at 95.

⁷⁵ *Id.* at 43-45; REPRESENTATIVES TO BE PRESENT AT HEARING ON MONDAY, MARCH 28, 1927, *microformed on NAACP Papers*, Folder No. 001509-012-0965 (on file with the Library of Congress).

⁷⁶ See WAY DOWN SOUTH, *supra* note 24, at 8.

⁷⁷ See Birkner, *supra* note 27, at 83-84.

⁷⁸ See discussion *infra* Sections III, IV.

⁷⁹ See RIGUEUR, *supra* note 17, at 1-3.

⁸⁰ See, e.g., La Tasha B. Levy, *Black Conservative Dissent*, in THE BLACK INTELLECTUAL TRADITION: AFRICAN AMERICAN THOUGHT IN THE TWENTIETH CENTURY 254 (Derrick P. Alridge, Cornelius L. Bynum & James B. Stewart eds., 2021) (criticizing Black conservatives who embrace this self-description).

⁸¹ See RIGUEUR, *supra* note 17, at 95-97 (illustrating shift in Black Republicans toward “progressive conservatism” that converged civils rights movement with conservative ideology).

⁸² WAY DOWN SOUTH, *supra* note 24, at 38.

nearby Newark and Jersey City.⁸³ Even in Newark, the Black political leadership would remain Republican straight through the 1940s.⁸⁴ Moreover, in the pre-civil rights era, loyalty to the party seemed, to young ambitious African Americans like Morrow, like a route to freedom.

Morrow navigated his way through the city's partly segregated elementary schools, finished Hackensack High School, then arrived at Bowdoin College in Maine in the fall of 1926 with his family's hard-earned money for half a year's tuition pinned inside his suit jacket.⁸⁵ He became part of a group of prominent African American men, born around the turn of the century, who attended New England's liberal arts colleges and returned home with a sense of themselves as part of a young, militant generation who would chart a new future for their race. These men (many of these colleges did not admit women) included future civil rights lawyers and activists such as the NAACP's Charles Houston, William Hastie, and National Negro Congress founder John P. Davis.⁸⁶ Morrow returned home in 1930, and quickly found his political voice in the local, all-Black political clubs that were a primary source of connection to public life for many urban African Americans in this period.⁸⁷ In cities like Philadelphia, Newark, Wilmington, Chicago and, elsewhere, local Republican organizations continued to be important in the lives of young Black leaders as late as the 1940s.⁸⁸

For Morrow, and a number of young Black Republicans, loyalty to their party seemed a good bet to insert themselves into a hopeful narrative of historical time—as it would straight through the 1950s. Morrow later remembered that he made a dramatic entrée into GOP politics when, with the help of a White friend, he integrated the Young Republican organization in New Jersey in the early 1930s.⁸⁹ Contemporary sources tell a slightly different story. They document a group of young African Americans forming a local “Negro” organization to

⁸³ Michael J. Birkner, *Politics and Power in Suburban New Jersey: The Case of Bergenfield, 1935-1972*, in *CONTESTED TERRAIN: POWER, POLITICS, AND PARTICIPATION IN SUBURBIA* 95, 95 (Marc L. Silver & Martin Melkonian eds., 1995).

⁸⁴ See Clement Alexander Price, *The Afro-American Community of Newark, 1917-1947: A Social History* 163-68 (Oct. 1975) (Ph.D. dissertation, Rutgers University).

⁸⁵ Birkner, *supra* note 27, at 81; *FORTY YEARS*, *supra* note 1, at 13-14.

⁸⁶ See Kenneth W. Mack, *Rethinking Civil Rights Lawyering and Politics in the Era Before Brown*, 115 *YALE L.J.* 256, 294-96 (2005); Hilmar Ludvig Jensen, *The Rise of an African American Left: John P. Davis and the National Negro Congress* 412-13 (1997) (Ph.D. dissertation, Cornell University) (on file with the Cornell University Library).

⁸⁷ See *FORTY YEARS*, *supra* note 1, at 26-27.

⁸⁸ See DAVID A. CANTON, *RAYMOND PACE ALEXANDER: A NEW NEGRO LAWYER FIGHTS FOR CIVIL RIGHTS IN PHILADELPHIA* 64-66 (2010); DENNIS C. DICKERSON, *AFRICAN AMERICAN PREACHERS AND POLITICS: THE CAREYS OF CHICAGO* 115-21 (2010); Price, *supra* note 84, at 163-68; Louis L. Redding, *I Become a Party Man*, 7 *OPPORTUNITY: J. NEGRO LIFE* 347, 347-49 (1929).

⁸⁹ Interview with Morrow, *supra* note 7, at 2-3; *FORTY YEARS*, *supra* note 1, at 64.

support their own political ambitions within the party.⁹⁰ Whatever the exact story, Morrow entered public life confident in himself as part of a new generation of Black Americans who “can no longer be bribed and cowed and brow-beaten into accepting doctrines grossly detrimental to [their] welfare and progress,” as he put it in an energetic early-1930s article.⁹¹

In 1936, Morrow found himself slipping out of the narrative of youthful Black militancy that he had imagined for himself, and wanted to do something about it. The cause was the coming 1936 elections and the fact that Black voters had shifted their allegiance in the direction of Roosevelt and the New Deal.⁹² Morrow had made himself into a forceful speaker for the Young Republican club by trying to build up Black voting strength in Northern New Jersey and took on the lonely job of stumping for Roosevelt’s outmatched opponent, Alf Landon.⁹³ Campaigning for his candidate, Morrow roundly condemned “the political and economic serfdom of the New Deal.”⁹⁴ At the same time, he obtained his first real job through the Works Progress Administration (“WPA”) delivering social services in a settlement house in Englewood.⁹⁵ While his anti-New Deal speeches repeated GOP talking points, he was far more direct and forceful when he attacked his fellow Republicans for being paternalistic toward their separate local Black party organizations.⁹⁶ Morrow continued to see himself as a member of the militant vanguard of young Negroes, willing to attack his own party for what he saw as its paternalism toward its Black organizers.

Morrow could sense his world expanding beyond the small confines of his native Bergen County to a larger Black public sphere in which civil rights politics and Republican party activism seemed to bleed into one another. That sphere soon encompassed nearby New York City, where the national NAACP and the Urban League—the two most prominent African American social reform organizations—had their headquarters.⁹⁷ One night, during a meeting of his fraternity, Alpha Phi Alpha, Inc., he met Lester Granger, head of the National Urban League.⁹⁸ Granger offered him a job as business manager for *Opportunity* magazine, the Urban League’s cultural and political journal that had served as

⁹⁰ BALT. AFRO-AM., Nov. 4, 1933, at 8 (recording meeting of Young Colored Republican Club); *Jersey Republicans Hold Annual Dinner Dance*, PHILA. TRIB., Nov. 2, 1933, at 9 (honoring Morrow for his leadership of Young Negro Republicans of State).

⁹¹ E. Frederic Morrow, A Tribute to the Progress of the Negro (on file with the Howard Gotlieb Archival Research Center at Boston University).

⁹² See FORTY YEARS, *supra* note 1, at 19-21.

⁹³ *Morrow Ends G.O.P. Tour*, N.Y. AMSTERDAM NEWS, Oct. 17, 1936, at 19.

⁹⁴ *Id.*

⁹⁵ FORTY YEARS, *supra* note 1, at 21-22.

⁹⁶ *G.O.P. Leaders Get Slap from Rhodes, Marr’w*, PHILA. TRIB., Nov. 2, 1933, at 9.

⁹⁷ *Our History*, NAACP, <https://naacp.org/about/our-history> [<https://perma.cc/49SE-JEAT>] (last visited Aug. 25, 2023); *About Us*, N.Y. URB. LEAGUE, <https://www.nyul.org/about-us> [<https://perma.cc/Q8VT-NPLG>] (last visited Aug. 25, 2023).

⁹⁸ FORTY YEARS, *supra* note 1, at 26-27.

an important forum for the writers of the Harlem Renaissance.⁹⁹ From that position, Morrow was able to move on to the NAACP, which hired him in 1937 as the organization's coordinator of its many branches.¹⁰⁰ There, he cultivated a national network of contacts that would serve him well during his White House years.¹⁰¹ Now, Morrow could sense himself being immersed in a stream of history that would have been unimaginable a decade earlier.

II. CIVIL RIGHTS LAW AND POLITICS IN THE UNCERTAIN STREAM OF HISTORY

Like many among the younger group of Black Republicans, Morrow found that nothing in civil rights politics clashed with his party allegiance.¹⁰² Indeed, as late as 1950, the party would field Black candidates in key urban constituencies who campaigned in support of a permanent Fair Employment Practices Committee ("FEPC") to replace the ad hoc wartime body that Franklin Roosevelt had created, at the behest of civil rights leader A. Philip Randolph, to enforce nondiscrimination in defense industries and wartime government service.¹⁰³ The prospect of a permanent FEPC—one that would help legitimize federal authority in the labor markets—raised the hackles of many Republican critics of the New Deal. The party's 1944 platform had strongly endorsed an FEPC law, but within two years the conservative wing of the party was joining Southern Democrats in opposition to fair employment laws.¹⁰⁴ Morrow allied himself with those Republicans who still endorsed the FEPC, and he publicly attacked his White GOP colleagues for "their pitiful record on major [civil rights] legislation."¹⁰⁵ Although civil rights threatened to divide their party in two, Black Republicans of Morrow's generation remained largely undivided in their sentiments.¹⁰⁶

It was a heady world for Morrow, as it was for many of the younger generation of activists and lawyers such as Thurgood Marshall, Roy Wilkins, and Ella Baker, who were drawn into the NAACP's national office.¹⁰⁷ The organization had made its reputation through its forceful advocacy in Congress in support of anti-lynching legislation, its high-profile litigation, its widely-circulated journal

⁹⁹ *Id.*; see Chidi Ikonne, *Opportunity and Black Literature, 1923-1933*, 40 *PHYLON* 86, 86 (1979).

¹⁰⁰ FORTY YEARS, *supra* note 1, at 28-29.

¹⁰¹ *See id.*

¹⁰² *See* RIGUEUR, *supra* note 17, at 13-16 (explaining there was no clear way to differentiate Republican and Democratic civil rights policies).

¹⁰³ DICKERSON, *supra* note 88, at 105-06; ANTHONY S. CHEN, *THE FIFTH FREEDOM: JOBS, POLITICS, AND CIVIL RIGHTS IN THE UNITED STATES, 1941-1972*, at 44-45 (2009).

¹⁰⁴ CHEN, *supra* note 103, at 70-71.

¹⁰⁵ Alma A. Polk, *Citizens Hear Congressmen Denounced at NAACP Rally*, PITTSBURGH COURIER, Jan. 14, 1950, at 2.

¹⁰⁶ *See* RIGUEUR, *supra* note 17, at 13-24, 26-28.

¹⁰⁷ *See Our History*, *supra* note 97.

of politics and culture entitled *The Crisis*, and its local branches, which served as the lifeline for Black politics in many places in the South.¹⁰⁸ William Pickens, the outgoing branch organizer and a stalwart among the organization's leadership for decades, took Morrow under his wing.¹⁰⁹ Branch organization, which was Morrow's new job, could be dangerous work. In large stretches of the country, NAACP branches remained lonely outposts of resistance in a sea of potential violence. The NAACP's first push to organize the South in the late 1910s had prompted mob violence against its White executive secretary, who resigned after being beaten in Texas.¹¹⁰ In 1940, just as Morrow was organizing across the South, local Whites murdered the head of the Brownsville, Tennessee branch and dumped his body in the Hatchee River.¹¹¹ While its school litigation would later assume importance for historians, the issue that dominated the NAACP's early years was whether federal law would be invoked to protect civil rights that, in the first instance, lay within the province of state and local governments.¹¹²

The Hackensack native soon found himself traveling through the South to nurture and support the organization of branches that could serve as a point of opposition to Jim Crow. Over the next few years, Morrow would embark on months-long speaking and organizing trips through the South and other parts of the country.¹¹³ An early speaking engagement in Baton Rouge defied Ku Klux Klan threats of violence that caused many local African Americans to stay away out of fear.¹¹⁴ In 1939, he set out on an organizing tour through Texas, Louisiana, Arkansas, Oklahoma, and Kansas, complaining of uncomfortable rides in the back of segregated buses while "unkempt Mexican peons" who are "legally [W]hite" rode up front even though they appeared Brown in his eyes.¹¹⁵ In Virginia, he visited with the Virginia State Teachers Association and celebrated the emergence of Black teachers who provided funds for school equalization lawsuits.¹¹⁶ He could take responsibility for an extraordinary period of growth and vitality among the organization's local chapters, successfully reviving its grassroots base after a period of relative stagnation during the 1920s and 30s.¹¹⁷

¹⁰⁸ *Id.*

¹⁰⁹ FORTY YEARS, *supra* note 1, at 29; PATRICIA SULLIVAN, LIFT EVERY VOICE: THE NAACP AND THE MAKING OF THE CIVIL RIGHTS MOVEMENT 259-60 (2009).

¹¹⁰ See SULLIVAN, *supra* note 109, at 86-87.

¹¹¹ *Id.* at 237.

¹¹² See *id.* at 92; CHEN, *supra* note 103, at 71-72.

¹¹³ See FORTY YEARS, *supra* note 1, at 29-30.

¹¹⁴ *Id.*

¹¹⁵ E. Frederic Morrow, *Southern Exposure*, CRISIS, July 1939, at 202.

¹¹⁶ See E. Frederic Morrow, *Virginia Teachers in Revolt*, CRISIS, Jan. 1938, at 26 ("Surely this is one of the most significant episodes in the long, tedious struggle for Negro rights in America.").

¹¹⁷ *NAACP History and Geography 1909-1980*, UNIV. OF WASH. MAPPING AM. SOC. MOVEMENTS PROJECT, https://depts.washington.edu/moves/NAACP_intro.shtml [<https://perma.cc/M7QF-H7C2>] (last visited Aug. 25, 2023).

He even speculated on the future, where he imagined the “militant” Negroes he was organizing in the South might play a role in the freedom struggles of their Northern counterparts.¹¹⁸ Once again, he felt himself on the leading edge of history.

Morrow also found himself embroiled in a much larger debate over the future of the organization when contentious local branches, mostly in the North and Midwest, sometimes forged ahead of the NAACP’s national office in endorsing direct action and aggressive protests.¹¹⁹ In 1941, he allied himself with Baker, now Field Secretary of the organization, in authoring an aggressive memo that called for power within the organization to be shifted to the branches.¹²⁰ There was a split over strategy within the organization, with NAACP head Walter White wanting power and initiative to be lodged in the national office in New York, but Baker and Morrow favoring the branches.¹²¹ Marshall was sympathetic to the Baker-Morrow position.¹²² Baker was on her way to a career that would make her a legendary figure in the 1960s-era civil rights movement.¹²³ Morrow, however, was headed in another direction.

Fred Morrow would spend the 1940s in and out of the NAACP’s national staff. He enlisted in the Army after the start of World War II when local authorities in Hackensack notified him that he was likely to be drafted.¹²⁴ Baker succeeded him as branch director in 1943.¹²⁵ For the rest of the decade, he mixed his time at the NAACP with stints in the Army and his studies at Rutgers Law School, and remained outside the organization’s inner circle.¹²⁶

Yet, his principal legacy—apart from his organizing, which should not be forgotten—remains something that is difficult to grasp within the conventional narratives of civil rights law and politics. He seemed to have a knack for being a thorn in the side of the NAACP’s core leaders.¹²⁷ Of course, personality-tinged disputes within the organization are well documented, from W.E.B. Du Bois’s dissenting words on integration in the mid-1930s,¹²⁸ to the disputes over branch authority that would continue through the 1940s,¹²⁹ to later debates about its

¹¹⁸ Morrow, *supra* note 115, at 202.

¹¹⁹ See, e.g., Beth Tompkins Bates, *A New Crowd Challenges the Agenda of the Old Guard in the NAACP, 1933-1941*, 102 AM. HIST. REV. 340, 349 (1997) (noting scrutiny by Walter White of “Don’t Buy Where You Can’t Work” boycotts independently started by NAACP Chicago branch).

¹²⁰ SULLIVAN, *supra* note 109, at 261.

¹²¹ See *id.*

¹²² *Id.*

¹²³ *Id.* at 261-64.

¹²⁴ FORTY YEARS, *supra* note 1, at 33-34.

¹²⁵ SULLIVAN, *supra* note 109, at 286.

¹²⁶ See Birkner, *supra* note 27, at 83-84; FORTY YEARS, *supra* note 1, at 52-62.

¹²⁷ See Birkner, *supra* note 27, at 83-84.

¹²⁸ See DAVID LEVERING LEWIS, W.E.B. DU BOIS: THE FIGHT FOR EQUALITY AND THE AMERICAN CENTURY, 1919-1963, at 330-48 (2000).

¹²⁹ See SULLIVAN, *supra* note 109, at 260-61.

agenda and its relationship with the civil rights left.¹³⁰ Historians have constructed them as disputes about the organization's political agenda—in particular, the increasing dominance of school desegregation litigation in its agenda.¹³¹ But Morrow's actions, like so many of his decisions about life and politics, did not quite fit into those narratives.

Certainly, part of the dispute had its source in generational conflict between older leaders, such as Executive Secretary Walter White, and an impatient younger generation that yearned to replace them, as well as competition among those younger staff for prominence.¹³² Morrow clashed publicly with White, and on more than one occasion, he threatened to expose an unnamed set of questionable practices that, Morrow charged, were being covered up by the organization's leaders. He sued the organization for violating a federal statute protecting veterans' employment when its leaders balked at taking him back after his legal studies.¹³³ He also complained that the organization's leadership was imperious and had harassed Ella Baker and others until they decided to leave the national office.¹³⁴ His complaints may have had some validity. Jane Bolin, the first Black woman judge in the United States, made headlines by resigning from the organization's board in 1949, complaining about its autocratic leadership.¹³⁵ Morrow's complaints echoed hers, and acting NAACP head Roy Wilkins fired him for insubordination in 1950 after Morrow refused to join the closed-shop office union and declined organizing assignments from his superiors.¹³⁶ The organization agreed to rehire him only after he agreed to apologize for his insubordination and to tender his resignation five months later.¹³⁷

Along the way, Morrow chose to enroll at Rutgers Law School in the fall of 1946, taking another leave from the NAACP to complete his studies.¹³⁸ He

¹³⁰ *Id.* at 333-42.

¹³¹ For more in-depth insight from classic works on the topic, see PATRICIA SULLIVAN, *DAYS OF HOPE: RACE AND DEMOCRACY IN THE NEW DEAL ERA* (1996); JOHN B. KIRBY, *BLACK AMERICANS IN THE ROOSEVELT ERA: LIBERALISM AND RACE* (1980); and RAYMOND WOLTERS, *NEGROES AND THE GREAT DEPRESSION: THE PROBLEM OF ECONOMIC RECOVERY* (Stanley I. Kutler ed., 1970).

¹³² SULLIVAN, *supra* note 109, at 259-63.

¹³³ See Letter from E. Frederic Morrow to Roy Wilkins (June 20, 1949), *microformed on* NAACP Papers, Folder No. 001451-012-0574 (on file with the Library of Congress).

¹³⁴ See *White Calls NAACP Aide "Disloyal,"* PITTSBURGH COURIER, July 20, 1946, at 5; *Ella Baker Leaves NAACP,* PITTSBURGH COURIER, July 20, 1946, at 5.

¹³⁵ JACQUELINE A. MCLEOD, *DAUGHTER OF THE EMPIRE STATE: THE LIFE OF JUDGE JANE BOLIN*, at ix, 83-90 (2011).

¹³⁶ Letter from Roy Wilkins to E. Frederic Morrow (Mar. 30, 1950), *microformed on* NAACP Papers, Folder No. 001451-012-0627 (on file with the Library of Congress).

¹³⁷ Letter from Roy Wilkins to E. Frederic Morrow (Apr. 11, 1950), *microformed on* NAACP Papers, Folder No. 001451-012-0627 (on file with the Library of Congress); Memorandum for the Files from Mr. Wilkins (Apr. 20, 1950), *microformed on* NAACP Papers, Folder No. 001451-012-0627 (on file with the Library of Congress).

¹³⁸ FORTY YEARS, *supra* note 1, at 62.

finished law school two years later and completed a subsequent apprenticeship with a local lawyer as the traditional prerequisite for admission to the New Jersey Bar.¹³⁹ Like many other Black lawyers, he found it nearly impossible to get a position in a White office, even as a temporary clerk for the purposes of bar admission.¹⁴⁰ An old acquaintance finally took him on.¹⁴¹ Why he chose law remains, in part, a mystery, but one that illuminates an important problem in the legal history of civil rights. Black lawyers, remembering back in the years after the civil rights era, tended to construct narratives in which one life decision after another led, inexorably, to a motivation to achieve something like the *Brown v. Board of Education*¹⁴² decision.¹⁴³ By the time Morrow decided to go to law school in the mid-1940s, the prestige of the lawyers in the NAACP's national office was increasing and Thurgood Marshall had begun to bring in additional attorneys.¹⁴⁴ They were winning cases—desegregating graduate schools, representing criminal defendants—and had just won the restrictive covenant litigation in the Supreme Court.¹⁴⁵ The prospect of becoming a lawyer “gripped my imagination,” Morrow later recalled.¹⁴⁶ “I felt that I had at long last found a vehicle for success, as well as a weapon to use to defend Blacks against the inequities of the social and economic systems.”¹⁴⁷

Yet, even the lawyers winning the NAACP's cases were not sure what it all meant. Historical time's direction remained uncertain. For instance, Robert L. Carter, Thurgood Marshall's second-in-command, chose to take a leave of absence from the organization in 1947 to take a job in Washington, D.C., with the American Veterans Committee just as the organization was moving forward with the graduate school desegregation cases that immediately preceded *Brown*.¹⁴⁸ He eventually decided that returning to the NAACP was a better option.¹⁴⁹ The pages of Carter's autobiography that recount his Washington sojourn are oddly disconnected from the rest of the narrative. By the time Carter wrote up his story late in life, even he had difficulty explaining his seemingly

¹³⁹ *Id.* at 63-64.

¹⁴⁰ *Id.*

¹⁴¹ *Id.*

¹⁴² 347 U.S. 483 (1954).

¹⁴³ See, e.g., Thurgood Marshall, *The Reminiscences of Thurgood Marshall*, in THURGOOD MARSHALL: HIS SPEECHES, WRITINGS, ARGUMENTS, OPINIONS, AND REMINISCENCES 413, 418, 424-25 (Mark V. Tushnet ed., 2001) (describing how his experiences of segregation and racism inspired Marshall to “do something about it”).

¹⁴⁴ See SULLIVAN, *supra* note 109, at 298.

¹⁴⁵ *Id.* at 301, 351-59; see, e.g., *Shelley v. Kraemer*, 334 U.S. 1, 18-23 (1948).

¹⁴⁶ FORTY YEARS, *supra* note 1, at 63.

¹⁴⁷ *Id.*

¹⁴⁸ ROBERT L. CARTER, *A MATTER OF LAW: A MEMOIR OF STRUGGLE IN THE CAUSE OF EQUAL RIGHTS* 71-74 (2005).

¹⁴⁹ *Id.* at 72-74.

odd departure from what, in retrospect, would seem like the center of the civil rights universe.¹⁵⁰

Thurgood Marshall similarly found himself suspended in uncertain historical time. For instance, in 1951, after having won the last of the graduate school cases, Marshall responded by writing an article where he puzzled over what to do next.¹⁵¹ He wondered why the Court hadn't explicitly ruled that segregation was unconstitutional while conceding that it had come close.¹⁵² "The Court's present strategy may be to breach the pattern of segregation area by area by dealing with specific problems as they are presented."¹⁵³ The future role he imagined for himself was the leader of a mopping-up strategy, where, in one case after another, the NAACP would "marshal overwhelming evidence of the inequalities" that segregation produced "in the particular areas involved."¹⁵⁴ It would require one case after another, presumably for years—or, perhaps, decades—to slowly expand the 1950 victories.¹⁵⁵ Marshall, like Carter, harbored ambitions of leaving the NAACP's legal work for another opportunity: in his case, an appointment as a federal judge. In 1949, he let his name be circulated for one of the new federal judgeships in New York, but later made a show of not cooperating with local Democratic leaders who expected him to join a local political club in exchange for their support.¹⁵⁶

Two years later, Marshall found himself likely on his way back to the Court with a new set of cases involving schools. Those cases would eventually comprise the litigation known as *Brown v. Board of Education*.¹⁵⁷ Even then, he remained unsure of what it all meant. Speaking to a strategy session of civil rights lawyers, he remarked: "If anybody thinks you are going to get the Supreme Court, in any decision in the foreseeable future, to say that all segregation under any circumstances on any ground is unconstitutional, you are crazy."¹⁵⁸ He told much the same story that he had two years earlier: the future was a years-long mopping-up operation involving massive mobilizations of

¹⁵⁰ *Id.* (stating that joining American Veterans Committee was ultimately "a disappointment").

¹⁵¹ See Marshall, *supra* note 38, at 117-24.

¹⁵² See *id.* at 124-25.

¹⁵³ *Id.* at 124.

¹⁵⁴ *Id.*

¹⁵⁵ *Id.* (describing Court's piecemeal approach to segregation).

¹⁵⁶ See *Truman Urged to Appoint at Least 1 Federal Judge*, BALT. AFRO-AM., Aug. 20, 1949, at 9; James Poling, *Thurgood Marshall and the 14th Amendment*, COLLIER'S, Feb. 23, 1952, reprinted in 1 REPORTING CIVIL RIGHTS: AMERICAN JOURNALISM 1941-1963, at 141, 154 (2003) (documenting Tammany leader in 13th Manhattan Assembly District as saying "[w]e begged him to at least spend three bucks, or whatever it is, and join the Carver Democratic Club. But he wouldn't").

¹⁵⁷ 347 U.S. 483 (1954).

¹⁵⁸ SUPREME JUSTICE: SPEECHES AND WRITINGS: THURGOOD MARSHALL 63-64 (J. Clay Smith, Jr. ed., 2003).

evidence, one case at a time, in each area.¹⁵⁹ It would proceed with elementary and high schools first, then to another area, then another area. Even if a school victory was accomplished, he believed that it would have to be implemented by suing one school district at a time throughout a state.¹⁶⁰ Of course, the modern reader knows that *Brown* is coming, and—more importantly—that the decision would quickly be interpreted as calling into question all of de jure segregation.¹⁶¹ But that, of course, is the product of a moment in historical time that had not yet been constructed when Marshall, and lawyers like Carter and Morrow, were making their fateful choices.

Morrow also sensed that civil rights law and politics were at a historic juncture without knowing the direction they might go. He thought of himself as an ardent race man and civil rights activist, and he had already been an important player in a major debate inside the NAACP—as well as an irritant to its leadership.¹⁶² But he could imagine historical time as leading in many different directions in the late 1940s. There was simply no reason for him to expect, when he finished law school in 1948, that the NAACP's lawyers, as important as they were, would play the role that subsequent history later marked out for them. A role as a local civil rights lawyer back in New Jersey seemed even less appealing. Most Black lawyers still struggled to make a living, and that was certainly the case for the few that he knew of in his home state.¹⁶³ So he returned to the NAACP after law school, but did not try to fit in.¹⁶⁴ He did not do what might seem obvious from our point of view: attach himself to its legal team. He continued his insubordination, at one point declining an assignment so that he could attend one of the lawyers' Supreme Court arguments in Washington, DC.¹⁶⁵ That unhappy state of affairs continued until the NAACP fired Morrow, who then apologized and returned to the organization before tendering his resignation at the end of September 1950.¹⁶⁶ Another possible future quickly opened for him, however, and it looked promising.

¹⁵⁹ *Id.* (warning audience not to “think about this magic solution of one case” to end legal segregation).

¹⁶⁰ *Id.*

¹⁶¹ See *Brown*, 347 U.S. at 495.

¹⁶² See SULLIVAN, *supra* note 109, at 260-61, 298.

¹⁶³ See FORTY YEARS, *supra* note 1, at 63 (describing “fewer than a dozen Black lawyers” practicing in New Jersey at time).

¹⁶⁴ See Press Release, E. Frederic Morrow Leaves NAACP Staff (Oct. 5, 1950), *microformed on* NAACP Papers, Folder No. 001451-012-0627 (on file with the Library of Congress).

¹⁶⁵ Memorandum from Roy Wilkins to E. Frederic Morrow (Mar. 29, 1950), *microformed on* NAACP Papers, Folder No. 001451-012-0627 (on file with the Library of Congress).

¹⁶⁶ See Letter from Roy Wilkins, *supra* note 136; Memorandum for the Files from Mr. Wilkins, *supra* note 137; Letter from E. Frederic Morrow to Walter White, Exec. Sec'y, NAACP (Sept. 26, 1950), *microformed on* NAACP Papers, Folder No. 001451-012-0627 (on file with the Library of Congress).

III. NARRATIVES OF INTEGRATION IN THE MID-TWENTIETH CENTURY

"It was like being in college again," Morrow later recalled.¹⁶⁷ He seemed to be on the edge of yet another integrationist crusade. He had left his contentious years at the NAACP behind for another world. It was a job as an executive at the Columbia Broadcasting System ("CBS").¹⁶⁸ With its eye-shaped corporate symbol increasingly recognizable for Americans on the new medium of television, CBS was an emblem of modernity in the postwar world.¹⁶⁹ He had arrived there through the intervention of an old NAACP contact, whom Morrow sought out after his firing and who helped him land his new job.¹⁷⁰ He immediately noticed something striking when he walked into the office of Personnel Director Robert Kalaidjian: the Director had a Black secretary.¹⁷¹ Kalaidjian joined many mid-century corporate executives who prided themselves on hiring Blacks into their workplaces as a model for the rest of the nation—even though they often still opposed federal mandates like the FEPC.¹⁷² Morrow took a job writing copy for the company's television division—which was about to overtake the traditional radio side of the company in prestige—where he enjoyed his relatively egalitarian relationships with Whites.¹⁷³ He earned a place on the labor-management committee that aired workplace grievances, and found himself at the center of the postwar "human relations" approach to corporate management, which many corporations used as a novel professionalized approach to personnel, as an adroit hedge against unionization, or perhaps both.¹⁷⁴

Morrow seemed to have a promising future ahead of him. If he had stayed in his post, he might have been well-positioned to be at the leading edge of a group of Black executives who began to integrate more fully the high-prestige ranks of corporate America following the passage of the Civil Rights Act of 1964—a story whose history remains to be fully told.¹⁷⁵ He would eventually reach for that prize, but what had happened in the intervening years would make it almost unattainable. Morrow made the mistake (in retrospect) of responding to the entreaties of Val Washington, the Republican Party's director of minorities, to leave his comfortable post for a job that seemed, at first, to place him once again on the front lines of civil rights history.¹⁷⁶

¹⁶⁷ FORTY YEARS, *supra* note 1, at 69.

¹⁶⁸ *Id.* at 68-72.

¹⁶⁹ *See id.* at 71.

¹⁷⁰ *Id.* at 67-68.

¹⁷¹ *Id.* at 68 ("This was a rarity in 1950!").

¹⁷² Interview with Morrow, *supra* note 7, at 13-14; *see* JENNIFER DELTON, RACIAL INTEGRATION IN CORPORATE AMERICA, 1940-1990, at 30-31 (2009).

¹⁷³ FORTY YEARS, *supra* note 1, at 67-72.

¹⁷⁴ *Id.*; *see* DELTON, *supra* note 172, at 8.

¹⁷⁵ For glimpses of the larger story, *see* DELTON, *supra* note 172, at 205-24.

¹⁷⁶ FORTY YEARS, *supra* note 1, at 73-75.

Valores “Val” Washington was a figure who is nearly lost to history, largely because historical time did not move in his direction. What can be discerned about him, with reasonable effort, is the following. Washington was a Black former newspaper executive from Indiana who had attached himself to the New York lawyer Herbert Brownell, campaign manager for Thomas Dewey, the Republican party’s 1948 presidential nominee.¹⁷⁷ Washington made himself into the party’s director of Black outreach—for instance, by soliciting Black candidates who backed the FEPC to compete in the 1950 elections in Chicago and elsewhere.¹⁷⁸ In 1952, the GOP nominee was Dwight Eisenhower, whose reputation as a defender of segregation threatened to exacerbate the party’s growing problem with Black voters.¹⁷⁹ African Americans had been deeply suspicious of Eisenhower ever since his 1948 Congressional testimony where he seemed to endorse segregation in the Army, and—just as importantly—expressed the common enough view among defenders of segregation that civil rights laws would be powerless to combat it.¹⁸⁰ “[W]hen you try to pass laws to enforce someone to like someone else,” the General remarked, “you’re going to get in trouble.”¹⁸¹ Six months later, President Harry Truman ordered the armed forces to start the process of desegregation.¹⁸² Washington thought Morrow might be able to solve the party’s problem with Black loyalty and, at the same time, make a bold statement about the future of civil rights.¹⁸³

Washington convinced the party’s leadership to endorse a longstanding grievance of Black activists and leaders: jobs, or more specifically, the integration of the upper levels of federal service. He helped produce a Republican National Committee (“RNC”) pamphlet called “The Republican Party and the Negro” which promised that, if elected, Eisenhower would appoint Blacks to high-level federal posts.¹⁸⁴ He then prevailed upon the RNC to integrate the staff on Eisenhower’s campaign trail.¹⁸⁵ Eisenhower himself, responding to questions prompted by his campaign promise to have a

¹⁷⁷ SIMON TOPPING, *LINCOLN’S LOST LEGACY: THE REPUBLICAN PARTY AND THE AFRICAN AMERICAN VOTE, 1928-1952*, at 125, 129-30 (2008); BURK, *supra* note 20, at 134.

¹⁷⁸ DICKERSON, *supra* note 88, at 105, 107.

¹⁷⁹ See TOPPING, *supra* note 177, at 169-70 (noting Eisenhower’s opposition to FEPC during bid for candidacy in 1952 impacted his civil rights credentials).

¹⁸⁰ *‘Ike’ Says Tan Soldier Inferior*, *BALT. AFRO-AM.*, Apr. 10, 1948, at 1.

¹⁸¹ *Id.*

¹⁸² JON E. TAYLOR, *FREEDOM TO SERVE: TRUMAN, CIVIL RIGHTS, AND EXECUTIVE ORDER 9981*, at 96-97 (2013). Truman’s decision was spurred by Black activists such as A. Philip Randolph and White liberal groups such as Americans for Democratic Action. *Id.* Truman’s 1948 executive order committed the federal government to a policy of “equality of treatment and opportunity . . . without regard to race, color, religion or national origin,” but it was understood to commit the federal government to beginning the process of desegregation. Exec. Order No. 9981, 3 C.F.R. § 722 (1943-1948).

¹⁸³ See FORTY YEARS, *supra* note 1, at 73.

¹⁸⁴ *THE REPUBLICAN PARTY AND THE NEGRO: FACTS FOR PARTY SPEAKERS AND WORKERS* 17-18 (1952) (on file with the Dwight D. Eisenhower Presidential Library).

¹⁸⁵ FORTY YEARS, *supra* note 1, at 74.

(presumably White) Southerner on his cabinet, answered in the affirmative when asked whether he would also consider a Negro.¹⁸⁶ “[I]f, in a particular field, you can find someone whose appointment would give reassurance to the great body of Negro men, I should very much like to do such a thing,” he informed a Black questioner.¹⁸⁷

The only thing left for Washington to do was to get Morrow to take on what would amount to both a groundbreaking and contentious assignment. Over breakfast in New York in August of 1952, the RNC Director of Minorities convinced Morrow to take a leave of absence from his comfortable life as an executive at CBS and to integrate presidential campaign politics.¹⁸⁸ Washington was busy recruiting other Black Republicans to run for office, but Morrow’s national civil rights profile, as well as his experience in corporate culture, made him the natural choice for a delicate but symbolically powerful assignment.¹⁸⁹

In choosing to join the Eisenhower campaign, Morrow inserted himself back into the civil rights narrative—or at least it seemed so at the time. His job would be Black outreach, but it would also require him to travel with the campaign and to interact fully with its White staff, and the candidate himself, in all parts of the country, including the South.¹⁹⁰ Four years earlier, William Hastie had barnstormed for Truman—without accompanying the candidate himself—in a separate campaign arc planned by Black Congressman William Dawson.¹⁹¹ In 1952, interracial social and professional contact was a controversial thing in every part of the United States. Across the country, for instance, African Americans had waged a legal campaign that reached back to the nineteenth century, against laws and practices that excluded them from places where they would have close contact with Whites: movie theaters, restaurants, schools, and so forth.¹⁹² That campaign marked a contentious history, fought in schools, corporate spaces, private clubs, and neighborhoods straight through the

¹⁸⁶ W. H. Lawrence, *Eisenhower Willing to Name a Qualified Negro to Cabinet*, N.Y. TIMES, Sept. 6, 1952, at 1.

¹⁸⁷ *Id.*

¹⁸⁸ FORTY YEARS, *supra* note 1, at 73-75.

¹⁸⁹ *See id.*

¹⁹⁰ *Id.* at 77.

¹⁹¹ Interview by Jerry N. Hess with William H. Hastie, Judge, 3rd U.S. Cir. Ct. of Appeals, in Phila., Pa. (Jan. 5, 1972), <https://www.trumanlibrary.gov/library/oral-histories/hastie> [<https://perma.cc/237W-MV4W>] (recounting how, in 1948, Dawson arranged five-week speaking tour for Hastie to campaign on Truman’s behalf). Chicago minister Archibald Carey Jr. tried to reprise Hastie’s role for Republicans in 1952, logging thousands of miles stumping for Eisenhower—separately from the candidate. DICKERSON, *supra* note 88, at 121-25.

¹⁹² *See, e.g.,* DOUGLAS, *supra* note 68, at 68-82 (chronicling opposition to school segregation in aftermath of Civil War); Thurgood Marshall, *Equal Justice Under Law*, CRISIS, July 1939, reprinted in THURGOOD MARSHALL: HIS SPEECHES, WRITINGS, ARGUMENTS, OPINIONS, AND REMINISCENCES 69, 69-77 (Mark V. Tushnet ed., 2001) (surveying legal challenges to voter registration, jury service, and school segregation).

1970s.¹⁹³ Yet, Morrow was being offered a job where he would have to work and live in close quarters with Whites for months, and in the midst of a presidential campaign in the 1950s.

On September 5, Morrow inserted himself into that intensely public and private history of integration when he joined the Eisenhower campaign.¹⁹⁴ Everyone involved in the effort knew that his presence among the staff would be controversial. Campaign officials were cautious about the experiment; they waited several weeks before issuing a press release announcing that a Black man had joined Eisenhower on the hustings—even though the ostensible purpose of Morrow’s hiring was to gain traction with Black voters.¹⁹⁵ That evening, he proceeded to La Guardia Airport to join Eisenhower and his staff aboard a chartered flight to Illinois, clutching a telegram from the RNC as his sole proof that he belonged there.¹⁹⁶ Eisenhower and his aides had motored over separately from campaign headquarters, and when the new Black staffer arrived at the airport, security guards would not let him board the plane.¹⁹⁷ He was saved by a White reporter, who knew Morrow and vouched for him.¹⁹⁸

Morrow would begin his work in silence. His presence in a room was often difficult for his ostensible coworkers to talk about or even acknowledge. Two dozen staff members and nearly as many reporters crowded aboard the airplane, including RNC chair Arthur Summerfield, who helped with outreach to Black voters.¹⁹⁹ No one spoke to Morrow, either aboard the plane or during a subsequent motorcade to Moline, Illinois for an Eisenhower speech.²⁰⁰ Of course, everyone knew who he was. A Black man traveling with the campaign was a sufficiently unprecedented sight, but no one knew what to say to him. Finally, Eisenhower himself broke the ice when he and Morrow met one another while the candidate was shaking hands with his staff later in the day.²⁰¹ “[Y]ou must be the new man on the staff,” he said, and introduced his Black aide to the group.²⁰²

Every day on the campaign trail was going to be a negotiation, for both Morrow and his White colleagues. They were confronting, in their own way, the problem of integration that presented itself to many mid-century Americans in

¹⁹³ See Oppenheimer, *Kennedy, King, Shuttlesworth and Walker*, *supra* note 39, at 647-50 (describing NAACP’s leadership of legal strategy making gradual progress at integrating public facilities).

¹⁹⁴ FORTY YEARS, *supra* note 1, at 75.

¹⁹⁵ Press Release, Eisenhower Campaign Train, Announcement of Morrow’s Addition to Eisenhower Campaign (Oct. 2, 1952) (on file with the Dwight D. Eisenhower Presidential Library).

¹⁹⁶ FORTY YEARS, *supra* note 1, at 75.

¹⁹⁷ *See id.*

¹⁹⁸ *Id.*

¹⁹⁹ *Id.* at 75-76; *see* Press Release, *supra* note 195.

²⁰⁰ FORTY YEARS, *supra* note 1, at 75.

²⁰¹ *Id.* at 76.

²⁰² Interview with Morrow, *supra* note 7, at 10.

public accommodations, workplaces, schools, and other places where the legal and spatial boundaries that helped define racial identity were being negotiated. A Black man in presidential politics was a powerful signifier in the political culture of the 1950s, or a “guinea pig,” as Morrow soon began calling himself (with more than a bit of self-pity).²⁰³

Morrow’s campaign experiences began with a whistle-stop swing through the Midwest.²⁰⁴ It began badly, and Morrow later recalled that he threatened to quit ten days into the campaign because his colleagues excluded him from anything other than racial outreach.²⁰⁵ After that, Eisenhower and his senior staff treated him, for the most part, as an equal.²⁰⁶ Campaign manager Sherman Adams, the gruff former New Hampshire governor, was stiffly professional with him, as he was with everyone else.²⁰⁷ Morrow had real duties, and seemed to have participated fully in staff meetings. Morrow was able to do low-level campaign work that was unrelated to race or civil rights, such as responding to Democratic party attacks.²⁰⁸ When the campaign arrived in a city or town, it was Morrow’s job (in concert with Washington, who remained behind) to seek out the local Black Republican leadership, take the tenor of sentiment for the General, and deliver speeches explaining why Blacks should support his candidate.²⁰⁹ His stump speeches attacked New Deal programs and Southern segregationist Democrats. Morrow also drafted memoranda for the campaign with suggestions for Eisenhower’s speeches and strategy.²¹⁰

One of the most contentious issues—which would resurface during Morrow’s White House years—was the interaction between race and gender that provided a key justification for the Jim Crow system. Morrow’s presence presented a problem that still weighed heavily on the minds of Whites, including Eisenhower himself: what to do about Black men interacting in close quarters with White

²⁰³ FORTY YEARS, *supra* note 1, at 91.

²⁰⁴ *Id.* at 75.

²⁰⁵ Booker, *supra* note 45, at 78.

²⁰⁶ *Id.*

²⁰⁷ E. Frederic Morrow, Diary of E. Frederic Morrow (Nov. 14, 1955) (on file with the Dwight D. Eisenhower Presidential Library) (describing Adams on 1952 campaign train as “an exacting and demanding person, and whatever assignment he gave to anyone, he wanted it handled with dispatch, and intelligence”).

²⁰⁸ See Booker, *supra* note 45, at 78 (noting Morrow drafted answers for GOP “Truth Squad”).

²⁰⁹ See, e.g., Memorandum from E. Frederic Morrow to Sherman Adams, Governor, N.H. (Sept. 20, 1952) (on file with the Dwight D. Eisenhower Presidential Library) (reporting on Morrow’s conversations with locals in Kansas City and their opinions on Eisenhower).

²¹⁰ See, e.g., E. Frederic Morrow, A Possible Statement by Fred Morrow for the President 1 (on file with the Dwight D. Eisenhower Presidential Library) (arguing Democrats were responsible for frustrating civil rights progress); Memorandum from E. Frederic Morrow to Sherman Adams, Governor, N.H. (Oct. 12, 1952) (on file with the Dwight D. Eisenhower Presidential Library) (providing suggestions for Eisenhower’s visits to Chicago, Detroit, and New York).

women.²¹¹ Protection of White women from Black male sexuality continued to be a standard justification for Southern segregation, and the campaign was due for a swing through the South.²¹² Morrow stood six feet one inch tall, and had developed from the skinny 135-pound figure who had joined the Army during World War II into a muscular man.²¹³ He was often the largest person in the room, and his presence was unsettling for Whites.²¹⁴ He had a way of making his White colleagues uncomfortable just by being in close quarters with them, despite their professions of indifference.²¹⁵ Some secretaries would not take dictation from him, so Eisenhower's liberal-minded personal assistant, Ann Whitman, filled in when she could.²¹⁶

Morrow and his colleagues had to negotiate some potentially explosive problems when the "Eisenhower Special" began its second circuit through the South in mid-October.²¹⁷ There would be public events, and what would the campaign signal about Morrow's presence? There had been contentious fights over whether political figures, such as Eleanor Roosevelt or 1948 presidential candidate Henry Wallace, should address segregated audiences.²¹⁸ No one on the Eisenhower campaign had yet tackled the problem of integration among its staff.²¹⁹ Would Morrow walk into a campaign appearance with his colleagues? Would he be seated on the dais? Would he have proximity to White women? There remained the additional problem that an earlier Eisenhower campaign swing through the South had sparked suspicion, even in the White press, that it was an attempt to cater to segregationist mores.²²⁰

²¹¹ See, e.g., FORTY YEARS, *supra* note 1, at 80-81 (stating campaign security detail were angry about Morrow going to dinner with young women secretaries).

²¹² *Id.* at 79; see, e.g., DEVERY S. ANDERSON, EMMETT TILL: THE MURDER THAT SHOCKED THE WORLD AND PROPELLED THE CIVIL RIGHTS MOVEMENT 26-38 (2015) (analyzing how fears of Black male sexuality led to murder of Emmett Till); PATTERSON, *supra* note 32, at 24-25 (discussing miscegenation laws and anxiety about sexual relations between races in South).

²¹³ FORTY YEARS, *supra* note 1, at 34; HUGH SCOTT, COME TO THE PARTY: AN INCISIVE ARGUMENT FOR MODERATE REPUBLICANISM 122 (1968) (describing Morrow as "all muscle" in 1952).

²¹⁴ See, e.g., FORTY YEARS, *supra* note 1, at 79 ("One girl even screamed when I tried to step into the elevator.").

²¹⁵ See BLACK MAN IN THE WHITE HOUSE, *supra* note 15, at 17 (describing Eisenhower's staff as mostly "correct in conduct, but cold" to Morrow).

²¹⁶ ROBERT J. DONOVAN, CONFIDENTIAL SECRETARY: ANN WHITMAN'S 20 YEARS WITH EISENHOWER AND ROCKEFELLER 113 (1988).

²¹⁷ SCOTT, *supra* note 213, at 108; FORTY YEARS, *supra* note 1, at 79.

²¹⁸ SULLIVAN, *supra* note 109, at 424 (discussing how Eleanor Roosevelt was wary of alienating Southern segregationist Democrats by advocating for Black civil rights); TAYLOR, *supra* note 182, at 95 (describing significant resistance Henry Wallace faced after adopting policy that he would only deliver speeches before nonsegregated audiences).

²¹⁹ See FORTY YEARS, *supra* note 1, at 77-81.

²²⁰ See James Reston, *Eisenhower Asks Unfettered South; Hails Senator Byrd*, N.Y. TIMES, Sept. 27, 1952, at 1, 10 (stating Eisenhower drew large supportive crowds throughout South by praising segregationists and Confederates).

Rachel Adams, Sherman Adams's independent-minded wife, improvised a solution. No one had figured out what to do when it came time for Morrow to walk into a Southern political rally with his colleagues. Standing near the Black campaign aide, she simply took Morrow's arm, walked him to the campaign platform, and made sure that he had a prominent seat on the dais.²²¹ This became Morrow's and Adams's standard approach to mollifying (or alarming) Southern Whites.²²² The vision of a large Black man walking into an Eisenhower rally, arm in arm with the White wife of an American governor, was obviously a statement about integration. "This process would always startle the local inhabitants, but Mrs. Adams would merely shrug her shoulders, and be herself," according to Morrow.²²³ As the campaign paraded down Canal Street in New Orleans, Sherman Adams instructed Pennsylvania Congressman Hugh Scott to punch anyone who laid a hand on Morrow.²²⁴ Morrow's fellow staffers also helped out when hotels tried to exclude him while welcoming the rest of the General's party, both in and after the Southern swing, as when they reached the Ambassador Hotel in Los Angeles.²²⁵ At the same time, there were also subtle—and not-so-subtle—signs of the immense social pressure that came with having a Black man on the campaign trail. Unlike most staff members, Morrow had a sleeping berth to himself aboard the campaign train, although on at least one occasion he shared a hotel room with a fellow staffer.²²⁶ Morrow, nonetheless, developed genuinely friendly relations with his colleagues, and eventually with the candidate himself.²²⁷

Yet, the most significant integrationist negotiation of the campaign remained the one with Eisenhower himself. Late in the campaign, Morrow had to give two particularly important speeches to Black audiences, and he convinced the General to meet in his railroad car after his West Point speech—thus prompting their frank exchange of opinions about Eisenhower's racial views and his seeming endorsement of military segregation.²²⁸ That conversation was perhaps the most intimate one that Eisenhower had ever had with a Black person. The African American whom Eisenhower knew best was his valet, John Moaney—

²²¹ See E. Frederic Morrow, Rachel Adams (1956) (on file with the Dwight D. Eisenhower Presidential Library).

²²² See *id.* (stating this became common practice at stops in Deep South).

²²³ *Id.*

²²⁴ SCOTT, *supra* note 213, at 122.

²²⁵ See FORTY YEARS, *supra* note 1, at 77-78 (recounting how hotel attempted to exclude Morrow, then tried to give him cell-like room reserved for servants and chauffeurs).

²²⁶ See E. Frederic Morrow, Final Campaign Trip from Boston to New York (1956) (on file with the Dwight D. Eisenhower Presidential Library); Telegram from Hall to E. Frederic Morrow (1952) (on file with the Dwight D. Eisenhower Presidential Library).

²²⁷ See, e.g., FORTY YEARS, *supra* note 1, at 77-85 (noting other staffers stood up for Morrow in response to racism and included him in social activities, as well as friendly conversations between Morrow and Eisenhower).

²²⁸ *Id.* at 81-84.

a characteristic the General would share with his successor, John Kennedy.²²⁹ By the time the staff gathered after midnight on the last day of the campaign, Morrow was comfortable enough with the candidate and his colleagues that he joined the group that lounged in the General's private car, drinking lightly and singing patriotic songs with Dwight and Mamie Eisenhower during the train ride back to New York headquarters before going to bed at four o'clock in the morning to await a Republican victory.²³⁰ "It was a big family group," he wrote with evident satisfaction, "gathered in a spirit of camaraderie and fellowship."²³¹

If the campaign could be like family—at least at times—the next step was an even more difficult integrationist project. The logical next position for Morrow was a post, like those his campaign friends would soon obtain, in the Eisenhower White House.²³² As jockeying for spaces in the first Republican Administration in twenty years began, Val Washington pressed his party to make good on its promise of integration within the higher-level federal workforce.²³³ He quickly established himself as the coordinator of Black appointments.²³⁴ With his help, Chicago lawyer J. Ernest Wilkins secured an appointment to the President's Committee on Government Contracts—Eisenhower's alternative to the FEPC—in 1953.²³⁵ The following year, Wilkins joined the Administration as Assistant Secretary of Labor for International Affairs.²³⁶ He was the first African American to hold a subcabinet position and eventually integrated the Cabinet when he attended a meeting in place of the Labor Secretary.²³⁷ Wilkins led the American delegation to the annual International Labor Organization ("ILO") conference in Geneva.²³⁸ Lois Lippman desegregated the White House clerical staff when she joined its secretarial pool in 1953.²³⁹ Wilkins, Morrow, and

²²⁹ See 2 STEPHEN E. AMBROSE, *EISENHOWER: SOLDIER, GENERAL OF THE ARMY, PRESIDENT-ELECT, 1890-1952*, at 435 (1983); NICK BRYANT, *THE BYSTANDER: JOHN F. KENNEDY AND THE STRUGGLE FOR BLACK EQUALITY* 219 (2006).

²³⁰ Morrow, *supra* note 226.

²³¹ *Id.*

²³² See FORTY YEARS, *supra* note 1, at 86.

²³³ *Id.*

²³⁴ See, e.g., Letter from Val. J. Washington, Dir. of Minorities, Republican Nat'l Comm., to Maxwell Rabb, White House (Sept. 19, 1953) (on file with the Dwight D. Eisenhower Presidential Library).

²³⁵ *Id.*; BURK, *supra* note 20, at 93.

²³⁶ *An Excellent Appointment*, N.Y. TIMES, Mar. 5, 1954, at 18.

²³⁷ BURK, *supra* note 20, at 69-70.

²³⁸ *A Diplomatic Achievement*, N.Y. TIMES, June 4, 1954, at 22. For more on Wilkins's hopeful but difficult stint in the federal service, see CAROLYN MARIE WILKINS, *DAMN NEAR WHITE: AN AFRICAN AMERICAN FAMILY'S RISE FROM SLAVERY TO BITTERSWEET SUCCESS* 113-55 (2010).

²³⁹ *Why the Negro Should Support the Republican Party*, CRISIS, Oct. 1956, at 456. Other notables included future Housing and Urban Development Secretary Samuel Pierce, Jr. as Special Assistant in the Labor Department, future Nixon and Bush Administration official Jewel Stradford Rogers (later Lafontant) as Assistant U.S. Attorney for the Northern District of Illinois, Washington lawyer George E. C. Hayes as Chairman of the Public Utilities

several other administrators formed an informal racial policy group that would meet sporadically in Rabb's White House office.²⁴⁰ But they made the fateful decision not to model themselves on the "Black cabinet," which had met regularly to discuss racial issues and offer mutual support during the New Deal era.²⁴¹ Wilkins reportedly "took little advice, had few friends in labor areas[,] and worked almost independently."²⁴² Although he reportedly supervised a staff of eighty, he remained isolated.²⁴³ Lacking a key piece of social capital that their predecessors had accumulated, Morrow, Wilkins, and others would carry out their daily negotiations and battles largely alone. Like Morrow, they would eventually be largely forgotten and remained apart from the narrative of historical time that would later consolidate itself around the achievements of the civil rights movement.

Morrow was supposed to be the capstone of that effort. He had returned to his CBS position after the election, and soon afterward, Adams summoned him across the street to campaign headquarters to deliver the news: Eisenhower and Adams had jointly decided to offer him a position as a White House aide.²⁴⁴ Eisenhower was reorganizing the Executive Office of the President and wanted to find a place for his Black staffer in the new organization.²⁴⁵ Adams advised Morrow to resign his post at CBS, which he did, then turned the negotiations over to a campaign aide, Maxwell Rabb.²⁴⁶ Morrow swelled with pride when the

Commission, and Lincoln School of Law Dean Scovel Richardson as Chairman of the U.S. Parole Board. J.Y. Smith, *HUD Secretary Samuel Pierce Jr., 78, Dies*, WASH. POST (Nov. 4, 2000), <https://www.washingtonpost.com/archive/local/2000/11/04/hud-secretary-samuel-pierce-jr-78-dies/c145b4ef-26da-4165-aefe-fb797d1c1f56/>; Julia Larsen, *Jewel Stradford Rogers Lafontant-Mankarious (1922-1997)*, BLACKPAST (Mar. 28, 2009), <https://www.blackpast.org/african-american-history/mankarious-jewel-stradford-rogers-lafontant-1922-1997/> [https://perma.cc/WCV7-H2Q8]; Kate Meakin, *George E. C. Hayes (1894-1968)*, BLACKPAST (June 19, 2011), <https://www.blackpast.org/african-american-history/hayes-george-e-c-1894-1968/> [https://perma.cc/P985-DUL6]; *Scovel Richardson*, *U.S. Judge*, N.Y. TIMES, Mar. 31, 1982, at B4. For a full list, see *Why the Negro Should Support the Republican Party*, *supra*, at 454-56.

²⁴⁰ See, e.g., E. Frederic Morrow, *Diary of E. Frederic Morrow* (Dec. 19, 1955) (on file with the Dwight D. Eisenhower Presidential Library) (discussing conference between Rabb and prominent Black members of Eisenhower Administration to discuss Till murder).

²⁴¹ *Id.* (stating they had no desire to be tagged with this and similar terms); Memorandum from E. Frederic Morrow to Maxwell Rabb, White House (Nov. 25, 1953) (on file with the Dwight D. Eisenhower Presidential Library); Herbert G. Ruffin II, *FDR's Black Cabinet (1933-1945)*, BLACKPAST (Jan. 25, 2022), <https://www.blackpast.org/african-american-history/fdrs-black-cabinet-1933-1945/> [https://perma.cc/3G54-EB3V].

²⁴² Simeon Booker, *The Last Days of J. Ernest Wilkins*, EBONY, Mar. 1960, at 141, 142.

²⁴³ *Id.*

²⁴⁴ FORTY YEARS, *supra* note 1, at 86-87.

²⁴⁵ *Id.*

²⁴⁶ *Id.* at 87-88; E. Frederic Morrow, *Governor Adams' Invitation to Me To Come to Washington* (on file with the Dwight D. Eisenhower Presidential Library).

story made the Black press.²⁴⁷ Then his colleagues humiliated him. Morrow passed the background check, but in January, staffers stopped returning his calls.²⁴⁸ With no means of supporting himself, he moved to Washington and spent months inquiring before his entreaties finally garnered an official response: there was no job for him.²⁴⁹ Val Washington finally obtained a consolation position for him in the Commerce Department.²⁵⁰ There, a decidedly unhappy Morrow began work in September 1953.²⁵¹

Yet, Morrow continued to work for the position in the White House. He viewed it as an extension of the civil rights struggle, and in the context of the early 1950s, it was a reasonable assumption.²⁵² His campaign negotiations had mostly taken place out of view of the general public, but a posting in the White House would have an entirely different level of visibility. There were thousands of African Americans employed in the federal government, but the common sense within the federal workforce was that Black employees inhabited separate race-identified spaces.²⁵³ The Commerce Department, for instance, had a separate Division of Negro Affairs, which was a source of patronage appointments for Blacks.²⁵⁴ When Hastie joined the Department of Interior as an Assistant Solicitor in 1933, White secretaries refused to work with him.²⁵⁵ He obtained a Black secretary, who sat in his office rather than in the secretarial pool.²⁵⁶ Hastie and Robert Weaver ate lunch in the messengers' eating room instead of the regular cafeteria—until both men summoned the courage to confront the protests and backlash that eating with White employees would produce.²⁵⁷ Louis Mehlinger, the Justice Department's sole Black lawyer, traveled the country to argue cases for his department while dealing with private negotiations with federal officials who assumed that no such person like himself

²⁴⁷ See 'Black Cabinet' Out Morrow Tells NNBL, WASH. AFRO-AM., Nov. 7, 1953 (discussing ongoing rumors that Morrow was heading for White House post after Eisenhower campaign).

²⁴⁸ FORTY YEARS, *supra* note 1, at 88-90.

²⁴⁹ BLACK MAN IN THE WHITE HOUSE, *supra* note 15, at 12.

²⁵⁰ FORTY YEARS, *supra* note 1, at 90.

²⁵¹ Morrow, *supra* note 246.

²⁵² See FORTY YEARS, *supra* note 1, at 90-91.

²⁵³ Frederick W. Gooding, Jr., American Dream Deferred: Black Federal Workers in Washington, D.C., 1941-1981, at 59 (June 20, 2013) (Ph.D. dissertation, Georgetown University) (on file with Georgetown University); see, e.g., GILBERT WARE, WILLIAM HASTIE: GRACE UNDER PRESSURE 81-82 (1984) (describing segregation in Department of Interior).

²⁵⁴ See ROBERT E. WEEMS JR. & LEWIS A. RANDOLPH, BUSINESS IN BLACK AND WHITE: AMERICAN PRESIDENTS AND BLACK ENTREPRENEURS IN THE TWENTIETH CENTURY 39-64 (2009).

²⁵⁵ WARE, *supra* note 253, at 81.

²⁵⁶ *Id.*

²⁵⁷ See *id.* at 81-82.

could exist, until his retirement in 1952.²⁵⁸ Figures such as these, however, remained the exception, as Black federal employees were overwhelmingly concentrated in separate and inferior domestic and menial positions.²⁵⁹

The White House staff was biracial, after a fashion, but in a way that reinforced the racial hierarchy that governed public space at mid-century. African Americans had worked there in service capacities since the era of slavery—as personal servants, messengers, valets, maids, and similar occupations.²⁶⁰ They had even eaten in a separate dining room until Eleanor Roosevelt reportedly solved the problem by making the domestic staff nearly all Black.²⁶¹ That innovation, however, simply made the White House resemble the rest of the racial hierarchy that had been mapped onto federal service—with Blacks overwhelmingly confined to the lower rungs of domestic or unskilled service employment.²⁶² Morrow remembered that one Southern advisor suggested that he and “all the secretaries and female clerks” would resign if Morrow was hired into a nonservice position.²⁶³ There was one additional problem with a White House posting: that Southern congressional Democrats had possessed a stranglehold on many aspects of national policy since the New Deal.²⁶⁴ Eisenhower and his aides would need these politicians—some of whom had crossed party lines to endorse the Republican candidate.²⁶⁵ The White House was intensely public in a way that other possible postings were not.²⁶⁶

Morrow’s predicament was one more test of his campaign colleagues’ commitment to integrating public and private spaces at mid-century. They had failed. It seems likely that Eisenhower and his top aides decided that integration of the most visible portion of the federal bureaucracy was simply more than they wished to take on. The participants later offered conflicting explanations for the decision, with the true reasons masked by guilt, embarrassment, and the fog of memory. Several high-level staffers told Morrow that Wilton Persons, an Alabamian and an Eisenhower crony who was the White House’s liaison with

²⁵⁸ See Eugene L. Meyer, ‘*The Only Colored Man . . .*’ at Justice: Cofounder of Law School, 93, *Recalls Struggle in Legal World*, WASH. POST, Apr. 11, 1976, at 18; Dan Ernst, *Louis Rothschild Mehlinger (1882-1987)*, LEGAL HIST. BLOG (May 13, 2015, 12:30 AM), http://legalhistoryblog.blogspot.com/2015/05/louis-rothschild-mehlinger-1882-1987_13.html [https://perma.cc/9E3T-HKK5].

²⁵⁹ Gooding, *supra* note 253, at 69.

²⁶⁰ See *supra* note 10 and accompanying text.

²⁶¹ FIELDS, *supra* note 10, at 41-42 (discussing experience of African Americans in Roosevelt White House); LILLIAN ROGERS PARKS & FRANCES SPATZ LEIGHTON, *THE ROOSEVELTS: A FAMILY IN TURMOIL* 33 (1981).

²⁶² See Gooding, *supra* note 253, at 69.

²⁶³ Max Stern, *Presidential Strategies and Civil Rights: Eisenhower, The Early Years, 1952-54*, 19 PRESIDENTIAL STUD. Q. 769, 779 (1989).

²⁶⁴ See IRA KATZNELSON, *FEAR ITSELF: THE NEW DEAL AND THE ORIGINS OF OUR TIME* 148-55, 252-53 (2013).

²⁶⁵ *Id.* at 609 n.117.

²⁶⁶ See E. Frederic Morrow, *Diary of E. Frederic Morrow* (Jan. 17, 1956) (on file with the Dwight D. Eisenhower Presidential Library).

Congress, had vetoed his appointment.²⁶⁷ Others said that they could not find a job anywhere in the White House bureaucracy for Morrow because he was not a member of the bar and there was no race relations specialist in the White House.²⁶⁸ But that is unconvincing. Morrow had a greater amount of relevant work experience—at the NAACP, at CBS, and on the campaign trail—than many of the politically connected people who obtained important jobs in the White House.²⁶⁹ Rabb “hinted at various reasons” when Morrow asked him, while Adams later said he lacked requisite skills but added revealingly that a White House job would have produced “unfavorable comment.”²⁷⁰ Eisenhower himself had made the initial decision to bring Morrow into the White House, and he knew exactly what had happened to his former aide.²⁷¹ The President even wrote to Morrow at Commerce in mid-1954 to compliment him on a speech defending the Administration’s racial policies.²⁷² Morrow’s campaign family had simply blinked at the challenge of what, at the time, seemed like it might become a very public fight over integration.

At the Commerce Department, questions about segregation pervaded everything Morrow did. He refused to accept a Black secretary, and his new job—assisting with studies of business growth and stability, and coordinating actions between Commerce and other departments—had nothing to do with race or civil rights.²⁷³ He also defended the Administration’s decision to abolish the department’s Division of Negro Affairs, arguing that he and his fellow Black officials were fighting for “eliminating islands of segregated activity” in government.²⁷⁴ One of those officials, however, was Joseph R. Ray, Sr., the

²⁶⁷ *Id.*; Morrow, *supra* note 240.

²⁶⁸ Interview by Steven Lawson with Maxwell Rabb, in N.Y.C., N.Y. (Oct. 6, 1970) [hereinafter Interview with Rabb] (on file with author).

²⁶⁹ See Booker, *supra* note 45, at 79.

²⁷⁰ BLACK MAN IN THE WHITE HOUSE, *supra* note 15, at 235-36; see also Interview with Rabb, *supra* note 268.

²⁷¹ FORTY YEARS, *supra* note 1, at 86-87.

²⁷² *Id.* at 91-92.

²⁷³ Booker, *supra* note 45, at 78; E. Frederic Morrow, Diary of E. Frederic Morrow (Feb. 8, 1954) (on file with the Dwight D. Eisenhower Presidential Library). His initial title was Advisor on Business Affairs in the Commerce Department. Letter from Val. J. Washington, *supra* note 234.

²⁷⁴ Memorandum from E. Frederic Morrow, Advisor on Bus. Affs., to James C. Worthy, Assistant Sec’y of Com. for Admin. (Oct. 13, 1953) [hereinafter Memorandum from Morrow to Worthy] (on file with the Dwight D. Eisenhower Presidential Library); see also WEEMS, *supra* note 254, at 64 (discussing abolition of this division). Segregation was always a complicated and fraught experience in federal service. Some contemporaries charged that the elimination of the Division of Negro Affairs was an indication of the Administration’s neglect of Black Americans. See WEEMS, *supra* note 254, at 64. A decade earlier, William Hastie had resigned his government post over his contention that the creation of a separate Black Army Air Corps group—an event later celebrated as the creation of the Tuskegee Airmen—was a step toward segregation. Interview with Hastie, *supra* note 191.

Louisville realtor who joined the Housing and Home Finance Agency.²⁷⁵ Ray directed its Race Relations Service.²⁷⁶ There was even a separate appointments process for African Americans, run by Washington.²⁷⁷

Morrow himself seems to have taken much time off from his official duties to perform race-identified tasks. When the Liberian President, William Tubman, came for a state visit, the White House detailed Morrow on a two-week assignment to accompany him on a tour of the country.²⁷⁸ When Eisenhower spoke before the Washington, D.C. NAACP, Morrow was ready with a memorandum of suggestions for the President.²⁷⁹ He also traveled freely, giving speeches lauding the Administration's civil rights record.²⁸⁰

Final integration of the White House was largely due to pressure by African Americans from the outside and Morrow's steady efforts from within. Civil rights leader A. Philip Randolph had been pressing Eisenhower to meet with him and other leaders since 1953, and it was becoming more difficult to put him off.²⁸¹ Moreover, one of the consequences of the NAACP's winning effort in *Brown v. Board of Education*²⁸² was that school segregation now threatened to become a policy question for the federal government. In Congress, Representative Adam Clayton Powell, Jr. was finding avenues for making the Administration face segregation directly.²⁸³ If Eisenhower met with Black leaders, the issue of the Administration's support for implementing desegregation was bound to come up.

Meanwhile, Morrow kept reminding Eisenhower of his speeches in support of the Administration's racial policies, producing another note from the President to his former campaign aide in 1955.²⁸⁴ Suddenly, in the middle of the year, Eisenhower and his aides took renewed interest in their Black colleague. In June, Adams called him over to the White House for an interview.²⁸⁵ Shortly afterward, the White House issued a press release announcing that, on the

²⁷⁵ BURK, *supra* note 20, at 114; Ray, Joseph R. Sr., NOTABLE KY. AFR. AMS. DATABASE, <https://nkaa.uky.edu/nkaa/items/show/1151> [<https://perma.cc/3ZB3-CRTV>] (last visited Aug. 25, 2023).

²⁷⁶ BURK, *supra* note 20, at 114.

²⁷⁷ See Memorandum from Morrow to Worthy, *supra* note 274.

²⁷⁸ Interview with Morrow, *supra* note 7, at 133.

²⁷⁹ Memorandum from E. Frederic Morrow to Maxwell Rabb, White House (Feb. 15, 1954) (on file with the Dwight D. Eisenhower Presidential Library).

²⁸⁰ *Courier Predicts*, PITTSBURGH COURIER, Jan. 30, 1954 (predicting Morrow's White House appointment based on experiences speaking on behalf of Administration across country) (on file with the Dwight D. Eisenhower Presidential Library).

²⁸¹ See BURK, *supra* note 20, at 84.

²⁸² 349 U.S. 294 (1955).

²⁸³ See BURK, *supra* note 20, at 30-31.

²⁸⁴ FORTY YEARS, *supra* note 1, at 91.

²⁸⁵ BLACK MAN IN THE WHITE HOUSE, *supra* note 15, at 13.

following Monday, Morrow would assume his duties as Administrative Officer in the Special Projects Group.²⁸⁶

At 8:15 AM the next day, Morrow was sworn into office inside a conference room in the Executive Office building, as a dozen reporters, Val Washington, his home district congressman, and Adams looked on.²⁸⁷ Recognizing the historic moment, Adams uncharacteristically beamed afterwards.²⁸⁸ Staff secretary Andrew Goodpaster then briefed Morrow on his duties, escorted him to a large, oak-paneled office on the second floor, wished him well and said goodbye.²⁸⁹ Morrow was left to ponder what he should do next. As everyone knew, performing any of his duties would break the color line inside the executive mansion.²⁹⁰ He picked up a phone and asked for someone from the personnel office to come by.²⁹¹ When the office sent a young man over, Morrow asked that he be provided with a secretary—knowing that the only ones available were White.²⁹² He had forced the issue. Over at the Labor Department, Wilkins had retained a White secretary but avoided the executive cafeteria, choosing to eat in the general dining room instead.²⁹³ But Morrow had to negotiate the problem for himself.

Once again, perhaps the thorniest problem with integration of public space involved the intersection of race and gender. But again, Morrow would triumph over that difficulty by developing a working relationship with a White woman as he had with Rachel Adams and Ann Whitman on the campaign trail.²⁹⁴ After some delay, a Massachusetts native named Mary O'Madigan showed up at his office in tears, pointedly stood in the door without entering, and confessed that her Christian beliefs required her to put herself forward.²⁹⁵ It was an awkward beginning, but after some negotiation, Morrow and O'Madigan would develop a close, friendly working relationship.²⁹⁶ When he finally assembled a secretarial staff, Morrow had them come to see him in pairs, so that he would be alone with two White women rather than one.²⁹⁷ There was safety in numbers for all involved. He soon summoned the courage to try to eat at the White House mess.

²⁸⁶ Press Release, Murray Snyder, Assistant Press Sec'y, White House, Appointment of E. Frederic Morrow (July 9, 1955) (on file with the Dwight D. Eisenhower Presidential Library).

²⁸⁷ FORTY YEARS, *supra* note 1, at 96. Morrow's swearing in was an informal event, and the ceremonial swearing in ceremony was not held until 1959—which became a source of embarrassment for the Administration. BLACK MAN IN THE WHITE HOUSE, *supra* note 15, at 275.

²⁸⁸ FORTY YEARS, *supra* note 1, at 96; Booker, *supra* note 45, at 78.

²⁸⁹ FORTY YEARS, *supra* note 1, at 96-97.

²⁹⁰ *See id.*

²⁹¹ *Id.* at 97.

²⁹² *Id.* at 97-98.

²⁹³ Booker, *supra* note 242, at 141, 143.

²⁹⁴ *See* sources cited *supra* notes 216, 221.

²⁹⁵ FORTY YEARS, *supra* note 1, at 99-100.

²⁹⁶ *Id.* at 100.

²⁹⁷ BLACK MAN IN THE WHITE HOUSE, *supra* note 15, at 43.

Everyone understood that he would be breaking established federal taboos by appearing there. Adams went with Morrow on his first visit to send the message that his presence there had the full backing of Eisenhower.²⁹⁸ Morrow breathed a sigh of relief when he had accomplished his purpose.

He had to be careful about accepting social invitations because every work-oriented social event was yet another step into uncharted territory in the federal service. “My social life is limited to a handful of friends with whom I grew up,” he lamented.²⁹⁹ A White House official once apologized to a young staff member for seating him with Morrow and his wife at a social event.³⁰⁰ A late 1950s photo shows Morrow and his wife, Catherine, sitting in the front row at a social event at Eisenhower’s Gettysburg farm—with an entire row of empty seats beside them.³⁰¹ All the seats behind them are full, and Morrow is smiling at the irony.³⁰² Outside the White House and its social circle, things were entirely different. He had socialized easily, albeit occasionally, with his campaign friends since his time at Commerce. In ordinary life, the intersection between race and gender could be far less explosive than it was in the politically charged space of the White House. He remained on good terms with campaign alumni like Ann Whitman.³⁰³

Even at work, tensions would later ebb. A collection of glossy black and white photos in Morrow’s archives show him relaxing in his office with his two White secretaries.³⁰⁴ All are apparently at ease, but all are obviously posing. This was the era of the Cold War and Gunnar Myrdal, of Martin Luther King Jr. and decolonization, and they were trying to show America in its best light—as had

²⁹⁸ Booker, *supra* note 45, at 79.

²⁹⁹ E. Frederic Morrow, *Diary of E. Frederic Morrow* (July 5, 1956) (on file with the Dwight D. Eisenhower Presidential Library).

³⁰⁰ Interview with Stephen Hess, in Wash., D.C. (June 10, 2013) (on file with author).

³⁰¹ Photograph of E. Frederic and Catherine Gordon Morrow (on file with the Vivian G. Harsh Research Collection at Chicago Public Library) (depicting E. Frederic and Catherine Gordon seated beside four empty folding chairs).

³⁰² *Id.* Later, some attendees did choose to sit beside the Morrows. Photograph of E. Frederic and Catherine Gordon Morrow (on file with the Vivian G. Harsh Research Collection at Chicago Public Library) (depicting E. Frederic and Catherine Gordon Morrow seated beside four occupied folding chairs).

³⁰³ BLACK MAN IN THE WHITE HOUSE, *supra* note 15, at 17.

³⁰⁴ See, e.g., Photograph of E. Frederic Morrow and Mary T. O’Madigan (on file with the Vivian G. Harsh Research Collection at Chicago Public Library) (depicting E. Frederic Morrow and Mary T. O’Madigan, both seated, with O’Madigan taking notes); Photograph of E. Frederic Morrow and Mary T. O’Madigan (on file with the Vivian G. Harsh Research Collection at Chicago Public Library) (depicting Morrow, seated at his desk, and O’Madigan, standing over Morrow); Photograph of E. Frederic Morrow (on file with the Vivian G. Harsh Research Collection at Chicago Public Library) (depicting Morrow posing with two White secretaries).

his colleagues on the campaign and at CBS.³⁰⁵ Yet, few Americans would see them. Those photos did not circulate in public, where Southern politicians took note. Little of the complex negotiations, the frustration, or the anger that Morrow felt was visible to the outside world. The photo that the White House released to the public was of a genial-looking Morrow—taken just before the 1956 election—with clasped hands working in the oval office alongside a grinning Eisenhower.³⁰⁶ That one was obviously posed as well.

Morrow sat for days trying to solve the problem of how to assert control over the bureaucratic areas that were formally his domain.³⁰⁷ Old campaign friends stopped by and tried to be helpful.³⁰⁸ The “career staff” remained, however, “the most distressed and the most insecure” in the presence of a Black administrator.³⁰⁹ Morrow’s presence challenged a core assumption about the lived experience of race in America, and in particular in the White House. Both Black and White employees were on edge. “Negro employees at the White House with grievances very often bring their problems to me,” he later wrote to Adams, while reluctantly intervening in a controversy involving the White House messengers.³¹⁰ “I have done everything I possibly could in the past two years to discourage this,” he continued.³¹¹ After finally solving his secretary problem, he began to schedule appointments with the staff whose departments fell within his area of responsibility.³¹²

Morrow and sympathetic colleagues like Adams worked hard to escape the commonsense assumptions that governed the public performance of race at mid-century, but even well-meaning efforts often came up short. The normally curt Adams, for instance, would go “out of his way” to acknowledge Morrow’s importance with a special greeting when the staff gathered for lunch in the White House mess.³¹³ Adams wanted to beat back the inevitable tension that Morrow’s appearance there would produce.³¹⁴ “From the very beginning of our meeting on the Campaign Train . . . he has always shown a fatherly interest in my efforts,”

³⁰⁵ See ANDERSON, *supra* note 35, at 291-303; BURK, *supra* note 20, at 6; KING, *supra* note 39, at 15-38; see generally GUNNAR MYRDAL, AN AMERICAN DILEMMA: THE NEGRO PROBLEM AND MODERN DEMOCRACY (1944).

³⁰⁶ See Photograph of E. Frederic Morrow and Dwight D. Eisenhower (on file with the Vivian G. Harsh Research Collection at Chicago Public Library) (depicting Morrow and Eisenhower, both seated at table and grinning).

³⁰⁷ See FORTY YEARS, *supra* note 1, at 99-100.

³⁰⁸ BLACK MAN IN THE WHITE HOUSE, *supra* note 15, at 17.

³⁰⁹ *Id.*

³¹⁰ Memorandum from E. Frederic Morrow to Sherman Adams, Governor, N.H. (Nov. 25, 1957) (on file with the Dwight D. Eisenhower Presidential Library).

³¹¹ *Id.*

³¹² FORTY YEARS, *supra* note 1, at 100.

³¹³ E. Frederic Morrow, Diary of E. Frederic Morrow (Dec. 16, 1955) (on file with the Dwight D. Eisenhower Presidential Library).

³¹⁴ *Id.*

Morrow remarked.³¹⁵ Perhaps he wrote with a bit of sarcasm. Morrow was forty-six years old, only ten years younger than the Chief of Staff.³¹⁶ He was tall and impeccably dressed in public, and he had been unafraid of personal confrontations at the NAACP.³¹⁷ Morrow cut a far different figure in Washington circles than did Powell, the “flamboyant Congressman from Harlem” as the Black staffer called him, who was a different type of actor in a very different space.³¹⁸ Morrow’s White colleagues remember him as “elegant” and formal in dress and manner.³¹⁹ He was a difficult person to get to know.³²⁰

Still, Morrow’s appointment was hardly symbolic, as some scholars have suggested.³²¹ “Special Projects,” his area of responsibility, was a catchall phrase that encompassed many of the ad hoc councils and initiatives set up under the auspices of the White House, such as relief for Hungarian refugees.³²² Morrow was in charge of finding staff, funds, office space, and other means of support for these initiatives.³²³ His duties, while not involving formal policymaking, gave him control over many things that brought tangible prestige and were also hotly contested—secretarial assignments, budgets, pay grades, office space, and parking spaces.³²⁴ He once had to give a dressing down to two former Army generals who were bickering over who would get the most prestigious office.³²⁵ Morrow himself worked out of a large suite with a fireplace, where he impressed his many visitors.³²⁶ He eventually assumed responsibility for the security of the entire Executive Office Building.³²⁷ In late 1957, he was briefly detailed to the President’s speechwriting staff, but eventually returned to the greater

³¹⁵ E. Frederic Morrow, Diary of E. Frederic Morrow (Dec. 5, 1955) (on file with the Dwight D. Eisenhower Presidential Library). Morrow, however, disputed the idea that any paternalism was involved. Morrow, *supra* note 313 (“I am grateful that his attitude is not based on paternalism, but on man-to-man respect.”).

³¹⁶ See FORTY YEARS, *supra* note 1, at 8; Gov. Llewelyn Sherman Adams, NAT’L GOVERNORS ASS’N, <https://www.nga.org/governor/llewelyn-sherman-adams/> [<https://perma.cc/C6AM-JXAJ>] (last visited Aug. 25, 2023).

³¹⁷ See Booker, *supra* note 45, at 77; SULLIVAN, *supra* note 109, at 260-61.

³¹⁸ E. Frederic Morrow, Diary of E. Frederic Morrow (Jan. 25, 1956) (on file with the Dwight D. Eisenhower Presidential Library).

³¹⁹ Interview with Hess, *supra* note 300.

³²⁰ See *id.*; Morrow, *supra* note 299 (“I am by nature a shy person.”).

³²¹ See, e.g., BURK, *supra* note 20, at 69 (describing presidential recognition of “symbolic value of selective minority appointments”).

³²² See Birkner, *supra* note 27, at 91; E. Frederic Morrow, Diary of E. Frederic Morrow (Dec. 13, 1956) (on file with the Dwight D. Eisenhower Presidential Library).

³²³ See, e.g., Morrow, *supra* note 322.

³²⁴ See *id.*

³²⁵ E. Frederic Morrow, Diary of E. Frederic Morrow (Nov. 27, 1956) (on file with the Dwight D. Eisenhower Presidential Library).

³²⁶ FORTY YEARS, *supra* note 1, at 96-97.

³²⁷ E. Frederic Morrow, Diary of E. Frederic Morrow (Mar. 16, 1956) (on file with the Dwight D. Eisenhower Presidential Library).

professional satisfaction of his old job.³²⁸ White employees took orders from him—the very thing that segregation of the federal service, which had been hardening since the days of Woodrow Wilson, was created to prevent.³²⁹

Morrow did his work under the persistent gaze of Blacks and Whites alike. “I am, in the eyes of the public, representing the aspirations and destinies of sixteen million people,” he confided to his diary.³³⁰ A simple speech to the Black Elks organization brought him a response from the Ku Klux Klan.³³¹ A White Mississippian wrote to tell him that Black Americans were “primitive people” who had far more rights than they deserved, and that “Negroes and Catholics” were wrecking the country.³³² Morrow, uncharacteristically, penned a harsh reply.³³³ Letters streamed in from African Americans with suggestions for the Administration’s approach to civil rights issues.³³⁴ Other government officials wrote him with updates on the race relations controversies that they faced in their own agencies.³³⁵ The process even extended transnationally. The Liberian Ambassador occasionally sought out Morrow to convey sensitive messages to the White House, warning several times of a possible diplomatic break during the Cold War.³³⁶ The Liberian government later honored him for his service.³³⁷ Some years later, when the Ghanaian finance minister was refused service at a Howard Johnson’s restaurant in Delaware, Morrow escorted him to breakfast at the White House with Eisenhower to mend relations between the two governments.³³⁸ Every day was a careful balancing act in the public and private roles that came with Morrow’s unprecedented role at the apex of the federal government.

³²⁸ BLACK MAN IN THE WHITE HOUSE, *supra* note 15, at 180-83, 208.

³²⁹ See FORTY YEARS, *supra* note 1, at 97-100; BURK, *supra* note 20, at 4.

³³⁰ Morrow, *supra* note 266.

³³¹ Constance Daniel, Potomac Parade (Aug. 26, 1955) (on file with the Dwight D. Eisenhower Presidential Library).

³³² Letter from Olive G. Turner to E. Frederic Morrow (Aug. 29, 1955) (on file with the Dwight D. Eisenhower Presidential Library).

³³³ Letter from E. Frederic Morrow to Olive G. Turner (Sept. 2, 1955) (on file with the Amistad Research Center at Tulane University) (“I have no quarrel with anyone’s inherent right to an opinion . . . but it always shocks me when allegedly intelligent people presume that they have been ordained by some higher power to blueprint the way of life for any group of people, race, creed or religion in this country.”).

³³⁴ See, e.g., Letter from Ruth Dexter, Att’y, to E. Frederic Morrow, Admin. Officer (Aug. 25, 1955) (on file with the Dwight D. Eisenhower Presidential Library).

³³⁵ Letter from Max McCullough, Exec. Sec’y, Dep’t of State, to E. Frederic Morrow (Sept. 23, 1955) (on file with the Dwight D. Eisenhower Presidential Library).

³³⁶ See E. Frederic Morrow, Diary of E. Frederic Morrow (Dec. 4, 1958) (on file with the Amistad Research Center at Tulane University).

³³⁷ See Bank of Am., Biographical Sketch (on file with the Amistad Research Center at Tulane University) (stating Morrow was “twice decorated by the President of Liberia” due to actions during White House tenure).

³³⁸ SIMEON BOOKER & CAROL MCCABE BOOKER, SHOCKING THE CONSCIENCE: A REPORTER’S ACCOUNT OF THE CIVIL RIGHTS MOVEMENT 317 n.2 (2013).

It was a complicated process of negotiation, but after several months, Morrow had finally settled into his complex role as a relative equal among high-level staffers in the White House.³³⁹ He believed his actions there were an extension of his pioneering efforts at CBS and at Commerce.³⁴⁰ Yet, a new round of civil rights claims were shaping up in the larger world beyond the White House. They would play a decisive role in consolidating the civil rights narrative, and would render Morrow's race relations struggles at the apex of the federal government all but invisible.

IV. EMMETT TILL, CIVIL RIGHTS, AND FEDERALISM

From the time he arrived in Washington in 1953, Morrow could sense historical time converging on his integrationist project, despite the many disappointments. Friends had urged him to keep a diary to document his unprecedented experiences since his days with the Commerce Department, but he begged off, pleading that he was too busy.³⁴¹ Now, he got hold of a dictaphone and began to record detailed notes of his activities for posterity. Morrow could imagine his own work as part of a historical narrative in which pioneering African Americans were integrating many of the country's most important institutions. He knew many of their stories well. During his years at the NAACP, George McLaurin had endured the University of Oklahoma's decision to admit him to graduate study and then to force him to sit in a separate section of the classroom, library, and cafeteria.³⁴² Eventually, the civil rights organization convinced the Supreme Court to invalidate the practice.³⁴³ Now, a new generation of Black applicants were taking advantage of the organization's legal victories and were beginning their studies in previously segregated universities and graduate schools. Inside the federal government, Hastie and members of the New Deal-era "Black cabinet" had endured the humiliation of often being forced to work and eat in separate spaces from their White colleagues.³⁴⁴ But here he was, inside the most visible symbol of the American government, occupying a position of authority and giving orders to Whites. It all fit in with the narrative of Black youthful militancy and impatience with White paternalism that he had been constructing for himself since the early 1930s. Then, in the fall of 1955, the narrative abruptly changed.

³³⁹ See, e.g., E. Frederic Morrow, *Diary of E. Frederic Morrow* (Dec. 20, 1956) (on file with the Dwight D. Eisenhower Presidential Library) (recounting happy experiences with fellow staffers at White House Christmas party).

³⁴⁰ See E. Frederic Morrow, *Diary of E. Frederic Morrow* (Dec. 19, 1956) (on file with the Dwight D. Eisenhower Presidential Library) (remembering deep connection with Jackie Robinson because he acknowledged Morrow's "pioneering in my present job and in others during my lifetime").

³⁴¹ See Morrow, *supra* note 273.

³⁴² See *McLaurin v. Okla. State Regents for Higher Educ.*, 339 U.S. 637, 640 (1950).

³⁴³ See *id.* at 641-42 (concluding segregation practices McLaurin endured violated 14th Amendment's Equal Protection Clause).

³⁴⁴ Ruffin, *supra* note 241.

About two months after his appointment, Morrow was shaken out of his uneasy equilibrium by the August 28th killing of Emmett Till, a Black youth brutally murdered for allegedly flirting with a White woman in Mississippi.³⁴⁵ Within days of the killing, telegrams began to reach the White House demanding federal action, prompting quick replies that the murder implicated no federal law.³⁴⁶ Calls for action only grew stronger after two White men were acquitted of the murder after a media-heavy trial later that month.³⁴⁷ Black petitioners called upon the President to condemn the violence even if he could not act. Eisenhower delivered a reply of sorts when Booker T. Washington's daughter, Portia Pitman, visited him the following year:

[T]he vital things that affect your race and others, where changes have to be made in the attitudes of mankind, cannot, in my opinion, be done by law. I like to feel that . . . we have to change the hearts of men . . . by appealing to reason, by prayer, and constantly working at it through our own efforts.³⁴⁸

On Till's murder, the President remained silent. However, Eisenhower soon found himself in no position to respond, even if he had wanted to. The day after the verdict, his doctors determined that he had suffered a heart attack.³⁴⁹ As thousands of letters and telegrams poured into the White House, even Bev Carter, the Republican publisher of the *Pittsburgh Courier*, fumed to Morrow that "not one denunciatory statement has been issued by anyone high in the Federal Government."³⁵⁰

For most of the twentieth century, African Americans had petitioned the federal government to use its executive and legislative power to protect the basic rights of its citizens, particularly in the South.³⁵¹ It had been an argument about federalism, which Morrow himself had joined in, with fervor, during his

³⁴⁵ ANDERSON, *supra* note 212, at 22-63 (describing circumstances leading to Till's murder).

³⁴⁶ *Id.* at 50; *see, e.g.*, Letter from J. William Barba, Assistant to Special Couns. to President, to John H. Sengstacke, Chi. Def. (Sept. 2, 1955) (on file with the Dwight D. Eisenhower Presidential Library).

³⁴⁷ *See* ANDERSON, *supra* note 212, at 85-197.

³⁴⁸ E. Frederic Morrow, Notes on the President's Talk with Mrs. Pitman During Her Visit Today (Oct. 4, 1956) (on file with the Dwight D. Eisenhower Library).

³⁴⁹ ANDERSON, *supra* note 212, at 168.

³⁵⁰ Letter from W. Beverly Carter, Publisher, *Pittsburgh Courier*, to E. Frederic Morrow, White House (Sept. 29, 1955), <https://www.eisenhowerlibrary.gov/sites/default/files/research/online-documents/civil-rights-emmett-till-case/1955-09-29-pittsburgh-courier.pdf> [<https://perma.cc/VG4D-C4X2>].

³⁵¹ *See* Timothy M. Thurber, *Racial Liberalism, Affirmative Action, and the Troubled History of the President's Committee on Government Contracts*, 18 J. POL'Y HIST. 446, 466 (2006) (outlining Black civil rights groups' frustration with "minimal or nonexistent" federal response to discrimination).

NAACP years.³⁵² But the Till killing was different, both in the mass nature of the response and in the fact that now there was a Black man seemingly at the highest reaches of power to receive their petitions. As the petitions piled up in Morrow's office, he could see a new set of expectations taking shape. Those expectations would eventually consolidate themselves into historical time. Now Morrow's project, once seemingly so important, seemed invisible and even incomprehensible to his fellow Black Americans.³⁵³

Morrow personally believed that Eisenhower and many of his former campaign colleagues were mobilizing civil rights law and policy to protect and support the citizenship rights of African Americans.³⁵⁴ The Administration had pushed to complete the desegregation of the armed forces (ordered under Truman but not finished), and had worked to desegregate the District of Columbia's schools and to open Washington hotels, restaurants, and other facilities to Blacks.³⁵⁵ Eisenhower had also begun appointing Southern federal judges—many of them White Southern Republican lawyers who had organized for him—who would interpret the Constitution as providing little support for segregation.³⁵⁶ For two years, Morrow had been making the case to the Black public for the Administration's accomplishments by citing its quiet civil rights initiatives—initiatives that tended to focus on places where federal authority was clearest and that did not antagonize White Southerners.³⁵⁷ But this time was different. "My mail has been heavy and angry," he told his colleagues, "and wherever I go, people have expressed disappointment that no word has come from the White House deploring this situation."³⁵⁸ "I have been accused of being cowardly," he added, "for not bringing this to the attention of the Administration, and requesting the President to make some kind of observation[.]"³⁵⁹ J. Ernest Wilkins, Sr., the Administration's other publicly visible Black representative, also stayed silent, but largely avoided the opprobrium heaped on Morrow by his fellow Black Americans.³⁶⁰ With his

³⁵² See SULLIVAN, *supra* note 109, at 260-61 (detailing report Morrow made at NAACP advocating for more localized action).

³⁵³ See ANDERSON, *supra* note 212, at 217.

³⁵⁴ See Morrow, *supra* note 241 ("The Eisenhower Administration has the attitude of one kind of citizenship for all loyal Americans . . .").

³⁵⁵ NICHOLS, *supra* note 32, at 9-13, 40-42.

³⁵⁶ *Id.* at 83-88. Key judicial appointments in the South were members of the group that later became well-known as the "Fifth Circuit Four." JACK BASS, UNLIKELY HEROES: THE DRAMATIC STORY OF THE SOUTHERN JUDGES OF THE FIFTH CIRCUIT WHO TRANSLATED THE SUPREME COURT'S *BROWN* DECISION INTO A REVOLUTION FOR EQUALITY 23-55 (1981).

³⁵⁷ See E. Frederic Morrow, Diary of E. Frederic Morrow (Dec. 8, 1955) (on file with the Dwight D. Eisenhower Presidential Library) (extolling "unprecedented" actions by Eisenhower Administration for civil rights); NICHOLS, *supra* note 32, at 40-42, 83-88.

³⁵⁸ Memorandum for the Record from E. Frederic Morrow (Nov. 22, 1955) (on file with the Dwight D. Eisenhower Presidential Library).

³⁵⁹ *Id.*

³⁶⁰ See, e.g., WILKINS, *supra* note 238, at 134.

posting at the White House, Morrow occupied an unprecedented symbolic place in the government. He had once been the symbol of the struggle to integrate that government's highest reaches. Now, he was becoming a representative of something else entirely.

In late November, an anguished Morrow finally spoke out—at least within the confines of the White House. He drafted the first of many memoranda in which he would assume the uncomfortable role of the advocate for Black Americans inside the Administration. “[T]he harassed Negro is sullen, bitter and talking strongly of retaliation,” he warned his colleagues, and predicted that “we are on the verge of a dangerous racial conflagration in the Southern section of the country.”³⁶¹ Morrow reminded his colleagues of the long history of Black civil rights claims made to successive administrations, and he proposed that Adams or Vice President Richard Nixon convene a gathering of “prominent Negro leaders” for an exchange of views which would provide an outlet for the anger while not “committing the Administration to anything” more than a meeting.³⁶²

The informal “Black Cabinet”—which also included Rabb—debated among themselves in the months after Till’s murder but made little progress in getting anyone in the Administration to speak out.³⁶³ The only avenue that seemed to be open was perhaps an oblique reference to the controversy in Eisenhower’s upcoming State of the Union message. The President did use his address to call for legislation that would create a bipartisan commission to examine allegations of Southern voting suppression, and he allowed Attorney General Herbert Brownell to propose a new civil rights act that would, among other things, expand federal authority to intervene in the South.³⁶⁴ But, with Eisenhower himself unwilling to endorse the bill, it died in Congress.³⁶⁵

Meanwhile, yet another pivotal event shifted the civil rights narrative even further away from the path that Morrow had imagined for it. In December 1955, Black Americans in Montgomery, Alabama began a yearlong boycott of the city’s segregated buses that would elevate a previously unknown twenty-six-year-old minister named Martin Luther King, Jr. to preeminence in civil rights circles.³⁶⁶ The boycott quickly generated yet another assault on federalism-related justifications for Jim Crow, as it resulted in a constitutional challenge to state and local bus segregation laws that would eventually be resolved by the Supreme Court using the precedent of *Brown*.³⁶⁷ Morrow wasn’t the only one to

³⁶¹ Morrow, *supra* note 358.

³⁶² *Id.*

³⁶³ See Morrow, *supra* note 357; Morrow, *supra* note 241.

³⁶⁴ BURK, *supra* note 20, at 157-61.

³⁶⁵ *Id.* at 163.

³⁶⁶ TAYLOR BRANCH, PARTING THE WATERS: AMERICA IN THE KING YEARS 1954-63, at 143-55 (1988).

³⁶⁷ See *Gayle v. Browder*, 352 U.S. 903, 903 (1956) (affirming lower court desegregation ruling pursuant to *Brown*).

sense a historic shift. Thurgood Marshall would never quite reconcile himself to the sudden prominence of the young minister and of the appearance of direct-action civil rights tactics that would move to the forefront among Black Southerners' responses to Jim Crow.³⁶⁸ Marshall was quoted by reporters as disparaging King at the 1956 NAACP convention soon after the boycott's successful resolution, and the NAACP's chief lawyer would continue to do so even after he had secured his legacy by being appointed as the first Black Justice of the Supreme Court.³⁶⁹ What did the sudden change in the civil rights weather mean? No one quite knew, least of all Morrow.

In February 1956, Morrow wrote to Adams, citing the Montgomery boycott as "a new keg of racial dynamite to be exploded at any minute."³⁷⁰ Now a new name would be added to the list of Black leaders who had been petitioning to see the President: King, who would presumably represent the demands of a Southern mass movement.³⁷¹ One month later, Morrow asked Adams for permission to go South himself, where he would assure Black leaders that the Administration was sympathetic to their calls for federal protection.³⁷² All this was to no avail. Adams did solicit internal discussion on the President's speeches and other matters at regular staff meetings, which Morrow duly attended.³⁷³ The Chief of Staff respectfully heard his requests, but he denied them and assured Morrow that proper attention was being devoted to the matter.³⁷⁴ But the demands kept coming. One that was impossible to ignore came in the form of the Powell Amendment, a proposal made by Congressman Powell, with help from the NAACP, to attach an amendment to Eisenhower's 1956 school construction bill that would deny funds to segregated schools.³⁷⁵ The Amendment was designed to force Eisenhower to take a public position on school segregation rather than simply offer his usual statements that the federal Administration had no legal power to involve itself in matters that were constitutionally within the province of state law.³⁷⁶ If Congress was constitutionally empowered to fund local school construction, Powell asked,

³⁶⁸ BRANCH, *supra* note 366, at 190.

³⁶⁹ *Id.* (noting some quoted Marshall as saying King was "a boy on a man's errand"); Marshall, *supra* note 143, at 471-72 (discussing Marshall's opinion of King).

³⁷⁰ Katz, *supra* note 27, at 135.

³⁷¹ BRANCH, *supra* note 366, at 212-13 (discussing King's initial attempts to meet with Eisenhower).

³⁷² E. Frederic Morrow, Diary of E. Frederic Morrow (Mar. 3, 1956) (on file with the Dwight D. Eisenhower Presidential Library).

³⁷³ *See, e.g.*, E. Frederic Morrow, Diary of E. Frederic Morrow (Mar. 14, 1956) (on file with the Dwight D. Eisenhower Presidential Library) (discussing events of weekly staff meeting on subject of civil rights).

³⁷⁴ Morrow, *supra* note 372.

³⁷⁵ CHARLES V. HAMILTON, ADAM CLAYTON POWELL, JR.: THE POLITICAL BIOGRAPHY OF AN AMERICAN DILEMMA 226-35 (1991).

³⁷⁶ *See id.*

why did it not have the power to tie that funding to a nondiscrimination requirement?

Morrow kept up a busy schedule of after-dinner speechmaking, Republican political events, commencement addresses, and the like.³⁷⁷ Now, however, everywhere he went, what African Americans wanted to discuss first and foremost was not his own integrationist project inside the White House, but rather, “why the President or the Administration, does not take a firmer stand on the whole matter of civil rights.”³⁷⁸

Despite his reticence on the subject, the civil rights claims that were being made on the President and his top advisors began to be presented to him personally. “Many members of the staff watched me intently as I listened to the playback of the President’s voice,” Morrow wrote of a 1956 staff meeting.³⁷⁹ Senior staff were debating the Administration’s position on the Powell Amendment. Eisenhower himself had raised the hackles of the Black press by referring to the amendment as “extraneous” the previous year, and the staff listened intently to a recording of his most recent press conference for any further rhetorical stumbles on civil rights.³⁸⁰ This was now a familiar exercise for the staff when it came to the President’s statements on civil rights. Press Secretary James Hagerty, who wanted the President to endorse the amendment, “kept looking at me and asking whether I approved.”³⁸¹ Morrow took the position that a much-needed construction bill was preferable to an amended bill that could not pass Congress, confessing to his diary that “there are many of my group who will consider me a traitor.”³⁸² In the contest over federal power, he would be seen by many Black Americans as siding with the opposition.

The Till murder and its aftermath now began to alter permanently the once-uncertain historical time in which Morrow had found himself. His struggle to integrate presidential campaign politics, and then the most visible public space in the country, had once seemed immensely important to Black Americans and many of his White colleagues. Now, it all faded from significance as an accomplishment in its own right. Morrow could sense the changing civil rights narrative, and he tried to change with it.³⁸³ But that proved more complicated than it appeared.

³⁷⁷ See, e.g., E. Frederic Morrow, Diary of E. Frederic Morrow (Mar. 28, 1956) (on file with the Dwight D. Eisenhower Presidential Library); E. Frederic Morrow, Diary of E. Frederic Morrow (June 20, 1956) (on file with the Dwight D. Eisenhower Presidential Library).

³⁷⁸ Morrow, Diary of E. Frederic Morrow (Mar. 28, 1956), *supra* note 377.

³⁷⁹ Morrow, *supra* note 318.

³⁸⁰ *Id.*

³⁸¹ *Id.*

³⁸² *Id.*

³⁸³ See E. Frederic Morrow, Diary of E. Frederic Morrow (Aug. 1, 1956) (on file with the Dwight D. Eisenhower Presidential Library) (discussing Morrow’s fears that Administration was falling behind on civil rights).

Black Americans and Morrow's more liberal-minded White colleagues now expected him to be the channel through which African American desires and feelings could be communicated to the upper levels of the government.³⁸⁴ They wanted the federal Administration to be a more aggressive enforcer of existing civil rights law and to throw its prestige behind new and stronger legal enactments.³⁸⁵ Morrow's suggestions, often joined by Rabb, generally got no further than Adams, who politely rebuffed them.³⁸⁶ When a watered-down version of Brownell's civil rights bill was finally ready to pass Congress in the summer of 1957, Morrow assembled letters from Black correspondents in a futile effort to convince the President not to sign it.³⁸⁷ When Randolph, Martin Luther King, Jr., and other civil rights leaders finally met with Eisenhower the following year (after repeated delays that humiliated Morrow within the civil rights community), Morrow joined the leaders for a somewhat wooden exchange of rhetoric with the President.³⁸⁸ By the time the Little Rock Crisis broke out that fall, Morrow felt so marginal that he did not even approach Adams with his proposals for stronger rhetoric and action, making them to one of the Chief of Staff's assistants instead.³⁸⁹

Without support from Adams or other senior staff, Morrow's suggestions went nowhere. Though he viewed himself as the conduit through which civil rights claims on federal power were in fact being presented to the chief executive, he felt that he was being ignored.³⁹⁰ The White House structure, Morrow believed, left little room for him to approach the President directly on the issue.³⁹¹ Morrow and Eisenhower retained an easy, if unequal, rapport. They saw each other regularly at official and social White House events.³⁹² The two men could laugh and joke with ease, as when the President teased Morrow about his inept bell ringing at a White House Christmas celebration.³⁹³ Morrow viewed their frank conversation on the 1952 campaign train as something that could not happen again without the President initiating it. Eisenhower had apologized

³⁸⁴ See, e.g., Morrow, *supra* note 318 (noting other staff members' focus on Morrow's reactions to Eisenhower's press conference on civil rights); FORTY YEARS, *supra* note 1, at 100-01 (describing Morrow's tenuous relationship with Black press).

³⁸⁵ E. Frederic Morrow, Diary of E. Frederic Morrow (Apr. 25, 1956) (on file with the Dwight D. Eisenhower Presidential Library) (addressing Black leaders' rejection of "gradualism" as solution to civil rights issues).

³⁸⁶ See, e.g., Morrow, *supra* note 383.

³⁸⁷ BLACK MAN IN THE WHITE HOUSE, *supra* note 15, at 168.

³⁸⁸ BRANCH, *supra* note 366, at 233-37.

³⁸⁹ BLACK MAN IN THE WHITE HOUSE, *supra* note 15, at 169-72.

³⁹⁰ See Morrow, *supra* note 385.

³⁹¹ See E. Frederic Morrow, Diary of E. Frederic Morrow (July 12, 1956) (on file with the Dwight D. Eisenhower Presidential Library) (stating "protocol" generally forbade Morrow from addressing Eisenhower on this issue unprompted).

³⁹² See, e.g., Morrow, *supra* note 339 (recounting Eisenhower's Christmas party).

³⁹³ *Id.*

once, and he would not do so again.³⁹⁴ Morrow also thought he was being stymied by a dominant faction among the White House senior staff, who believed that “we must never operate in the open on this matter of race because it may offend some Southern Congressman who might give nebulous support to Administration issues.”³⁹⁵

Yet, there was another reason that Morrow found it difficult to speak frankly to Eisenhower about African Americans’ frustrations, and it had to do with something that also fits uneasily within the civil rights narrative: paternalism. There was an undeniable air of paternalism in Morrow’s and Eisenhower’s interactions. The same was true, to a lesser extent, of his relations with Adams. Eisenhower was the product of a world where seemingly well-meaning Whites would never have had their opinions on race matters challenged by Blacks. Naturally, he thought his actions were taken in the best interests of Black Americans, and it would have been difficult for him to be convinced of anything else.³⁹⁶ Morrow knew this. There was hardly a relationship of equals, or anything near it. Eisenhower possessed the prestige of office and his public regard, and the power to benefit or impede his Black aide’s career. In that regard, Morrow was not unique. Notable figures, from the civil rights activist Pauli Murray to the poet Langston Hughes, found themselves in long-term, complex, and sometimes unequal relationships with White benefactors.³⁹⁷ Such relationships can be acknowledged without falling into the timeworn framework of seeing African Americans as facing a stark choice between protest and accommodation. It is a simple fact that, in a society transitioning towards formal racial equality, many pioneering African American figures would find their lives and careers intertwined with those of powerful Whites, as did Morrow.

In his case, what it meant was that Morrow tended to frame his colleagues’ and especially his President’s actions in a positive light. His memos and suggestions were being stymied or ignored by segregationists within the White House, he believed, not by the colleagues he trusted and the President who retained his loyalty.³⁹⁸ The fact that Morrow’s integrationist project had paternalist undertones would make it even harder for subsequent observers to see his story as significant once historical time converged around the modern civil rights movement.

As early as 1956, Morrow concluded that the direction of civil rights politics had shifted and that his particular integrationist project would soon run its course

³⁹⁴ See FORTY YEARS, *supra* note 1, at 83-85.

³⁹⁵ Morrow, *supra* note 391.

³⁹⁶ See, e.g., BURK, *supra* note 20, at 238 (noting Eisenhower urged “patience” among Black civil rights leaders).

³⁹⁷ On Hughes, see ARNOLD RAMPERSAD, THE LIFE OF LANGSTON HUGHES, 1902-1941: I, TOO, SING AMERICA (1986). On Murray, see generally ROSALIND ROSENBERG, JANE CROW: THE LIFE OF PAULI MURRAY (2017).

³⁹⁸ See Morrow, *supra* note 391 (rationalizing fellow staff members’ unwillingness to address racial equality).

inside the White House.³⁹⁹ It was best to pursue it elsewhere. But even that option was far more complicated than it appeared on the surface. True integration of the White House staff would depend on some integration of the kinds of post-service employment that usually came next, and that had not happened.⁴⁰⁰ He had once hoped to return to CBS, but by then his former employer had moved on to other projects. He had left the NAACP under circumstances that made it impossible to return.⁴⁰¹ Younger Black Republicans, such as the Labor Department lawyer (and future HUD Secretary) Samuel Pierce, Jr., had professional skills they could draw on, and possessed the political connections to transition to something else.⁴⁰² But Morrow held a much higher-level post. Executive positions in corporations or large nongovernmental organizations were what he and his colleagues saw as the next step that was commensurate with high-level government experience. Morrow wanted what his White counterparts could command, and even Eisenhower once told him to scale back his salary expectations.⁴⁰³ He explored a possible job as an executive at U.S. Steel in Pittsburgh, but with no success.⁴⁰⁴ Any such entity that hired him would have to face up to the fact that Morrow would bring an integrationist problem with him. He even pressed Eisenhower into service. While the President was able to help other aides obtain positions, he reluctantly informed Morrow that there was nothing for him.⁴⁰⁵ As in so many other aspects of his 1950s project, Morrow was a pioneer of sorts, encountering issues that would present themselves a decade or more later once true integration took hold in the upper reaches of government and corporate offices. But that did not make it any more satisfying to the Black White House aide.

So Morrow chose to stay on, and his position eroded even further. Even inside the federal government, the brief space that had opened up was closing for Morrow and his Black colleagues. In May of 1958, J. Ernest Wilkins' lonely and isolated existence at the Labor Department took a turn for the worse when the

³⁹⁹ See Morrow, *supra* note 266 (explaining his decision not to continue working in Washington if Eisenhower loses 1956 election).

⁴⁰⁰ See *id.* (looking to future position of "comparable importance" to White House position); DELTON, *supra* note 172, at 72-98 (describing slow-changing racial attitudes in corporate America in 1950s).

⁴⁰¹ See Letter from E. Frederic Morrow to Roy Wilkins, Acting Sec'y, NAACP (Apr. 1, 1950), *microformed on* NAACP Papers, Folder No. 001451-012-0627 (on file with the Library of Congress) (disparaging Wilkins after being terminated by labeling him coward, liar, and dictator).

⁴⁰² See RIGUEUR, *supra* note 17, at 293.

⁴⁰³ Letter from Dwight D. Eisenhower to E. Frederic Morrow (Mar. 24, 1961) [hereinafter Letter from Eisenhower] (on file with the Howard Gotlieb Archival Research Center at Boston University); see also BLACK MAN IN THE WHITE HOUSE, *supra* note 15, at 209-11.

⁴⁰⁴ Birkner, *supra* note 27, at 112.

⁴⁰⁵ See Letter from Eisenhower, *supra* note 403 (recommending that Morrow lower his salary expectations if he hoped to get position elsewhere); see also Letter from John A. Stephens to E. Frederic Morrow (May 8, 1958) (on file with the Amistad Research Center at Tulane University) (advising Morrow on ways to secure new employment).

department abruptly cut him from the delegation he had planned to lead to the annual International Labour Organization meeting in Geneva.⁴⁰⁶ Labor Secretary James Mitchell was determined to force his resignation for reasons that remain unclear, but Wilkins refused.⁴⁰⁷ He was sixty-four years old and needed to stay on for some additional months to collect his pension.⁴⁰⁸ Three days after the delegation left for Europe without him, Wilkins suffered a heart attack.⁴⁰⁹ He recovered somewhat, returned to work, and remained healthy enough to participate several months later, as a member of the Civil Rights Commission, in a tense hearing on voting rights in Alabama.⁴¹⁰ Nonetheless, the department eliminated all his duties and his staff. Now he reportedly sat in a state of self-segregation in his office, shuffling papers and praying with nothing to do.⁴¹¹ Two years earlier, Wilkins had taken to the road, speaking to Black voters in support of Eisenhower's reelection.⁴¹² Now, even a personal meeting with the President was not enough to garner a few more months of federal service.⁴¹³ He submitted his resignation, vacated his office without saying goodbye to his colleagues, and died the following year.⁴¹⁴

Morrow's position, as well, was worsening. By mid-year, Adams and Rabb had both left the White House.⁴¹⁵ The two men had served as buffers of a sort for the Black White House aide, and Rabb had been a key ally in pushing the Administration on civil rights. Now the racial hierarchy of the White House began to reassert itself. Adams was gone, so Morrow would report to Wilton Persons, the same person who many within the White House suspected of blocking his hiring in 1953.⁴¹⁶ The new Chief of Staff told Morrow not to bring any civil rights matters to him, given that the issue of Black equality was personally painful to him and had split the Southerner's own family.⁴¹⁷ Given the organization of the White House bureaucracy, Morrow's only choice was to continue to answer his many Black correspondents with a standard form letter stating that the federal government was powerless to act.⁴¹⁸ Letters from civil

⁴⁰⁶ WILKINS, *supra* note 238, at 136.

⁴⁰⁷ *Id.* at 137-38.

⁴⁰⁸ *Id.* at 138-39.

⁴⁰⁹ *Id.* at 137.

⁴¹⁰ *Id.* at 148. Eisenhower, after getting Morrow's input, appointed Wilkins to the Civil Rights Commission, which had been created by the Civil Rights Act of 1957. *Id.* at 135.

⁴¹¹ *Id.* at 137.

⁴¹² *Id.* at 130.

⁴¹³ *Id.* at 138-39.

⁴¹⁴ BOOKER, *supra* note 338, at 146 (recounting end of Wilkins's life and legacy).

⁴¹⁵ Interview with Hess, *supra* note 300.

⁴¹⁶ *Id.*

⁴¹⁷ BLACK MAN IN THE WHITE HOUSE, *supra* note 15, at 276-77 (noting that Persons requested, on "emotional grounds," that Morrow bring these issues to Gerry Morgan).

⁴¹⁸ See Memorandum from L. Arthur Minnich to E. Frederic Morrow & Rocco Siciliano (Nov. 18, 1958) (on file with the Dwight D. Eisenhower Presidential Library) (advising Morrow to take this course).

rights leaders might garner longer explanations but no different result.⁴¹⁹ Occasionally, Morrow would forward a letter that involved a federal agency to someone in that department with a suggestion to look into the issues it raised.⁴²⁰

African Americans outside the White House raised the issue of resignation as well. Eisenhower himself delivered a serious blow to Morrow's standing among African Americans when he chose to address a gathering of prominent Black Americans sponsored by the Negro Publishers Association in the spring of 1958. With Morrow in attendance, the President prompted enthusiastic applause when he spoke about respect for law, including the recent civil rights act.⁴²¹ The audience believed he was endorsing a strong role for federal law in protecting baseline civil rights in the South. But then, he began to speak extemporaneously and ran into trouble. He told the Black audience that they must exercise "patience and forbearance" in their struggle for equality, and that "[w]e must make sure that enforcement [of civil rights law] will not in itself create injustices."⁴²² That was a view of law that seemed to have little popularity in the hall. The audience immediately grew silent.⁴²³ He continued: "Fred Morrow, one of my valued assistants," had supplied him with a quote from one of the President's earlier speeches in support of this idea.⁴²⁴ When Morrow returned to the gathering later in the day, to "take my lumps in person," he heard Roy Wilkins denounce Eisenhower's remarks—and presumably the Black aide as well.⁴²⁵ Morrow was now associated with a view of federal responsibility for civil rights opposite of the one he believed he was pressing inside the Administration.

Morrow's standing among Black Americans reached a new low later that year, in response to the infamous "kissing case" of 1958 where, once again, the Black aide found himself caught up in a debate over federal power to protect civil rights in the South. The case sparked outrage across national borders after two Black boys, aged eight and nine, were arrested for rape, beaten by police, and quickly sentenced to long terms in reform school after playing a kissing

⁴¹⁹ See *id.* (explaining Morrow should only forward letters pertaining to civil rights matters if they are "exceptional and need early and special handling").

⁴²⁰ See, e.g., Letter from Peggy C. King, Sec'y to E. Frederic Morrow, to Robert L. Schulz, Colonel, U.S. Army (Aug. 8, 1958) (on file with the Dwight D. Eisenhower Presidential Library) (requesting investigation of incident of alleged racial discrimination on Army base in France).

⁴²¹ Dwight D. Eisenhower, U.S. President, Remarks at Meeting of Negro Leaders Sponsored by the National Newspaper Publishers Association (May 12, 1958), in *THE AM. PRESIDENCY PROJECT*, <https://www.presidency.ucsb.edu/node/233350> [https://perma.cc/CAF2-UQAL]; FORTY YEARS, *supra* note 1, at 163-64.

⁴²² Eisenhower, *supra* note 421.

⁴²³ FORTY YEARS, *supra* note 1, at 164.

⁴²⁴ Eisenhower, *supra* note 421.

⁴²⁵ FORTY YEARS, *supra* note 1, at 164; see also BLACK MAN IN THE WHITE HOUSE, *supra* note 15, at 218-19; *Ike Aide, NAACP Official in Clash over Rights Bill*, CHI. DEF., May 15, 1958, at A4; *Negroes Fed Up with Slow Rights Progress*, PHILA. TRIB., May 17, 1958, at 1, 15.

game with a White girl in North Carolina.⁴²⁶ After Morrow responded to calls for White House action with a standard letter stating that it was inappropriate for the President to involve himself and that the matter lay outside federal jurisdiction, a defense committee for the youths released the letter to the public.⁴²⁷ In response to criticism of his ineffective letter, Morrow—foolishly, it turned out—released an open letter stating that he had “nothing to do with race relations” in the White House.⁴²⁸ From there, things seemed to spin out of control. An intense exchange of open letters and editorials ensued, as Morrow was put on trial in the pages of the Black press. Some writers called him an “Uncle Tom,” while others conceded that Morrow probably had little authority over civil rights matters.⁴²⁹ Finally, Almena Lomax, the fiery editor of the *Los Angeles Tribune* pointed out the obvious. Morrow probably had little influence on the Administration’s racial policies, but he could still resign in protest.⁴³⁰ “[W]hat’s he waiting for?” she asked.⁴³¹

In 1960, one last chance presented itself in the form of Richard Nixon. The Vice President asked Morrow to take a leave of absence from his duties to mobilize Black voters to support him in the fall election.⁴³² In retrospect, Morrow should have known better than to accept, and he would come to regret his decision. But this would be his chance to earn a post in the next administration, or to use his relationship with the next President to integrate the corporate world elsewhere. Nixon sent out integrationist signals early, inviting Morrow to a secret nighttime caucus of high-level party officials to help choose the vice-presidential candidate.⁴³³ Morrow endorsed Henry Cabot Lodge, the eventual nominee.⁴³⁴ “It was the first time in history that a Negro had participated actively in such proceedings,” Morrow wrote.⁴³⁵

⁴²⁶ *Eisenhower Refuses to Intervene for Jailed Boys*, 8, 9, L.A. TRIB., Dec. 26, 1958, at 1-2.

⁴²⁷ *Id.* Morrow, in a fit of pique, asked the White House Counsel to investigate the loyalty of the youth’s lawyer, Conrad Lynn, who “has been mixed up in left-wing matters in the past.” Memorandum from E. Frederic Morrow to Roemer McPhee (Jan. 15, 1959) (on file with the Dwight D. Eisenhower Presidential Library).

⁴²⁸ Letter from E. Frederic Morrow to Almena Lomax, Ed., L.A. Trib. (Jan. 7, 1959) (on file with the Dwight D. Eisenhower Presidential Library).

⁴²⁹ *President’s Aide Morrow Nothing but an Uncle Tom*, L.A. TRIB., Jan. 16, 1959, at 8 (disparaging Morrow for his unwillingness to use his position to help other Black Americans); Letter from John Morsell to E. Frederic Morrow (Jan. 13, 1959) (on file with the Dwight D. Eisenhower Presidential Library) (sympathizing with Morrow’s efforts to clear his name on matters of race relations).

⁴³⁰ *Republican Aide to Republican Committeeman—Over!*, L.A. TRIB., Jan. 23, 1959, at 9.

⁴³¹ *Id.*

⁴³² BLACK MAN IN THE WHITE HOUSE, *supra* note 15, at 287-88.

⁴³³ *Id.* at 293-94.

⁴³⁴ *Id.* at 294 (voting for Lodge as Nixon’s running mate because “not even the NAACP can be against his superb liberal record”).

⁴³⁵ *Id.* at 293.

It seemed like a reprise of 1952, but the campaign quickly moved in another direction. Morrow was soon complaining that the Nixon camp had given him few staffers, little money, and had not even publicized his presence in the campaign.⁴³⁶ In October, a desperate Morrow informed campaign headquarters that “Dr. Martin Luther King . . . idol of millions of Negroes, is languishing in an Atlanta jail.”⁴³⁷ When King was transferred to a rural prison, his supporters feared for his life.⁴³⁸ Would either candidate signal that the federal government might step in, even informally, to offer some protection to King against violence at the hands of local authorities? Morrow drafted a telegram for Nixon to send to the mayor of Atlanta, but the candidate’s press secretary, Herb Klein, pocketed it out of an abundance of caution.⁴³⁹ In the meantime, John Kennedy famously telephoned Coretta Scott King to express his concerns.⁴⁴⁰ Historians continue to debate the significance of the call, but Morrow sensed his, and his party’s final chance slipping away. “It didn’t have to be!” he lamented to his diary.⁴⁴¹

A profile of Morrow published several months later described him as a “tall, erect, soft spoken gentleman with a retiring disposition” and a “quiet, modest manner.”⁴⁴² In the eyes of his fellow Black Americans, and his fellow Republicans, he hardly resembled the young activist who had publicly clashed with his superiors at the NAACP and excoriated his fellow Republicans for their timidity about supporting federal civil rights bills. In 1955, when Morrow had first begun to speak into his dictaphone, his words seemed to encompass a historic project of integration that sorely needed documentation. Six years later, history seemed to be moving past him, and he seemed merely a passive observer as it moved on, hardly a participant in anything worth recording.

Despite it all, Morrow still made the cover of the April 1961 issue of *Ebony* magazine, accompanied by an article that would do its best to reinsert him into history.⁴⁴³ The cover pictured Morrow and Eisenhower, smiling and standing side-by-side, with the accompanying article written by Simeon Booker.⁴⁴⁴ Booker was well on his way to becoming the leading journalist of the civil rights movement. He’d made history as the first Black reporter hired by the Washington Post, then moved on to become the Washington Bureau chief for

⁴³⁶ See Letter from E. Frederic Morrow to Robert Finch (Aug. 25, 1960) (on file with the Amistad Research Center at Tulane University); Letter from E. Frederic Morrow to Leonard W. Hall (Sept. 12, 1960) (on file with the Amistad Research Center at Tulane University).

⁴³⁷ Letter from E. Frederic Morrow to Robert Finch (Oct. 24, 1960) (on file with the Amistad Research Center at Tulane University).

⁴³⁸ See BRANCH, *supra* note 366, at 356-70.

⁴³⁹ FORTY YEARS, *supra* note 1, at 205-06.

⁴⁴⁰ *Id.* at 206.

⁴⁴¹ BLACK MAN IN THE WHITE HOUSE, *supra* note 15, at 292.

⁴⁴² Alice A. Dunnigan, *Washington Inside Out*, PITTSBURGH COURIER, Dec. 10, 1960, at B4.

⁴⁴³ Booker, *supra* note 45, at 1.

⁴⁴⁴ *Id.*

Ebony and its sister publication, *Jet Magazine*.⁴⁴⁵ Booker had cemented his reputation by his aggressive coverage of the Emmett Till murder.⁴⁴⁶ He would narrate many more stories of the emerging movement for Black equality around the country and would become a conduit for White journalists who struggled to understand a world that previously had been closed to them. In many ways, he helped write the first draft of the history of the civil rights movement. He wrote the first draft of Morrow's story as well.

Booker titled his article "Black Man in the White House," coining the formulation that Morrow would later use for his own book.⁴⁴⁷ Booker knew his subject's struggles well. Morrow had used the Black reporter as an outlet for his frustrations while serving in the Administration, and now Booker would do his best to tell Morrow's own story to the world. The article chronicled Morrow's difficult days on the campaign, his actual duties at the White House, and tried to make the case that a Black man had broken barriers simply by fully participating in the job of a senior political staffer at the White House.⁴⁴⁸ Booker argued that Morrow had played a key role in being the voice of African Americans inside the Administration: intervening when African diplomats confronted American-style segregation, arranging for Eisenhower to address the Negro Publishers' Association (where Eisenhower had embarrassed his Black aide), planning the civil rights leaders' meeting with Eisenhower, and pushing his White colleagues to be more aware of the impatience of African Americans with the federal government's civil rights initiatives.⁴⁴⁹

Yet even Booker had to concede that "his role, his work, and his contributions are virtually unknown to U.S. Negroes."⁴⁵⁰ The reason why was not hard to see. One month earlier, the magazine had published a glamorous cover story on the Kennedy inauguration, featuring dozens of prominent African Americans who attended the inauguration ceremonies, where they seemed to bask in an atmosphere where cross-racial contact was now routine.⁴⁵¹ The cover featured Kennedy, sitting next to his Black Associate Press Secretary, Andrew Hatcher, and Press Secretary Pierre Salinger, seemingly at ease.⁴⁵² The new President was determined to integrate federal government service like never before. Kennedy staffers assembled lists of hundreds of educated Black Americans who qualified for such posts and worked to have them join the Administration—a process that carried over into the Johnson Administration.⁴⁵³ Over at the Justice Department,

⁴⁴⁵ BOOKER, *supra* note 338, at xi-xii.

⁴⁴⁶ *Id.*

⁴⁴⁷ See generally Booker, *supra* note 45; BLACK MAN IN THE WHITE HOUSE, *supra* note 15.

⁴⁴⁸ Booker, *supra* note 45, at 77-78.

⁴⁴⁹ *Id.* at 78-80, 82, 84-86.

⁴⁵⁰ *Id.* at 78 (noting Morrow has been met with disbelief when he claims to have been trusted assistant to President).

⁴⁵¹ *Special Report on Inauguration*, EBONY, Mar. 1961, at 33 (reporting Kennedy's inauguration involved more participation by African Americans than any other in history).

⁴⁵² *Id.* at 1; see also *White House Press Aide*, EBONY, Mar. 1961, at 91.

⁴⁵³ BOOKER, *supra* note 338, at 174, 236-37.

Attorney General Robert Kennedy was making himself into an ally of the emerging movement, particularly in the area of voting rights, although the new Administration still shied away from African American demands that it mobilize federal power in a way that might antagonize segregationist White Southern politicians.⁴⁵⁴ Compared to all this, the article on Morrow, published one month later, seemed almost an afterthought.

V. MAKING HISTORY, AND ITS COSTS

Morrow could see the window closing on the opportunity to explain his own world of the 1950s and the decisions he had made along the way. But he kept trying. Morrow obtained a series of stopgap employment positions and set to work assembling transcriptions of his regular diary entries into a book that would document the historic nature of his breakthrough role in the 1950s.⁴⁵⁵ He sought to document, as well, his frustrations, negotiations, and few victories in a struggle that had been largely hidden from his fellow Black Americans and the White public. His had been a historic struggle, he felt, parallel to the quiet and dignified efforts of the NAACP plaintiffs who had helped desegregate institutions of higher education in the 1940s and 50s. The difference between Morrow and those valorized figures was that no one knew about his efforts. He obtained a publisher, and in early 1963 he looked forward to getting his story out in a way that would finally reinsert him into the civil rights narrative.⁴⁵⁶ But that final justification would be denied to him, in part at the hands of another figure who found himself in the middle of uncertain historical time.

In early April of 1963, Martin Luther King, Jr. arrived in Birmingham, Alabama where, along with associates from the Southern Christian Leadership Conference, he helped plan a nonviolent campaign that would fill the jails of the notoriously segregationist city.⁴⁵⁷ They hoped to desegregate its shopping district, government offices, and other places where interracial contact on a plane of equality was forbidden.⁴⁵⁸ But King himself had traveled a long distance from the heady days of the late 1950s when the Montgomery movement's direct action tactics had marked him as a new voice in the emerging civil movement.⁴⁵⁹ In the intervening years, young organizers from the Student Nonviolent Coordinating Committee had displaced him as the face of direct action, and the civil disobedience campaign in which he had participated the previous year in Albany, Georgia had fizzled out after King decided not to defy an injunction

⁴⁵⁴ *Id.* at 182-83.

⁴⁵⁵ BLACK MAN IN THE WHITE HOUSE, *supra* note 15, at 298-302.

⁴⁵⁶ *See id.* (summing up his years and frustrations in the White House).

⁴⁵⁷ BRANCH, *supra* note 366, at 708-30.

⁴⁵⁸ *Id.* at 709.

⁴⁵⁹ *See* BOOKER, *supra* note 338, at 83 (noting that many historians claim King's Montgomery boycott to be "genesis of the modern civil rights movement").

issued by a segregationist federal judge.⁴⁶⁰ The initial efforts in Birmingham were disappointing. King and his fellow ministers struggled to find volunteers who would march, provoke arrest, and go to jail.⁴⁶¹ Local Black businessmen criticized his tactics. Even the local Black newspaper declined to cover the marches and published an editorial calling them “wasteful and worthless.”⁴⁶² The campaign sought the legally required permission to march from Eugene “Bull” Connor, the pugnacious local commissioner of public safety. Connor denied it and obtained an ex parte injunction from a segregationist local judge that specifically prohibited march activities.⁴⁶³ On Good Friday, after initial doubts and consultations with lawyers and colleagues, King defied the injunction and went to jail, finding himself alone in solitary confinement.⁴⁶⁴ There, he composed his now-famous “Letter from Birmingham Jail,” on scraps of paper supplied by his lawyer, Clarence Jones.⁴⁶⁵

King’s letter, along with its famous invocation of the difference between the obligation to obey just and unjust laws, has now taken its place among the central texts that compromise the public memory of the civil rights movement, but that was not the context in which it was written. At that time, there was little reason for its author to believe that federal power and law would be mobilized to undo the segregationist laws and practices that were familiar to him. King’s letter, read in context, was not an expression of faith as it is conventionally viewed but rather an expression of doubt—doubt that federal law would ever be on his side.⁴⁶⁶ After all, he’d had to wait more than a year for the injunction that had crushed the Albany movement to be lifted in the courts.⁴⁶⁷ President Kennedy remained firmly opposed to the introduction of a strong civil rights bill in Congress, and none had been passed since Reconstruction except for the toothless 1957 and 1960 Acts—with even that breakthrough coming only due to

⁴⁶⁰ BRANCH, *supra* note 366, at 550-56. The injunction was successfully appealed, but by then it was too late to rekindle the Albany movement. Oppenheimer, *Kennedy, King, Shuttlesworth and Walker*, *supra* note 39, at 656; Cong. of Racial Equal. v. Clemmons, 323 F.2d 54, 57 (5th Cir. 1963) (finding injunction invalid on procedural grounds).

⁴⁶¹ BRANCH, *supra* note 366, at 710.

⁴⁶² *Id.*

⁴⁶³ Oppenheimer, *Martin Luther King*, *supra* note 39, at 804-05.

⁴⁶⁴ *Id.* at 812.

⁴⁶⁵ BRANCH, *supra* note 366, at 737-40. King, along with ten fellow ministers, were tried in the local court and convicted of criminal contempt for violating the injunction and for violating the local ordinance which required a permit. They were sentenced to five days imprisonment. Oppenheimer, *Kennedy, King, Shuttlesworth and Walker*, *supra* note 39, at 665, 672. The United States Supreme Court would eventually affirm their criminal contempt convictions, but later overturned their convictions for violating the local ordinance. *Walker v. City of Birmingham*, 388 U.S. 307, 315-21 (1967); *Shuttlesworth v. City of Birmingham*, 394 U.S. 147, 158-59 (1969).

⁴⁶⁶ KING, *supra* note 39, at 85-110.

⁴⁶⁷ See Cong. of Racial Equal. v. Clemmons, 323 F.2d 54, 57 (5th Cir. 1963).

an extraordinary series of legislative maneuvers unlikely to be repeated.⁴⁶⁸ Even Jones wondered whether the letter was a waste of time.⁴⁶⁹ All signs, when King wrote it, indicated that Birmingham would be a failure, and the letter attracted little notice in the weeks after its publication.⁴⁷⁰ So, King's opposition was between God's law and man's, not between civil rights law and the legal structure that supported Southern segregation. Man's law, it seemed, was not on his side, and might not be for quite some time.

Of course, we know what is coming: children marching, firehoses, the Civil Rights Act of 1964, the Selma march, and the Voting Rights Act of 1965.⁴⁷¹ All these things would cement a new narrative of historical time that would wrap the letter, and its author, in a story whose central characters are those who worked for, and would finally bring about, a transformation in federal law. It was a world that King could hardly see when he drafted his doubtful letter of 1963.

Although King had marched and written in a world of doubt, the consolidation of now-familiar historical time would eventually suppress that context, and instead would incorporate his actions into the narrative that scholars would later call the "classical phase" of the civil rights movement, beginning with the 1954 *Brown* decision and ending with the Voting Rights Act.⁴⁷² Now, the history of civil rights and race relations in that period began to coalesce into a story of the actors, events, court decisions, and statutes that marked off this now-familiar path. More recently, other scholars have identified dissenting and competing civil rights traditions. But Morrow's story remains difficult to place within any of them.

Fred Morrow hardly had grand aspirations when his own story reached the public in the form of his 1963 memoir/diary. He just wanted the public to understand his world of the 1950s and the contingent choices he made inside it. Within a year of its publication, however, even Morrow's publicist was lamenting its dismal sales figures.⁴⁷³ With protest actions, marches, and long

⁴⁶⁸ BRANCH, *supra* note 366, at 699; ROBERT A. CARO, *THE YEARS OF LYNDON JOHNSON: MASTER OF THE SENATE 845-1003* (2002) (discussing Johnson's tactics as Senate majority leader to pass 1957 civil rights bill, including deliberately misleading Southern congressmen about his stance on civil rights and segregation).

⁴⁶⁹ BRANCH, *supra* note 366, at 738 (noting Jones's initial reaction to letter as "an indistinct jumble of biblical phrases wrapped around pest control ads and garden club news").

⁴⁷⁰ The letter was eventually reprinted in the *Atlantic Monthly* in August, and was later published as part of King's book, *Why We Can't Wait*. Martin Luther King, Jr., *The Negro is Your Brother*, ATL. MONTHLY, Aug. 1963, at 78, 78-88; KING, *supra* note 39, at 85-110. It has since been republished many times. See Oppenheimer, *Kennedy, King, Shuttlesworth and Walker*, *supra* note 39, at 646 n.5 (describing publication history of letter).

⁴⁷¹ Oppenheimer, *Kennedy, King, Shuttlesworth and Walker*, *supra* note 39, at 646, 667, 672.

⁴⁷² See Hall, *supra* note 42, at 1234 (describing events of "'classical' phase" of civil rights movement).

⁴⁷³ See, e.g., Letter from E. Frederic Morrow to Sterling Lord, Sterling Lord Agency (Dec. 1, 1982) (on file with the Howard Gotlieb Archival Research Center at Boston University);

struggles over civil rights bills in Congress capturing public attention, Morrow's own story now seemed unimportant. Eventually, scholars began to take notice of the first African American to serve in the Executive Office of the President, and some of the controversies about law and integration that accompanied his story. For the most part, they folded his story into the continuing debate about what Eisenhower and his advisors did, or did not do, to support what was now called the classical phase of the movement.⁴⁷⁴ Not surprisingly, they told his story largely as one of failure and neglect, reflecting the larger failure of the Administration to sufficiently advance the cause of federal civil rights protections for Black Americans.⁴⁷⁵ Others have taken notice of Morrow and wrapped his story into the larger story of the persistence of Black Republicans into the civil rights era.⁴⁷⁶ Accounts of his own story remain, for the most part, brief, tentative, and in service of some other objective. In the scholarly imagination, Morrow remains more or less where he was in the public mind during his time in government and politics—a cipher for some other story of law and politics that is not his own.

These all seem like the wrong questions to ask of Morrow's life and the world of uncertain historical time in which he, King, Marshall, and others moved. He was fortunate enough to have lived a life that gave him sustained engagement with much of the conventional narrative of race and politics in the middle of the twentieth century, but he could never quite fit in. He seemed to have a knack for making the wrong decisions. His NAACP years were a narrative of personal conflict, when an ability to cooperate with its leadership would have served him, and the causes he sought to further, better. He forewent his opportunity to practice law at the very moment it might have inserted him into history—at least history as we have now constructed it. His job at CBS was one he should have kept. And he should have exited the Eisenhower Administration after the 1956 elections, as he had planned, with his reputation, and his self-respect, intact. Instead, he became a bitter man—as evidenced by the anger that suffused his autobiographies.⁴⁷⁷ He could sense that the narrative he yearned to be part of had left him behind.

Morrow's story falls into place, and tells us something about law, politics, and civil rights at the beginning of the civil rights era, but only if we see the world as he and many of his contemporaries saw it—as a world of choice and contingency where historical actors, both those who have been valorized and

Royalty Statement (June 30, 1968) (on file with the Howard Gotlieb Archival Research Center at Boston University) (noting approximately 30,000 copies were sold after five years).

⁴⁷⁴ See, e.g., BURK, *supra* note 20, at 77-88 (characterizing Morrow's actions as calling into question his loyalty to Black Americans); Katz, *supra* note 27, at 144 ("Perhaps someone other than Morrow could have done better.").

⁴⁷⁵ Katz, *supra* note 27, at 144 ("[T]here were many times that he seemed far too willing to stand up for an Administration that was doing very little on the civil rights front.").

⁴⁷⁶ RIGUEUR, *supra* note 17, at 29-40.

⁴⁷⁷ See FORTY YEARS, *supra* note 1, at 219-20 (recounting treatment he received from fellow Black Americans after leaving White House).

those who have been forgotten, made decisions without knowing exactly what would flow from them. This was as true of Morrow as it was of his former colleagues (or perhaps antagonists) at the NAACP, or of newer participants in the narrative such as King. Morrow's own story helps us more fully flesh out their worlds as well as his own. Even those who are now remembered as actors who moved the story of civil rights law through its classical phase made choices without knowing whether they would work out—the NAACP's lawyers, thinking of what to do next as they won their graduate school cases in the late 1940s, or King writing a letter in the Birmingham jail not knowing if anything would come out of the march that had led to his arrest, and certainly not imagining that federal law would soon be on his side.

They lived in a world of doubt and uncertainty, even if historical time, as it consolidated itself, projected just the opposite onto them. That was certainly how Morrow, and many others, saw it at the time. Many of those decisions were also affected by phenomena, such as paternalism, that remain difficult to see and acknowledge as persistent features of Black-White interactions in the era of segregation. Integration, and its manifestation in law, was a constant process of negotiation at mid-century, despite the straight lines of causation and significance that we, in retrospect, draw to make sense of it as a coherent historical narrative. Morrow's story remains significant, for it illustrates not only the richness of his life and career, but also the availability of choice and contingency—for those in the past, and certainly for ourselves—when the narratives of law and history are often imagined to follow too straight a path.