

EXECUTIVE ORDER

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

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

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

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

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

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

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

September 23, 1957

James C. Hagerty, Press Secretary to the President

THE WHITE HOUSE

U. S. NAVAL BASE
NEWPORT, RHODE ISLAND

OBSTRUCTION OF JUSTICE IN THE STATE OF ARKANSAS
BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

3204

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

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Newport, Rhode Island this twenty-third day of September in the year of our Lord nineteen hundred and fifty-seven, and of the Independence of the United States of America the one hundred and eighty-second.

(SEAL)

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES

Secretary of State

(OVER)

Chapter 15, Title 10, United States Code

Section 332

Whenever the President considers that unlawful obstructions, combinations, or assemblages, or rebellion against the authority of the United States, make it impracticable to enforce the laws of the United States in any State or Territory by the ordinary course of judicial proceedings, he may call into Federal service such of the militia of any State, and use such of the Armed Forces, as he considers necessary to enforce those laws or to suppress the rebellion.

Section 333

The President, by using the militia or the Armed Forces, or both, or by any other means, shall take such measures as he considers necessary to suppress, in a State, any insurrection, domestic violence, unlawful combination, or conspiracy, if it

(1) So hinders the execution of the laws of that State, and of the United States within the State, that any part or class of its people are deprived of a right, privilege, immunity, or protection named in the Constitution and secured by law, and the constituted authorities of that State are unable, fail or refuse to protect that right, privilege or immunity, or to give that protection; or

(2) Opposes or obstructs the execution of the laws of the United States or impedes the course of justice under those laws. In any situation covered by Clause (1), the State shall be considered to have denied the equal protection of the laws secured by the Constitution.

Section 334

Whenever the President considers it necessary to use the militia or the Armed Forces under this Chapter, he shall, by Proclamation, immediately order the insurgents to disperse and retire peaceably to their abodes within a limited time.

TELEPHONE CALLS

Newport

September 24, 1957.



Note : of the many calls between the Attorney General and the President, only a few can be monitored. Below is gist of one at 8:35 the morning after the President issued a Proclamation to the citizens of Little Rock.

The President pointed out to the Attorney General, who agreed, that while he was working on a statement to be issued, that statement could not be issued unless or until something happened in Little Rock this morning. The President has softened, too, the statement sent up from Washington, i. e., instead of starting out with statement that the "law has been defied", he has substituted phrase about his sympathy being with the people, et c.

The President queried whether he ought to stay in the office this morning. Both he and the Attorney General felt not, that it would look as though he was frozen waiting for something to happen, and it would be better if he went about his normal routine. Brownell pointed out this was not the first time in history that similar things had happened, the Whiskey Rebellion, for instance, had once or twice in labor disputes. In the statement nothing is cited specifically, but the President thinks perhaps a reference might be made to "like mergencies."

Brownell said that Max Taylor is anxious to try the use of the National Guard before calling in troops. The President said of course, but that he did not think the units of the National Guard in Little Rock should be used, because it might be a case of brother against brother. He suggested using other National Guard troops stationed throughout Arkansas. Brownell said that would take time -- 6 to 9 hours -- but the President, and Mr. Brownell, agreed that in this case time was not of the essence. The President said it did not make any difference if the troops were on the scene Wednesday or Thursday.

Jim Hagerty then talked to Mr. Brownell -- the main question will be the statement by Governor Faubus that the Federal Government has no right to intervene. Jim will simply cite Titles 332, second part of 333 and 334, and not try to interpret.

James C. Hagerty, Press Secretary to the President

THE WHITE HOUSE

U. S. NAVAL BASE
NEWPORT, RHODE ISLAND

EXECUTIVE ORDER

10730

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OF JUSTICE WITHIN THE STATE OF ARKANSAS



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

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

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

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

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

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

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

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

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

DWIGHT D. EISENHOWER

THE WHITE HOUSE

September 24, 1957

FOR RELEASE AT 9:00 P. M. EDT, SEPTEMBER 24, 1957

James C. Hagerty, Press Secretary to the President

THE WHITE HOUSE

TEXT OF THE ADDRESS BY THE PRESIDENT
OF THE UNITED STATES, DELIVERED FROM
HIS OFFICE AT THE WHITE HOUSE, TUESDAY,
SEPTEMBER 24, 1957, AT 9:00 P. M. EDT

My Fellow Citizens:

For a few minutes I want to speak to you about the serious situation that has arisen in Little Rock. For this talk I have come to the President's office in the White House. I could have spoken from Rhode Island, but I felt that, in speaking from the house of Lincoln, of Jackson and of Wilson, my words would more clearly convey both the sadness I feel in the action I was compelled today to take and the firmness with which I intend to pursue this course until the orders of the Federal Court at Little Rock can be executed without unlawful interference.

In that city, under the leadership of demagogic extremists, disorderly mobs have deliberately prevented the carrying out of proper orders from a Federal Court. Local authorities have not eliminated that violent opposition and, under the law, I yesterday issued a Proclamation calling upon the mob to disperse.

This morning the mob again gathered in front of the Central High School of Little Rock, obviously for the purpose of again preventing the carrying out of the Court's order relating to the admission of Negro children to the school.

Whenever normal agencies prove inadequate to the task and it becomes necessary for the Executive Branch of the Federal Government to use its powers and authority to uphold Federal Courts, the President's responsibility is inescapable.

In accordance with that responsibility, I have today issued an Executive Order directing the use of troops under Federal authority to aid in the execution of Federal law at Little Rock, Arkansas. This became necessary when my Proclamation of yesterday was not observed, and the obstruction of justice still continues.

It is important that the reasons for my action be understood by all citizens.

As you know, the Supreme Court of the United States has decided that separate public educational facilities for the races are inherently unequal and therefore compulsory school segregation laws are unconstitutional.

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Our personal opinions about the decision have no bearing on the matter of enforcement; the responsibility and authority of the Supreme Court to interpret the Constitution are clear. Local Federal Courts were instructed by the Supreme Court to issue such orders and decrees as might be necessary to achieve admission to public schools without regard to race -- and with all deliberate speed.

During the past several years, many communities in our Southern States have instituted public school plans for gradual progress in the enrollment and attendance of school children of all races in order to bring themselves into compliance with the law of the land.

They thus demonstrated to the world that we are a nation in which laws, not men, are supreme.

I regret to say that this truth -- the cornerstone of our liberties -- was not observed in this instance.

It was my hope that this localized situation would be brought under control by city and State authorities. If the use of local police powers had been sufficient, our traditional method of leaving the problem in those hands would have been pursued. But when large gatherings of obstructionists made it impossible for the decrees of the Court to be carried out, both the law and the national interest demanded that the President take action.

Here is the sequence of events in the development of the Little Rock school case.

In May of 1955, the Little Rock School Board approved a moderate plan for the gradual desegregation of the public schools in that city. It provided that a start toward integration would be made at the present term in the high school, and that the plan would be in full operation by 1963. This plan was challenged in the courts by some who believed that the period of time as proposed was too long.

The United States Court at Little Rock, which has supervisory responsibility under the law for the plan of desegregation in the public schools, dismissed the challenge, thus approving a gradual rather than an abrupt change from the existing system. It found that the school board had acted in good faith in planning for a public school system free from racial discrimination.

Since that time, the court has on three separate occasions issued orders directing that the plan be carried out. All persons were instructed to refrain from interfering with the efforts of the school board to comply with the law.

Proper and sensible observance of the law then demanded the respectful obedience which the nation has a right to expect from all the people. This, unfortunately, has not been the case at Little Rock. Certain misguided persons, many of them imported into Little Rock by agitators, have insisted upon defying the law and have sought to bring it into disrepute. The orders of the court have thus been frustrated.

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The very basis of our individual rights and freedoms is the certainty that the President and the Executive Branch of Government will support and insure the carrying out of the decisions of the Federal Courts, even, when necessary with all the means at the President's command.

Unless the President did so, anarchy would result.

There would be no security for any except that which each one of us could provide for himself.

The interest of the nation in the proper fulfillment of the law's requirements cannot yield to opposition and demonstrations by some few persons.

Mob rule cannot be allowed to override the decisions of the courts.

Let me make it very clear that Federal troops are not being used to relieve local and state authorities of their primary duty to preserve the peace and order of the community. Nor are the troops there for the purpose of taking over the responsibility of the School Board and the other responsible local officials in running Central High School. In the present case the troops are there, pursuant to law, solely for the purpose of preventing interference with the orders of the Court.

The proper use of the powers of the Executive Branch to enforce the orders of a Federal Court is limited to extraordinary and compelling circumstances. Manifestly, such an extreme situation has been created in Little Rock. This challenge must be met with such measures as will preserve to the people as a whole their lawfully-protected rights in a climate permitting their free and fair exercise.

The overwhelming majority of our people in every section of the country are united in their respect for observance of the law -- even in those cases where they may disagree with that law.

They deplore the call of extremists to violence.

The decision of the Supreme Court concerning school integration affects the South more seriously than it does other sections of the country. In that region I have many warm friends, some of them in the city of Little Rock. I have deemed it a great personal privilege to spend in our Southland tours of duty while in the military service and enjoyable recreational periods since that time.

So from intimate personal knowledge, I know that the overwhelming majority of the people in the South -- including those of Arkansas and of Little Rock -- are of good will, united in their efforts to preserve and respect the law even when they disagree with it.

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They do not sympathize with mob rule. They, like the rest of the nation, have proved in two great wars their readiness to sacrifice for America.

A foundation of our American way of life is our national respect for law.

In the South, as elsewhere, citizens are keenly aware of the tremendous disservice that has been done to the people of Arkansas in the eyes of the nation, and that has been done to the nation in the eyes of the world.

At a time when we face a grave situation abroad because of the hatred that Communism bears toward a system of government based on human rights, it would be difficult to exaggerate the harm that is being done to the prestige and influence, and indeed to the safety, of our nation and the world.

Our enemies are gloating over this incident and using it everywhere to misrepresent our nation. We are portrayed as a violator of those standards of conduct which the peoples of the world united to proclaim in the Charter of the United Nations. There they affirmed "faith in fundamental human rights and in the dignity of the human person" and did so "without distinction as to race, sex, language or religion."

And so, with confidence, I call upon citizens of the State of Arkansas to assist in bringing to an immediate end all interference with the law and its processes. If resistance to the Federal Court orders ceases at once, the further presence of Federal troops will be unnecessary and the City of Little Rock will return to its normal habits of peace and order and a blot upon the fair name and high honor of our nation in the world will be removed.

Thus will be restored the image of America and of all its parts as one nation, indivisible, with liberty and justice for all.

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LITTLE ROCK CENTRA



1. President Eisenhower on the possible use of federal troops to enforce the Brown v. Board decision.

From *Public Papers of the Presidents of the United States: Dwight D. Eisenhower, 1957*. (Washington D.C.: Government Printing Office, 1958).

“I can’t imagine any set of circumstances that would ever induce me to send Federal troops into any area to enforce the orders of a Federal court, because I believe that the common sense of America will never require it.”

2. From Sherman Adams, *Firsthand Report: The Story of the Eisenhower Administration* (New York: Harper Row & Bros., 1961), p. 339.

(to Republican legislative leaders) “Those who advocate the use of federal troops fail to understand that soldiers cannot force the state authorities to keep the schools from closing their doors against white and Negro children alike.”

September 26, 1957 – *N.Y. Times*

U.S. Troops Enforce Peace in Little Rock as Nine Negroes Return to Their Classes; President to Meet Southern Governors

School Is Ringed

Mob Taunts Soldiers--Man Is Clubbed With Rifle Butt

By HOMER RIGART
SPECIAL TO THE NEW YORK TIMES

Little Rock, Ark., Sept. 25--An impressive show of Federal force cowed racist agitators at Central High School this morning, permitting the integration of nine Negro students without serious disorder.

Soldiers of the 327th Airborne Battle Group of the 101st Airborne Division set up a cordon around the school. With bayonets fixed on their M-1 rifles troops in battle dress broke up small, sullen knots of civilians as soon as they formed.

At least seven persons were seized by the troops and turned over to the local police. One man, accidentally pricked by a bayonet, tried to wrest a rifle from a sergeant. The sergeant struck him on the head with the rifle butt, inflicting a minor scalp wound. Another man whose right arm was jabbed slightly by a leveled bayonet was subsequently arrested when he returned to the scene muttering threats.

1,500 in School Area

These were the only "casualties" of the military operation.

In a city of 117,000 (20,000 of the Negroes) agitators could not draw more than 1,500 whites to the school area. The vast majority of Little Rock citizens went about their normal business. Downtown was quiet.

Integration at bayonet point was effected 9:25 A.M., forty minutes after the opening bell. An army station wagon, sandwiched between two jeeps filled with troops, drew up at the main entrance and unloaded the Negro students.

Students Escorted In

Amidst a phalanx of thirty soldiers, six girls and three youths marched up the wide steps and disappeared within.

Tonight federalized troops of the Arkansas National Guard relieved paratroopers from guard duty at Central High. The paratroopers remained in bivouac at the stadium directly behind the school, and officers said there was no immediate plan for moving them out.

They said paratroopers probably would be back manning the cordons at dawn tomorrow.

The relieving units are troops of the 153d Infantry, and come from towns in southwest Arkansas. They were not among the National Guardsmen employed by Governor Faubus to keep Negroes out of Central High.

The 153d, commanded by Col. John Beakley, began assembling at Camp Robinson in North Little Rock early today.

Decision to employ Arkansas troops at Central High was based on a desire to have National Guardsmen "phased in" on this operation as soon as possible.

General Walker said earlier today that he hoped that the 327th Airborne Battle Group would be able to return to Fort Campbell, Ky., as soon as possible but that the timing would depend on restoration of tranquility in Little Rock.

Gov. Orval E. Faubus was not visible today. His aides said he intended to remain inside the Governor's mansion all day. They said he would see no reporters.

Tonight Governor Faubus said he had "no comment on the naked force being employed by the Federal Government against the people of my state." He said he would make a radio-television address to the state tomorrow night.

Meanwhile, about 1,250 white students, assembled in the Central High auditorium, had received a lecture on civics by Maj. Gen. Edwin A. Walker, commander of Federal forces in Arkansas.

General Walker, a tall, lean Texan who had been a Commando officer at Anzio beachhead in World War II, told the students that the United States was a nation governed by law and not by mobs.

Some Leave Classes

He assured the students they had nothing to fear from the troops. But in solemn voice and with steely deliberation he warned that any students who interfered with the integration plans would be removed by officers and handed over to the local police. Most of the students applauded.

But as soon as the Negroes took their classroom seats, a slow trickle of students began moving out. There were not more than thirty. But an estimated total of 750 failed to show up at all.

General Walker, in his first press conference since taking over responsibility for area security, admitted that some minor brushes had occurred between troops and civilians outside the school. He said "there will be none when I get through."

There are Negroes among the troops of the 327th Airborne Battle Group, but none were seen among the 350 paratroopers guarding the school today. The Negro soldiers were kept out of sight within the Little Rock University Armory.

The white paratroopers were subjected to taunts and insults by groups of segregationists.

Shortly after 10 A.M., Little Rock police received a telephone call from a youth who warned that a bomb had been planted in the school. It sounded phony. All last night the school building had been tightly guarded by paratroopers.

But when, after an hour, the same youth phoned a second warning, the police notified the school superintendent, Virgil T. Blossom. Although the police still regarded the warnings as the work of an agitator trying to keep the school in turmoil, Mr. Blossom held emergency consultations with General Walker and with Col. William A. Kuhn, commander of the battle group.

It was decided to evacuate the building while a search was made. Alarm bells were rung. Students, told it was a routine fire drill, emerged in orderly fashion, remained in the schoolyard about thirty minutes, then went quietly back to their classes.

Soldiers Posted in School

Long before school opened, Colonel Kuhn had his troops disposed around Central High to deal with the mobs. Twenty-four soldiers with rifles were posted strategically inside the building. They were to remain in corridors and were instructed not to enter classrooms unless a teacher called for help.

No trouble developed within the school. But for the more than 300 soldiers on cordon duty outside it was a day of incipient violence and bitter abuse.

The taunting started early. A bus driver heading downtown threw open his door to shout "all you need now is a Russian flag."

A woman driver lowered her window to cry "Heil Hitler."

She could hardly have known that the last action of the 101st Airborne in World War II was the capture of Hitler's aerie at Berchtesgaden.

Occasionally the troops encountered passive resistance as they tried to disperse groups. Lawns and porches of houses near the school were favored sanctuaries for hecklers. They sensed that without a declaration of martial law, troops could not invade private property.

General Walker had, in fact, instructed the troops to keep off private property.

So front lawns in the area were pre-empted at intervals by groups of twenty to thirty persons who stared morosely across Park Avenue to the single line of troops guarding the school yard.

At first these groups regarded the soldiers in sullen silence. The soldiers, unsmiling, returned the stares. Told to betray no softness, the paratroopers seemed alien and unapproachable.

Later when squads of paratroopers came dog-trotting down the street to push groups back from the curbs and sidewalks tempers worsened.

"You call yourselves elite troops but boy you look like bums to me," cried a scrawny red-necked man from behind a wire-fenced lawn.

Loiterers Dispersed

Troops made their first move against crowds after Maj. James Myers of San Antonio ordered a squad to disperse a dozen men and boys loitering in front of a service station across the street.

"Move on out," Major Myers told the group, "Move on out."

"Can't I finish my coke?" one man protested.

"Nope," said a soldier leveling his M-1.

The man threw down his soft drink bottle and stalked away.

A block east of the school a larger crowd, gathered at the intersection. Major Myers picked up a mobile speaker.

"You are again instructed to return to your homes peacefully," he said. "Disperse and return to your homes."

The crowd refused to budge. Major Myers called for troops. Confronted by bayonets, the crowd pushed back on the lawn. C. E. Blake, 46 years old, an employee of the Missouri Pacific Railroad, was brushed by a bayonet. He thrust it aside and, according to a sergeant holding the weapon, made a grab for the rifle.

The sergeant struck him on the head with the rifle butt. Mr. Blake started bleeding from a scalp wound. Mrs. Blake screamed. Another woman fell over a hedge and screamed.

Mr. Blake was treated at a hospital. He was not among those who were arrested. But another man, also pricked by a bayonet when he refused to move, was spotted and seized by paratroopers when he returned some minutes later.

He was identified as Paul Downs, 38, an unemployed salesman from out of town.

Apart from the nine Negro students, few others of the race ventured into the school area. At mid- morning two Negro youths, one of them wearing a jacket stamped "Rochester, N.Y.," were turned away by paratroopers as they neared the school. As they walked down a sidestreet, a crowd of white youths started chasing them. The Negroes ran for several blocks until they were rescued by a jeep-load of paratroopers.

Later a Negro delivery boy was forced to take refuge in a house when threatened by a crowd. The crowd smashed his bicycle. Soon paratroopers arrived in a jeep and took him and his broken bicycle out of the area.

General Walker had called a press conference for 11 A. M. in a downtown hotel. But the bomb scare at Central High delayed his appearance for an hour.

The general dodged questions on the use of Negro paratroopers and on employment of the Arkansas National Guard.

Asked whether Negro troops would be deployed at Central High, the general said: "They will be used in accordance with my instructions."