

Oral History Interview
with
ELEANOR BONTECOU

Lawyer, writer, and educator; active in women's rights and civil liberties movements; lawyer, Civil Rights and Research Section, Criminal Division, U.S. Department of Justice, 1943-47; and Chief, Far Eastern Unit, Plans and Policy Section, War Crimes Branch, Civil Affairs Division, U.S. War Department, 1947-48.

Washington, D.C.
June 5, 1973
by Richard D. McKinzie, Harry S. Truman Library

The Harry S. Truman Library
Independence, Missouri
March, 1980

NOTICE

This is a transcript of a tape-recorded interview conducted for the Harry S. Truman Library. A draft of this transcript was edited by the interviewee but only minor emendations were made; therefore, the reader should remember that this is essentially a transcript of the spoken, rather than the written word.

RESTRICTIONS

This oral history transcript may be read, quoted from, cited, and reproduced for purposes of research. It may not be published in full except by permission of the Harry S. Truman Library.

Oral History Interview
with
ELEANOR BONTECOU

Washington, D.C.
June 5, 1973
by Richard D. McKinzie, Harry S. Truman Library

[1]
MCKINZIE: Ms. Bontecou, could you talk a little bit about your work in the Justice Department?

BONTECOU: The Civil Rights Section was a unit in the Criminal Division. Its sole jurisdiction was in the criminal field. We couldn't do anything about the wide area of situations that were not in the criminal field, except for a little public relations work.

The directive to establish a unit came from Attorney General Frank Murphy. We first called it the civil liberties unit; it was later

[2]

changed to civil rights. You have a copy of the directive. It was very far-reaching. It placed very wide duties upon the unit to study and clarify the law; to cooperate with the local U.S. Attorneys; and, to bring cases where possible. It was our duty to "publicize" the unit so that complaints would come to us, and people would know that there was such a unit. There had not been such a thing since the Reconstruction statutes.

The first thing we had to do was to satisfy ourselves as to the law. The entire United States Code at a certain point had been revised. It was the belief of the legal world at the time that we were operating that anything that was left out of the original statutes was no longer law although it had not been specifically repealed. The new revised statutes, by implication, repealed anything that was not in them so the major part of the definition of the

[3]

rights of individuals which had come in the Reconstruction statutes was no longer on the books, as we believed. We could bring cases in two small areas.

One of these areas was the well-recognized peonage law, which forbade involuntary labor. Interestingly enough, this had first been used in connection with the lumbermen of Maine. We had several good peonage cases involving Negroes who were held by fear and brutality to work on remote plantations. We were successful in those cases because of public opinion. Generally, to begin with, the person who violated this law was terribly unpopular in the community.

MCKINZIE: How did a case like that ever get to you?

BONTECOU: Well, in different ways. Some Negro would manage to get away and tell his story to someone who would pass it on, or the outraged local citizens would report it. Sometimes the local United States Attorney might hear of it and report it.

[4]

We had only these two small statutes to work with -- small in length and small in scope. One made it a crime to conspire to deprive a citizen of his civil rights. That was the only statute under which we could prosecute individuals. The other one was against officials -- people who violated civil rights "under color of law." That meant the sheriff, and the policeman, and so on. That is all we had to work with.

The other problem of law which had to be developed was: what are rights protected by the Constitution? Of course the big broad jurisdiction that we had came under three amendments; the 13th, 14th, and 15th.

The right to vote was very clear, both from the Constitution and from subsequent cases, largely due to a memorandum from Harry M. Daugherty, the very corrupt Attorney General of the Harding administration. His interpretation came in connection with a request from the

[5]

Senate for a statement as to the law about restriction of campaign contributions.

They wanted to apply it to primary as well as general elections. Daugherty sent them this long memorandum saying that it was not legal to do so. The South, of course, had devised a scheme. They knew they weren't supposed to -- not that they couldn't -- bar Negroes from the general election, but they interpreted the primary as a private thing of a private club. So they excluded not only Negroes, but anybody else that they didn't want to have voting. They, of course, restricted it so far as the Republicans.

That was the way the law stood, and the Federal Government had no jurisdiction over the primaries. That was changed just about the time that our civil rights section was set up. We had a clear mandate about the right to vote. There were also some cases involving the rights

[6]

specifically given in various New Deal statutes - -the National Labor Relations Act and a few others.

Those acts defined the rights and we could bring a case when they were violated. We had quite a few of those labor acts in connection with the Negroes trying to organize. Those were very interesting cases.

Well, that's all we had in the way of clearly defined rights; so it was decided that one of the principal jobs of the civil rights section was to develop the interpretation of those rights so that we might cover a wider area of cruel violations in most cases. Our work was a combination of preparation of cases and work in the development of the law.

MCKINZIE: How widely were you known in the beginning?

BONTECOU: In the beginning we weren't very well-known. In the beginning our complaints rather rarely came from the injured person. They would

[7]

come from local citizens who knew about them, or they would come from labor or civil rights organizations. Gradually we had to do quite a bit of speaking, or preparation of speeches. We spread the gospel as best we could. That was not a very definite duty. With seven people you couldn't have that.

Of course, this was tricky business; our work was unpopular in the places where most of the cases arose. We felt that things had to be kept under strict control by the Department of Justice.

One of the few things in the nature of a directive or a policy was that the local attorneys could not instigate a case without first referring to the sections. Normally, the local United States Attorney carried on these lower level cases on his own initiative. It was desirable that local participation should be as great as possible. Once a case was agreed to, the local

[8]

United States Attorney carried it on, but we would send down a representative from the section to help him. Occasionally, for various reasons, someone would go who would really carry the major work of the trial. That was the way we operated. There were a lot of people who were interested in the work we were doing on that job.

It quickly became evident, especially in the complaints that came from the small Southern centers, that the leading citizens that made the complaints were not willing to appear in public. Of course, you can't carry on a case unless you have witnesses. The victims themselves were either too frightened to testify, or they were so ignorant that they couldn't. These people were very, very difficult witnesses, but that wouldn't stop us from taking the case.

We instituted what was then a unique policy in the criminal division. When the notice of a case first came to us, we would tell the FBI to make a preliminary investigation just to see

[9]

what witnesses they could find who were willing to give us information or to testify. (Incidentally the FBI received a lot of these complaints also.) If you couldn't get anybody to testify, you were stymied, and you couldn't have a full investigation. This was a unique policy at the time, which somebody I noticed the other day tried to misuse in the election cases.

Those were the only three things that could be classified as directives -- the original; the investigation; and a centrally controlled prosecution.

Now, whom did these complaints involve? Well, to a very large extent the Southern Negroes who were being treated in many cases as if there had never been a Reconstruction. They lived in fear just as they had many years ago.

MCKINZIE: When you say a very large part, what do you mean?

BONTECOU: I would think 50 percent or maybe more,

[10]

and then all the rest were distributed in a number of areas. In those days there were lots of cases against Jehovah's Witnesses who were unpopular because of their stand against the war; and also they weren't awfully tactful in those days. They are much more tactful now than they used to be. Even in these other groups the complaints were still largely from the South. Evidently the attitude towards the Negro carried over to anything that was unpopular. There were some cases against Japanese citizens. They, too, originated in the South. Then there were rights under the election laws which were scattered around, and as I have said, the peonage was in the South. We also had jurisdiction over lynchings in which we never got beyond attempting an indictment. We couldn't.

MCKINZIE: Why do you say you couldn't?

[11]

BONTECOU: If the grand jury wouldn't indict, we couldn't go any further. And with very clear evidence and all, they still wouldn't indict. We were trying to overcome a popular attitude as well as the crimes. We had one case of a group of Negroes being run out of town. That was a very interesting case, but I don't know how you'd classify that exactly, except the right to live in peace. Oh, I think I've left out some other sources. I said riots, lynchings, and election laws.

MCKINZIE: Were there any cases involving the Detroit riot in 1943?

BONTECOU: We sent people out there. It was impossible to get a satisfactory investigation. These riots almost always had lynchings, and they usually occurred in July and August. This was a very hot night in Detroit and everybody was out to get air. There was a little bar where a lot of

[12]

the Negroes were gathered together, and it was said that somebody suddenly jumped up and said that a white man had snatched a Negro baby from his mother's arms and thrown it into the river and that started a riot. We never could find any possible identification of that alleged man or any one who could say they actually saw or heard him -- he vanished. If he existed, he vanished into thin air, and there was nobody else that we could have arrested for disorderly conduct in the course of the riot. That man remains a mysterious figure to this day.

MCKINZIE: Some of your people went out there didn't they?

BONTECOU: Yes. They went with the U.S. Attorney to decide what could or should be done. It was the same way with lynchings. We could get as far as a grand jury investigation and get a certain amount of very respectable testimony,

[13]

but we then knew it would not be enough for an indictment and that was the end. We did feel that the threat of the Federal law hung over people all the time and that was a restraint. Moreover, the better people became much braver about reporting and appearing as witnesses. That was a very thin accomplishment, but it was something.

You would be surprised how well you could size up your witnesses from preliminary investigations. When we got a good investigation we would sometimes prepare the case for the local attorneys. This meant we checked each witness and gave an appraisal of the worth of their testimony. We lined up what the testimony would actually be and sent that on to the local attorney because he was very inexperienced in these cases, but he would then carry on the case himself.

We had the big job of publicizing ourselves

[14]

in order to be sure we got cases. There were a good many meetings at which the Attorney General, the Solicitor General, the heads of the unions, other high officials, or even some of us as individual attorneys would speak, and the material from all that had to be prepared. When Mr.

[Francis] Biddle went to Cornell to speak in a series of speeches that they had on the whole broad issue of civil rights, I had to prepare most of the material for that. So that was the kind of thing that also took our time and energies.

Two sad things occurred as the result of our limited jurisdiction. The most pitiful complaints used to come in from prisons, especially for some reason from Railford Prison in Florida, which was recently rated inadequate by the Federal Government. It was felt that we had no jurisdiction in the prisons. People would be beaten and there was nothing we could do.

[15]

MCKINZIE: Were there any cases involving Indians or Mexican-Americans?

BONTECOU: The Mexican-Americans. That's another thing that I felt very sad about. A very fine gentleman who was one of the leaders around San Antonio came up to talk over that situation. The kind of complaints that he had to make were not as yet covered. They weren't covered until the new Civil Rights Act.

One of the problems was that Mexican-American children were forced to go to a Negro school. Our little narrow jurisdiction didn't cover this sort of thing. Then we got a very bad setback that put us back on our heels.

There was a case of police brutality which we won in the lower court and the Court of Appeals. The case went on to the Supreme Court. The Supreme Court in that case absolutely put a stop to that part of our jurisdiction. It said that unless some court or statute already specifically declared that to be a right within

[16]

the meaning of the Constitution we could not prosecute it. It was about that time that I left.

MCKINZIE: What particular case was it?

BONTECOU: That was known as the Screws case. I don't think that I had any material on the Screws case because I didn't handle it at all. I'm sorry to say that before I got this request I had thrown away some things when I was clearing my files, but I'm sure that I didn't have anything on the Screws case. Although, of course, we were all concerned in every one of the important cases.

MCKINZIE: Among the lawyers who were working with this unit was there much discussion about the need for revival of the legislation at that time?

BONTECOU: Well there were two things that were

[17]

recognized and talked about. We did need more legislation. We also needed to be free from strictly criminal jurisdiction. We needed overall jurisdiction. I, at the time, thought it would be better to make this a unit of the Attorney General's office but instead they made it a whole new

section and staffed it fully. Then these big statutes came, and we needed a whole section because the whole jurisdiction was so vitally extended. We were struggling to do this -- not twisting the law, but interpreting the broad words.

MCKINZIE: Would you comment on the wartime atmosphere? Was it different from peacetime?

BONTECOU: We had to fight the Army quite a bit. They wanted us to bring cases not in the favor of civil rights but against the victims. They would get very excited if a rather lurid pamphlet about the way Negroes were treated in the Army

[18]

came out. They'd always want us to prosecute which we wouldn't do. I don't know if this was just during wartime, so I can't compare it.

It was wartime all the time I was there, so I don't know. We were opening up new areas all the time. A lot of these cases, like the Jehovah Witnesses and the Japanese citizens and so on, probably wouldn't have existed if it hadn't been for the war. It was primarily the Jehovah Witness attitude against war that made them unpopular.

MCKINZIE: Did you tell me earlier how these cases were assigned to people within the section? I don't think we covered that.

BONTECOU: They were assigned by the director as they came in. They came to his desk and then he assigned them to the individual staff member.

MCKINZIE: The staff was not specialized?

[19]

BONTECOU: There was just embryonic specialty. One member, as a matter of habit, was the one who usually handled the Jehovah Witness cases until he went away to the war. We did have one case of clear specialization that was in the violations of the labor laws. A very broad labor case, such as differentiation in the treatment of Negroes from whites, might go to other people, but the direct violations of the specific labor rights granted by the labor laws would go to this one person -- for the rest, there was no specialty.

I think I did more speechwriting than anybody else. You know, that would happen. I was only sent out into the field twice because a woman counsel was an exacerbating thing. There was one very interesting case, but unfortunately I don't think I have the records of that because I had already left the Department when it came up, or I was leaving and they just got me to

[20]

stay on to go on this case.

It was in Nashville, Tennessee, and it involved a race riot. It also involved bitter political issues. The case was uncovered by near accident by the two rival papers there -- all this controversy was all mixed up together. [Kenneth D.] McKellar was running for office.

We discovered after we got there that the judge in the case was convinced that we'd been sent down by the Justice Department to block McKellar's election. Well that was a brand new idea to everybody. We'd never thought of that and that ran through the whole case. Instead of collaborating with the local United States Senator we found ourselves feeling as if we were the prosecutors and he was the enemy.

We would not have known about the case except for the fact that a member of the staff of *Time* magazine had happened to come down and look the situation over in that area, and he

[21]

wrote an article. He was on the spot when this incident occurred, and he was shocked to the bottom of his boots.

Now this was what happened: A young Negro had come from the war and was living -- it might have been with his parents. He went with his mother to a radio repair shop to have her radio taken care of. There was a young white boy in the shop, and the Negro felt that the white boy insulted him. They began to fight, hand to hand, and the Negro boy unfortunately knocked the white boy through the plate glass window of the shop.

It was market day and all the farmers were in town. All day long there were mutterings and murmurings -- a very disturbed atmosphere. The farmers left without anything happening, but they came back with ropes and weapons. There was a street which had all the little Negro businesses on it, and the Negroes

[22]

congregated there.

It became clear in the grand jury that the boy involved had been urged all day to leave town -- run away. He was a returned veteran, and he said that he had realized during the war that the advantage of the white people -- one of the advantages was that they had the courage to stand their ground on all things. He was going to do that, and he did.

Well dark fell and the mob gathered. The head of the National Guard had been specially trained to handle racial troubles after the war, and somebody, I guess the chief of police, sent for him because it was the proper thing to do. The mayor got scared and sent for the State Police Commissioner who was a thoroughly brutal character -- a man by the name of [Lynn] Bomar who had been an all-American player. He came in with his cohorts. The two men wanted to carry out totally different policies.

[23]

The man that had the right to be there, the National Guard commander, thought he had agreed with Bomar that they would just guard this area through the night and not let anybody in, In the

morning at 7 o'clock the National Guard would go in with loud speakers and call on the Negroes whom they believed to be gathered there to come out, and they would be protected -- no harm would be done.

Fifteen minutes before 7, Bomar went in with his machineguns shooting absolutely wildly into all of the little shops along the way. Of course, that was totally defiant. Some of the Negroes did come out away from this and the police lined them up. One of the press told me that he saw a man take his gun and with full force hit a Negro over the head so hard that he went right down on the ground.

They were arrested. There weren't really as many as they thought because through the

[24]

night they had been slipping away, but they were arrested and brought to the county jail.

Earlier the sheriff and the chief of police, who were two very gentle spirits, had felt if they could only talk to the Negroes the whole thing would subside, but instead the poor chief of police got shot in the chest. It never was determined just how bad the shot was because one person said it was buckshot and another said it was birdshot. At any rate he was quite an old man and it was a very bad thing. He was very much injured by this.

The Negroes were all herded into the county jail, which was a filthy little hole. The guns were all stacked up in the sheriff's office. And Bomar's police took over. They pushed the sheriff out, and they interrogated the Negroes one by one in the room where the guns were.

They brought in one man who had been slowly going crazy all night. The other Negroes had

[25]

tried to get the guards to do something about him, but they paid no attention. When he got into that room he grabbed a gun and shot the dang thing. Whereupon the troopers turned their fire into the jail. They almost killed the jailer's wife. The shot went through the wall, and it almost hit her when she was lying in bed.

That was the case we had to bring before the grand jury down there.

MCKINZIE: The case was against Bomar?

BONTECOU: Yes, Bomar was the defendant. Bomar was obviously a very good friend of the judge's. When we got into that trial the grand jury was made up of local farmers. They were obviously poor and white with all the prejudices that went along. The grand jury proceedings ended each day so they would have time to get back to milk their cows.

[26]

They sat there absolutely blank. You knew you weren't getting anywhere at all with them. The two men who were with me were very good trial attorneys. They really extracted a lot of very good testimony -- from our point of view. But nobody had said anything about a lynching. The

poor old sheriff wouldn't use the word. He said, "If you'd ever seen one of those things, you never could bear to think of it again." He had seen a terrible one that occurred down there where they burned a Negro.

This very crude, poor white boy was put on the stand. He had been seen running with an oil soaked rag after the defendant set fire to the building -- fortunately it didn't catch. This young attorney said, "When was it you first heard of this lynching party?"

"Oh," he said, "when I came out of the factory."

So that was out. Well then they called Bomar, which is not usually done. You don't usually

[27]

call the defendant before a grand jury because the point is simply for the jury to see if there is enough testimony to try the person. You don't try them then and there.

Of all the old bombasts -- he was it. Before he was through they decided to break for lunch. Then he said, "I want to tell these gentlemen and this woman." Well, I didn't know what he was going to say, but it turned out to be nothing at all.

We finally heard that there were a lot of good local people who were all very shocked by the ramifications of this case.

In the course of this the police broke up the photography shops where the press people did their photographs. They smashed the windows and so on. That was just a little accompaniment.

You see why I said this case had everything?

MCKINZIE: Yes indeed. It did.

[28]

BONTECOU: So we didn't get an indictment, but the result was that the good people who had been sleeping became aware of some things. They formed an interracial committee. I don't know how things are now, but that, at least, was one good result of the prosecution.

MCKINZIE: You mentioned that a lot of your cases came from civil rights organizations.

BONTECOU: Yes.

MCKZNZIE: Did you have direct dealings with leaders like A. Philip Randolph?

BONTECOU: Oh yes. And a lot with Thurgood Marshall. He was a regular client.

MCKINZIE: He would come to your office. Yes, I know the situation.

BONTECOU: Yes and we talked it over. Yes we did.

We had good relations with everyone but the Communists and they were... There were some

[29]

people from the Communist-tinge organizations who were perfectly all right, but if they were through-going Communists they just wanted to trap us in something.

MCKINZIE: Did they also lobby?

BONTECOU: Yes they came in, but we never felt any trust in them. In fact one time we really went too far in our distrust. The case seemed so unreal that we just thought it was Communist propaganda, and we tried to kick him out by the way. But later we found he was telling the truth.

Usually we listened to them and investigated their reasons, but we didn't trust them. The so-called Communist labor unions had good relations with the civil liberties organization.

MCKINZIE: I was going to ask if you would talk a little bit about the relationship with something like the ACLU.

[30]

BONTECOU: Yes.

MCKINZIE: In some way was there a parallel function?

BONTECOU: Well, it couldn't bring cases. It would uncover cases sometimes, although it wasn't awfully strong in the South. We didn't get as much from them as we would have in a similar situation in the North. But our relations with them were excellent. We'd always speak at the meetings of these organizations and explain our activities and policies.

MCKINZIE: Once a case was accepted and someone had done the general work on it how was all this material cleared? Was there a general meeting of the whole staff?

BONTECOU: Sometimes we had general meetings, and it had to be cleared beyond us by the head of the Criminal Division and then maybe up to the Attorney General. In fact, we went to the Attorney General more than most sections.

[31]

MCKINZIE: Was that a matter of course or a matter of sensitivity of the subject?

BONTECOU: Both. Francis Biddle was Attorney General for most of the time that I was there; then Tom Clark came. Biddle was very, very interested in this field and kept in touch with us very closely. I think a lot of paper work was sent up to him. These "red hot potatoes," as we called them, had to clear with other people. It was essential to have the Department behind us especially in election cases.

In one of the big cases I sent in a lot of material that I thought might not be cleared. The political organization of the CIO was just starting. It was then called the Committee for Political Action. When it was first conceived, somebody wrote an article about it that was published in *Harpers*. The Southern Senators and our Congressman [Frederick C.] Smith saw

[32]

it and raged. He saw this as a plot by the New Deal to get around the election laws.

I think it was Representative Smith who demanded the investigation that was undertaken, and it came to my desk. Well, there was a pretty thorough investigation by the FBI. The FBI loved to have the labor cases. They understood them better. I read through holding my heart in my mouth for fear I was going to find violations because, as I read it, I thought that this was a very splendid grass roots movement. It was very valuable to get the grass roots vote to the polls, which is really what it was pure and simple.

Well fortunately the Congress and Senators had started too soon; they hadn't had a chance to violate any laws. There were some very minor ones in some other localities. They had set forth some of their plans as to a few people they were going to work for or against, but they had taken no action.

[33]

Mr. Clark was then the head of the Criminal Division and Senator, I guess, [Tom] Connally worked on him. I must mention one thing. The report I wrote was emasculated at Clark's request because I reported this business of who they expected to support and who they expected to work against. He said that must not stay in because if the Republicans came in they would see it. So with his green ink he excised all of that. Well I had a feeling that this was pretty tricky business, and fortunately, I kept those sheets in my possession.

Presently a meeting was called in the office of the Assistant Attorney General -- the head of the Criminal Division. The heads of the various sections in the Criminal Division attended. I attended because I had made this report. The thing was discussed.

Someway the opponents of the whole movement had worked it out that this was a plot to

[34]

somehow influence the Democratic Convention -- which was not public -- by the election laws. But there was discussion and a vote was taken all around and it split even. Then Clark took the same side that I did. It seemed that that would be the end, but it wasn't. There was a meeting called which went on for weeks.

MCKINZIE: What caused it not to end?

BONTECOU: Well I would say Senator Connally. Let me get this sequence as right as I can without any notes. Oh yes, at the end of this meeting (Clark did not attend this one but it was conducted by his first assistant), it was decided to start a new investigation going much further into the central labor organization and not ,just the union offices, but every branch of the union

activities. This was carried on very quickly by the FBI who turned in a whole file case of material. I was given a week in which

[35]

to report on that. This was one of the big cases, so I organized the whole unit. Each group had a geographic area and an outline of things to be looked for. We got it done in a week. And at that point they gave up.

MCKINZIE: You mentioned Mr. Biddle's particular interest in the work of this division. Can you give any kind of illustration of his special interest?

BONTECOU: You always know if the Attorney General is interested in backing what you are doing. You know it in a lot of ways that you can't exactly write down. He made a good many speeches on the subject, and wrote a book. He had a well-known interest in the field. I think this is probably about all I can say. Then when cases did go up to him, he voted on the side of the civil rights activities rather than against it. Of course we didn't send anything up without very

[36]

careful preparation. You realize we always had hanging over us that this must be done with the greatest caution and restraint. You can't just go ahead -- for that reason some of the civil rights people thought we were pretty poor fish.

MCKINZIE: Because of that policy?

BONTECOU: Yes. But we knew we would destroy the whole thing if we didn't practice caution.

MCKINZIE: You might want to put some of this in perspective. You might say something about the general awareness of civil rights before the whole group after the war itself. You were talking about some civil rights leaders who thought that you were poor fish because you were cautious. Yet it was true at that time that you did all that could be done. It was not the atmosphere which would have generated the enthusiastic response that came after 1954.

[37]

BONTECOU: In many of the areas we were working to develop that atmosphere insofar as that was within our powers. And of course, we were trying to educate the local officials. We got increasingly favorable responses as we worked with responsible people. Part of it was to develop a favorable atmosphere.

MCKINZIE: Yes. Some of the students on this subject will doubtless be interested in how you and the people who worked with you came to be involved in this field. They would be interested to know how you came to it and then what you may know about the other people.

BONTECOU: I'll tell you how I came to it, because that is a specific thing. I had been ill. I had been an invalid for about ten years with a terribly disabling case of encephalitis. The first thing that I started to do was make use of my head. Some of the people, Justice [Hugo]

[38]

Black's sister-in-law primarily, came to see me for help in a movement against the poll tax. I worked from my own house. I had my own time and I worked on that project. Then I worked with Ralph Bunche who was working with [Gunnar] Myrdal on the overall subject of suffrage itself. I became aware of these problems, and I just went to the civil rights head and asked him if he had a place for me when I felt I was ready to take a regular job. That's how I came to it.

Another person in the office had been an old colleague of Mr. Rockman in some other capacity. Then he wanted two southerners and sought them out and got them. So you see we came in different ways. How the other two members came in I don't know. I was almost the last person in this period on civil rights

Then just after I left there was a young man who came back from the war. He was one of those who went down on the case at Nashville

[39]

that I described at such length. He went in the section because he got terribly interested. He always says I got him in, but it was because he got so interested in the problems as he was them through this case.

He asked to be assigned to it. He chose it. It was not a popular section. They looked upon us as "do-gooders" and what-not, and it didn't at that time, lead to anything outside the Department. A young attorney wouldn't make his reputation or be asked by a good law firm to come in.

MCKINZIE: This evidently stopped a lot of good people from becoming involved.

BONTECOU: Well, it wasn't exactly a lark.

I'll tell you another duty we had which is strictly not on the statute books. It was an extraordinarily difficult one to deal with. In Washington, I guess as in many other big cities,

[40]

there are people wandering the streets who are psychotic. They would come to the Department of Justice quite reasonably to ask for justice, and they would be referred to the Civil Rights Section. So we had to talk to these people. There was nothing we could do except perhaps quiet them a little at a time by letting them talk about their stories.

I had a regular client. She was the nicest looking woman you could ask for, so neat and nice, white hair and pink cheeks, general motherly, appearance. She was always getting jobs because she looked fitted for the position, and I suppose it would turn up after a while that she really wasn't.

There had been some very bitter experience in her life in which her child had been taken away from her. I don't know what it was; I never knew. She considered that she was being sued all the time by the same people who had

[41]

done this dreadful thing to her -- whatever it was.

She lived a very exciting life. She would manage to elude them by getting into a telephone booth, and she would call and ask if she could come see me. If I could, I said yes. She would be very excited and talk until she was calm.

There was nothing else we could do. If we made the slightest effort to detain them, they went wild. We had no right to do this, and it was just heartbreaking.

MCKINZIE: The need was for social service.

BONTECOU: Yes, yes, exactly. We couldn't send them to anybody. When we suggested somebody, they'd have none of it because they were terrified someone would force them into confinement.

MCKINZIE: Were they referred to you because they believed there was criminal activity involved?

BONTECOU: No. Just because they didn't know what else

[42]

to do with them. No, there was no thought of criminal activity. You could see you would be a bit baffled yourself if you were the doorkeeper.

MCKINZIE: Yes.

BONTECOU: Well, I think I've covered the ground -- except what questions you may have to ask.

MCKINZIE: I think on the basis of what I've come to know about the material I think you've covered a...

BONTECOU: You realize my material is not the whole story because I only have the things that were mine, and I don't have all of those. There was a very important case that I really would have liked to have sent. I didn't find the material, but I may find it yet, and I may explain it.

MCKINZIE: The other thing is that if there are aspects of the cases which are not part of the

[43]

written record that you sent out, I think it would be most profitable to us if you could recall...

BONTECOU: That's what I meant to do when I first wrote. But when I don't have all the notes -- it is quite a mass of material -- I don't like to do it unless I have the file before me of cases that particularly need explanation.

You see I've given you the CIO case.

MCKINZIE: What about this case?

BONTECOU: Well that wasn't Civil Rights; that was the War Crimes.

MCKINZIE: Well you did that under...

BONTECOU: Well I'd have to read over and see what I have here. Yes I could give a little account of that. That was another very ticklish situation because we knew that our courts were very opposed to the War Crimes program. We did win the case,

[44]

but the court was very reluctant. It was only because of the aura of the needs of war that they decided for our side. I'd have to look it all over if you want a comment.

MCKINZIE: Okay. Well I thought it might be helpful to someone using the case.

BONTECOU: I think all of this now can be found in the archives up here; I mean all of the war crimes business. I don't know whether they close things for a certain number of years, and I don't know whether it is yet in the regular archives, but it is not classified.

In those days we didn't classify anything in the Department of Justice. It was understood that we never showed the FBI reports to anybody -- that's why I don't have any FBI reports. We didn't take the FBI reports out of the Department and were told never to show them, but they were never labeled classified. There was no such

[45]

thing as labeling with security labels in those days. There might have been one section in the Internal Security Section possibly which used the stamps. I never saw a paper with stamps on.

MCKINZIE: That's very interesting. Almost any agency that had anything to do with war tended to over-classify.

BONTECOU: Yes. As I say, you were informed not to show the FBI reports, but they never classified them.

MCKINZIE: Well, Miss Bontecou, we can always amend this tape -- we can always add if you think of cases which need particular explanation.

BONTECOU: I wish I had the list of the cases I sent in. I know I threw some things away because I was beginning to clear my files.

MCKINZIE: Would you like me to get a list of the cases?

[46]

BONTECOU: Well I suppose at some time you could.

Would that be a great inconvenience? I might not have anything to say, but I feel that I might.

I didn't know whether you wanted this kind of thing.

MCKINZIE: Oh yes indeed. I think this is most helpful to a person who is doing research. It puts things in context.

BONTECOU: You can put it right on my shoulders so they know that it's not an official statement.

MCKINZIE: Well yes, but it also comes from someone who was involved.

BONTECOU: Oh yes. Well I've only spoken of the cases in which I was involved because not having the papers of the others I wouldn't want to talk about those.

MCKINZIE: Oh well, of course, I understand.

[47]

BONTECOU: If I think of other cases -- which I've thrown away -- then I can give a little addendum account.

MCKINZIE: Okay, very good.

[48]

INDEX

American Civil Liberties Union, 29-30

Attorney General of the United States, 14, 30, 31

Biddle, Attorney General Francis, 14, 31, 35-36

Black, Justice Hugo, 37-38

Bomar, Lynn, 22, 23, 24, 25, 26

Bontecou, Eleanor:

background of, 37-38

and the Civil Rights Section of the Criminal
Division of the Justice Department, 1-2,
6-7, 8, 18-19, 28, 30-31, 36-37

and the civil rights statutes, 4

Bunche, Ralph, 38

Civil Rights Act, 15

Civil Rights Section of the Criminal Division of the
Justice Department, 1-2, 6-7, 8, 18-19, 28, 30-31,

36-37
and psychotics, 39-42
staff of, 37-39
Civil rights statutes, 4-6
Clark, Tom, 31, 33, 34
Committee for Political Action of the Congress of
Industrial Organizations, 31-35
Communists, 28-29
Congress of Industrial Organizations, 31-35, 43
Connally, Senator Tom, 33, 34

Daugherty, Harry M., 4-5
Detroit, Michigan, riot in 1943, 11-12

Election laws, 11

Federal Bureau of Investigation, 8-9, 34, 44, 45
Florida, 14

Harding, Warren, 4
Harper's magazine, 31

Japanese, 9, 18
Jehovah's Witnesses, 10, 18, 19
Justice Department, 1

Labor laws, 19
Lynchings, 10-11, 12, 26

McKeller, Kenneth D., 20
Marshall, Thurgood, 28
Mexican-Americans, 15
Minority rights violations, 9-10
Murphy, Frank, 1
Myrdal, Gunnar, 38

Nashville, Tennessee, riots in, 20-28, 38-39
National Labor Relations Act, 6
Negroes, 9-10
New Deal, 6, 32

Peonage law, 3, 10
Poll tax, 38
Prisons, 14

Railford Prison in Florida, 14

Randolph, A. Philip, 28
Riots, 11-12, 20-28

San Antonio, Texas, 15
Screws case, 16
Smith, Frederick C., 31-32
Solicitor General, 14

Time magazine, 20

United States Army, 17
United States Legal Code, 2
United States Supreme Court, 15

Voting rights, 4-5

War crimes, 43-44