

COMMUNICATION TECHNIQUES
IN HANDLING A PUBLIC CHARGE OF RACIAL DISCRIMINATION
IN A POLITICAL AND
GOVERNMENTAL FRAMEWORK

Thesis for the Degree of M. A.
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**COMMUNICATION TECHNIQUES IN HANDLING
A PUBLIC CHARGE OF RACIAL DISCRIMINATION
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by

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PREFACE

The author gratefully acknowledges the help of many people, without whose assistance this manuscript would have been much harder to complete. Among these many, specific acknowledgment is given to John C. Mackie, Commissioner, Michigan State Highway Department, for opening all pertinent files to the author; Frederick E. Tripp, Director for Administration, Michigan State Highway Department; Howard E. Hill, Managing Director, Michigan State Highway Department; Al Kaufman, and Irving J. Rubin, Administrative Assistants to Commissioner Mackie; Frederick Routh, former Executive Secretary, Fair Employment Practices Commission of Michigan; Marvin Tableman, Technical Editor, Michigan State Highway Department; Zolton Ferency, Executive Secretary to Governor John B. Swainson; Neil Staebler, Democratic National Committeeman for Michigan; Richard Miller, Administrative Assistant, Governor Swainson; and W. Cameron Meyers, School of Journalism, Michigan State University. Dr. Meyers as my adviser deserves particular thanks for patience beyond the call of duty.

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INTRODUCTION

This thesis is a qualitative analysis of an interplay of actions in which a major agency of state government defended its integrity against an attack by a group of legislators in a field of social and political sensitivity. It is a story of journalistic judgment permeating the moves and countermoves of the several plateaus of crisis brought on by the attack. It is a study of public administration, legislative relations, communications techniques, political strategy, and the influence of the press upon an agency's decisions. It is a case record of the interweaving of public administration, public relations, and public policy. It is a study of a series of activities solely from the point of view of the agency. It is a confined interlude of incidents, with a beginning and an end.

There are many things this thesis is not. It is not a study of the newspaper reporting of the events; but many newspaper references are included because the press coverage had much to do with the public atmosphere in which the agency's moves were planned and made. Further, the agency's appraisal of what the public knew was based on what the agency's top management read in the newspapers.

It is not a story of the events as they appeared to the legislators involved. Their interpretation might indeed

be considerably different from the agency's. It is not a study of the motives of the legislators. It is not a study of a political campaign, although the author felt it necessary to include many references to politics and to a specific election because these factors affected the agency's decisions. It is not a study of a Fair Employment Practices Commission investigation, although an investigation was the agency's most important countermove.

It is, rather, a microcosm of the way judgments of what makes and moves public opinion affect public administration. These judgments are made hourly in government, varying only in the degree of press attention they receive, which varies with the flow of news; and in the degree of danger to an administrator or his agency if the judgment is wrong, which varies with the subject matter and the personalities involved.

Successful leadership in public life requires an acute judgment of what makes news, because public opinion is made and moved by what it knows about public affairs; and what it knows about public affairs comes through news channels. That is the foundation premise under this narrative.

This narrative requires frequent use of the phrase "Mackie and his staff." It is not possible to identify any one person as responsible for group decisions; nor is it possible without cluttering the manuscript endlessly with names to define in each separate instance who composed the term "staff." The reason is that it varied--sometimes it

was the managing director, the director for administration, the assistant attorney general assigned to the highway department, the public relations director; at other times it was any combination of two or several of these people, or others.

It would not be accurate to assume that staff decisions were made at orderly meetings with agendas, minutes, and formal motions. Staff consultations in the meaning of this manuscript were frequently casual, in corridors, or by telephone, dwelling on a single point for quick advice and action.

I. THE ACCUSATION

On January 17, 1961, four members of the Michigan House of Representatives introduced House Resolution No. 7 asking that a special committee be created "to investigate evidence relating to racial discrimination in the employment and promotional policies of the Michigan State Highway Department."¹ The resolution claimed that the representatives had evidence of such discrimination, and asked that a five-member committee be set up to "function now and during the interim between the 1961 and 1962 Regular Sessions." Under the specific terms of the resolution, the committee would not make its report until the 1962 Regular Session. In short, the resolution set up an investigation mechanism to last at least one year. The committee would be authorized to subpoena witnesses and to examine all records of the MSHD.

The initiators of the resolution were Representatives O. Roosevelt Diggs, Ninth District, Wayne County; David S. Holmes, Jr., Eleventh District, Wayne County; Frederick Yates, Fourth District, Wayne County; and Roger B. Townsend, First District, Genesee County. The four are Democrats and Negroes. Townsend was the main public spokesman for the

¹Michigan, Journal of the House of Representatives, 71st Legislature, Regular Session of 1961, p. 60.

group. Diggs was beginning his second term as a representative; Holmes was beginning his second term; Yates was beginning his fourth term; and Townsend, his fifth term.²

The highway commissioner was, and is, John C. Mackie, a Democrat, from the same county as Townsend. Michigan uniquely in the United States elects its highway commissioner for a four-year term at a state-wide regular election held in April of odd-numbered years. Mackie was first elected in 1957, and had announced in December, 1960, his intention to seek re-election. The nominating convention of the Democratic Party would be held in Grand Rapids on February 4, just twenty-one days after the accusatory resolution was presented in the legislature.

The call for an investigation was duly reported in Michigan newspapers and on radio and television newscasts. The play of the initial story ranged from an eight-column banner headline on the "Press State Page" section of the Grand Rapids Press of January 17:

Dem Solon Charges Mackie With Racial Bias
to a three-column headline on page one of the Lansing State Journal of January 17:

Discrimination Charged
In Highway Department

to a one-column headline on the "Second Front Page" of the Detroit Free Press of January 18:

²Michigan, Secretary of State, Michigan Manual, 1961-1962, pp. 194-210.

1. Introduction

The purpose of this report is to provide a comprehensive overview of the current state of the market for renewable energy sources, with a particular focus on solar and wind power. The report will analyze the growth of these sectors, the challenges they face, and the potential for future expansion.

2. Market Overview

The renewable energy market has experienced significant growth in recent years, driven by increasing awareness of climate change and the need for sustainable energy sources. Solar and wind power are the two most prominent sources, accounting for a large portion of the total renewable energy capacity.

3. Solar Energy

Solar energy has seen rapid growth, with the global capacity increasing by over 50% in the past five years. This growth is primarily due to the decreasing cost of solar panels and the increasing number of countries implementing solar energy policies. However, the sector still faces challenges such as intermittency and the need for energy storage solutions.

4. Wind Energy

Wind energy has also experienced significant growth, with the global capacity increasing by over 30% in the past five years. The sector is characterized by its high capacity factor and the fact that it does not require large amounts of land. However, it still faces challenges such as the need for better grid integration and the potential for visual and noise impacts.

5. Challenges and Opportunities

Both solar and wind energy face several challenges, including intermittency, the need for energy storage, and the need for better grid integration. However, there are also many opportunities for growth, including the potential for large-scale solar and wind farms, the development of new technologies, and the increasing demand for renewable energy.

6. Conclusion

The renewable energy market, particularly solar and wind power, is poised for continued growth in the coming years. While there are challenges, the opportunities for expansion are vast, and the potential for a sustainable energy future is bright.

Mackie
Accused of
Race Bias

The United Press International news report was representative of the general coverage.

Lansing--(UPI)--Charges of racial discrimination in employment and promotional practices were leveled Tuesday against the State Highway Department.³

The second paragraph said the accuser was Townsend, and the third paragraph said that Townsend was a Negro legislator.

The Detroit Courier, the Michigan edition of the Pittsburgh Chronicle, national Negro weekly newspaper, had the story in its edition dated January 21, available in Detroit on January 19. The Detroit Courier lead implied that discrimination was a fact:

Discrimination in the Michigan State Highway Department will face its stiffest test as a result of a resolution introduced in the State Legislature Tuesday requesting that a House committee be appointed to conduct a "full investigation of racial discrimination within the department."

Unlike stories in the daily press, the Detroit Courier contained extensive quotes from Representative Townsend. Among his comments was this:

We are laughing at the Southland and pointing our fingers at public officials there--when right at home, we have complaints just as vicious in regards to fair play in job promotion, job hiring, and practices within a department.

³Grand Rapids Press, January 17, 1961, p. 21.

The Michigan Chronicle, a Negro weekly newspaper published in Detroit, did not publish the story that week, a fact which the MSHD later used to its advantage.

II. THE ENVIRONMENT

The Democratic Party in Michigan is committed unequivocally to fair employment practices not only in a series of platform statements, and in public statements by a great number of Democratic state officials; but also through specific legislative and administrative recommendations and actions particularly since 1949, when Governor G. Mennen Williams began the first of his six successive two-year terms. The Michigan Declaration, a formal statement of Democratic Party principles, adopted by the Democratic State Convention on June 2, 1956, states one of the party's goals to be to make discrimination " . . . as rare as human slavery, and as promptly prosecuted in due process by law."¹ Williams was largely responsible for the adoption in 1955 of a Fair Employment Practices Act in Michigan.² Governor John B. Swainson, Governor Williams' successor, was equally identified in full support of anti-discrimination measures.

To accuse a Democratic state official of practicing or countenancing discrimination in employment was, therefore, a serious matter politically, since it put him at odds with

¹Democratic State Central Committee of Michigan, Michigan Declaration, (Lansing: Democratic State Central Committee, 1956).

²Frank McNaughton, Mennen Williams of Michigan (New York: Oceana Publications, Inc., 1960), p. 224.

his party's official policy. To accuse the chief executive of an agency with 4,500 employees of discrimination in employment was an equally serious matter governmentally, since it involved the integrity and competency of the agency itself.

The seriousness of the charge was further compounded by several factors:

1. The source, the object, and the timing of the accusation taken together increased newspaper interest in the charge. Four Negro legislators, all Democrats, accusing a leading Democratic elected official of discrimination shortly before the nominating convention of his party, in a state where Negroes constitute an important voting bloc within the Democratic Party, is news to reporters of government and politics. The accusation was made in the first month of the first term of a new governor, also a Democrat. Governor Swainson had received preponderant majorities in Negro precincts in the previous November general election, in some cases 90 per cent of the precinct vote.³ "Every breakdown in the integrity or the efficiency of public service is news,"⁴ Leonard D. White has

³Michigan, Secretary of State, Michigan Manual, 1960-1961, pp. 598-615.

⁴Leonard D. White, The Study of Public Administration (New York: Macmillan Co., 1942), p. 456.

pointed out. In this case, the accusation against the integrity of the agency was heightened by political factors:

But the Negro issue is never dormant in American politics for the reason that the Negroes more openly, more consciously, more consistently than any other group turn to politics as a remedy for their disabilities. A good "race man" is a good race man in politics above all, and an American Negro political leader is more in the position of an Irish Nationalist party member of Parliament than of an ordinary member of a normal American party. He is a Republican or a Democrat with a difference. He has to deliver the goods in some tangible form to his race brethren, and no plea of party loyalty will serve him if he fails.⁵

2. The Negro population in Michigan had increased dramatically in the previous decade, making this group a rising social, economic and political force. From 1950 to 1960, Michigan's total population increased 19.7 per cent. The Negro population increased 62.2 per cent.⁶

3. Detroit Negroes were more than usually sensitive about racial matters because charges of police mishandling of Negroes were widespread at that time. The degree of sensitiveness can be judged from the opinion of political observers that police mishandling of Negroes, or the belief that such

⁵D. W. Brogan, Politics in America (New York: Harper & Bros., 1954), p. 111.

⁶U. S. Bureau of Census, U. S. Census of Population: 1960. General Population Characteristics, Michigan. (Washington: U. S. Government Printing Office, 1961).

mishandling existed, was a major element in the defeat of the incumbent mayor, Louis C. Miriani, on November 7, 1961, by Jerome P. Cavanaugh.⁷

4. Negroes were proportionately more numerous among the unemployed. The rate of unemployment for Negroes during the previous year was estimated to be twice that of the white population.⁸ A special study in 1961 reported that in Detroit, 39 per cent of the Negro work force was unemployed.⁹ A charge that a major agency of state government discriminated against Negroes in employment, made at a time when many Negroes were desperately in search of work, could not be taken lightly.

⁷Detroit Free Press, November 8, 9, 12, 1961. Detroit News, November 8, 9, 12, 1961. Michigan Chronicle (Detroit), November 11, 1961.

⁸Report 3 ^{1961 United States Commission on Civil Rights,} (Washington: U. S. Government Printing Office, 1961), p. 1.

⁹Survey of Unemployment in Selected Urban League Cities, 1961 (New York: National Urban League, 1961).

III. THE AGENCY'S ACTIONS

The accusation shocked Mackie's policy-level staff when Tom Shawver of the Associated Press called Thomas J. Farrell, MSHD Public Information Officer at 11:00 A. M. on January 17, to ask whether Mackie intended to make any reply. The staff had no forewarning of the attack. The prevailing opinion among top management people was that the agency's policies in employment were good.¹ Mackie was at that moment driving from Jackson to Lansing, having just dis-entrained from New York where he had been to sign a \$25,000,000 highway bond issue. Farrell reported that no comment was possible for this reason. The same answer was given to subsequent calls from other newspapers. Some of the first news stories therefore mentioned that "Mackie was unavailable for comment."

Mackie arrived at the office at noon and a staff meeting was held. His first reaction was anger. He wanted a statement prepared to attack Townsend's motives in introducing the resolution, defying him to produce his evidence, and demanding that he retract his resolution immediately. Mackie said:

¹Interview with Richard A. Ross, Personnel Director, Michigan State Highway Department, Lansing, February 2, 1962.

I felt I had been stabbed by a friend. Townsend had supported me in 1957 when I first sought the nomination to be Highway Commissioner, and I had been helpful to him whenever I properly could on occasions since. Of course I was mad.²

Mackie's staff argued against an attack statement, and he agreed that such a move might rally other legislators to Townsend's defense, to no gain for Mackie; and that it might lead to several days of newspaper reports of Townsend-Mackie exchanges. It was deemed necessary, however, to move quickly with a statement of general denial in order that those who read or heard news reports later that day and overnight would have an answer with the charge. This was the first of many journalistic judgments which permeated the agency's reactions. Mackie and his staff decided also to move cautiously in public expressions for the next twenty-four hours while attempts were made to find out what was Townsend's alleged evidence. At 1:00 P. M. a press release was sent by messenger to the press room in the Capitol.³ The statement read:

Any charge that I practice discrimination in employment is ridiculous. I'm sure that any fair inquiry will demonstrate that this charge is not true.⁴

The shortness of the release was deliberate. It was designed to give last editions of afternoon newspapers an

²Interview with John C. Mackie, Commissioner, MSHD, March 12, 1962.

³Interview with Thomas J. Farrell, Public Information Officer, MSHD, March 12, 1962.

⁴Press release, January 17, 1961, files of motorist services division, MSHD.

easy insert into their already-set accusation stories, and to give newscasts a short rebuttal. It was also designed to establish the phrase "fair inquiry" to lay the groundwork to charge that a legislative inquiry would be unfair, if this became necessary.⁵

Individual staff members then began calling members of the staff of Governor Swainson, other elected state officials, and individual newspaper reporters who might be willing to give the agency more background than was then available. At this time, Mackie and his staff had only the press inquiries to go on. The text of the resolution was not available. Townsend had not provided extra copies for the press, the usual procedure. Reporters had copied from his original paper. The official printed copies would not be ready until the following day. It was therefore necessary to ask reporters for as much detail as they could supply. At the same time, several reporters supplied valuable personal appraisals of the attack.⁶

These appraisals, together with reports from the governor's office, added up to an impression that the four Negro legislators intended to pursue their course diligently; that Townsend was making veiled references to blocking the nomination of Mackie; that he would not reveal his specific charges when challenged to do so by the press, nor would he

⁵Interview with Farrell, March 12, 1962.

⁶Ibid.

reveal his evidence, whatever it might be, to members of the governor's staff.

Several of the sources reported that Townsend was insisting that MSHD employees would suffer reprisals if they came forward with evidence of discrimination, and that only a legislative inquiry could protect them.⁷

By late afternoon, Mackie and his staff realized they faced a situation involving great dangers, politically and governmentally, if it got out of hand. The staff discussed the problem until early evening and resumed its discussion the next day. Gradually a series of overlapping goals were worked out and enumerated:

1. To offset in the short-run calendar of the nomination and election period the potential political effects of the charge.

2. To create a counter-position wherein Mackie could demonstrate that he did not fear any fair inquiry.

3. To isolate, if possible, the initiating legislators.

4. To stop the legislative investigation, because it could create politically difficult situations concurrent with the election campaign by offering a forum for unqualified charges by disgruntled employees, present or past. In the formation of legislative committees, the Republican Party held

⁷Ibid.

the majority of members. This was another reason why Mackie, who would be seeking a second term on the Democratic ticket, sought to thwart a legislative inquiry.

5. To retain the support of the Negro legislators who had not yet associated themselves with the Townsend move.

6. To set up a source of unimpeachable credibility to offset the source credibility of the Townsend group.

7. To turn the accusation into an opportunity for the MSHD to emerge as the leader in fair employment practices among Michigan state government agencies.⁸

Each of these goals was achieved. The accusation was neutralized; Mackie suffered no political damage in the nominating convention or the election; and by late September, 1961, political and governmental leaders in Michigan and nationally were writing letters of praise for Mackie's leadership in fair employment practices.

On January 19, the agency made its most important countermove. It initiated an investigation of its personnel practices by another governmental agency. Mackie formally asked the Fair Employment Practices Commission to investigate the highway department. Never before had the Michigan FEPC been asked to investigate a government agency. FEPC was

⁸John C. Mackie memorandum to files, January 18, 1961, in files of executive division, MSHD.

considered by Negro leaders to be one of the great achievements of the Williams' administrations in advancing civil rights. Every Negro legislator had publicly supported its creation and continuance. Its chairman in 1961, by coincidence since the chairmanship is rotated, was a Negro, Alex Fuller, who was in the same Democratic congressional district organization in Detroit as Yates, one of the co-sponsors of the legislative resolution. Mackie's letter to Fuller read:

This week, a serious charge was publicly made that the Michigan State Highway Department has a policy of racial discrimination in employment. I categorically deny that any such policy exists.

Such a charge, however, requires an investigation without favor or bias to determine its validity. I therefore ask that your Commission undertake a prompt and complete review of our employment practices to see whether there are any violations of the letter or the spirit of the Fair Employment Practices law.

Since your Commission is set up by law to handle such investigations, and you have the staff trained to make fair and impartial findings in such cases, the results of a review by your Commission would be unimpeachable and would clarify this charge for the public.

We will cooperate fully with your Commission. We welcome your interrogation of any employee. We will make available any records you care to examine. The Highway Department has nothing to hide. If there are mistakes in our procedures, we will be glad to find them out. If our policies are fair, we will be glad to have the public so informed.⁹

Before asking the FEPC to investigate, Mackie and his staff reviewed the probable outcome if the FEPC denied the request. Three conclusions were reached: (1) it would create state-wide headlines portraying Mackie as being rebuffed; (2) it might, therefore, seem to add credibility to the

⁹Letter of John C. Mackie to Alex Fuller, January 19, 1961, in files of executive division, MSMD.

original charge; and (3) it might increase the possibility that the Townsend resolution would pass, since legislators could then say that the legislature was the only investigative body remaining.¹⁰

"In government sometimes you want to be sure of the answer before you ask the question," Mackie pointed out. A staff member was instructed on January 18 to explore through a third party, a person known to have the full confidence of the FEPC and its staff, whether Mackie's request would be acted on favorably. The FEPC answer was that favorable action was likely. The Mackie letter was thereupon drafted and sent.¹¹

Fuller's reply was dated January 20. It read:

We have received your letter of January 19, stating that serious charges of discrimination in the employment policies of the State Highway Department had been publicly made; that you categorically denied these charges; and that you were requesting the Fair Employment Practices Commission to undertake a prompt, thorough, and impartial investigation of the Department's employment practices. We note, too, that you offer full cooperation with the FEP Commission in any investigation, including our staff interrogation of any and all personnel and access to any and all records.

We accept your invitation. I have been in consultation with my fellow Commissioners and with the Commission's staff. We have asked Frederick B. Routh, Executive Director, to contact you at once to arrange for a meeting the first of next week with you, and those of your staff whom you wish present and members of our Commission and staff.

We promise you, we pledge to the public, a prompt, thorough, and impartial investigation; we will contact those who have made the charges against

¹⁰ Interview with Al Kaufman, Administrative Assistant, MSMD, March 10, 1962.

¹¹ Interview with Mackie, March 12, 1962.

the State Highway Department and each of these charges will receive full consideration and will be thoroughly investigated.

Under the Fair Employment Practices Act, this Commission is charged with the responsibility to investigate claims or charges of discrimination against any division of government, and where discrimination is found to eliminate it. We will fully meet the obligation.¹²

The exchange of letters created two state-wide news stories, both of which put Mackie and the agency in an affirmative position, and portrayed them as being unafraid of any fair investigation. Reporters were intrigued by the novelty of an FEPC investigation of another state agency. News reports emphasized that Mackie had initiated the move.¹³

The entry of the FEPC into the arena put the accusing legislators into the position of casting doubt on the value of FEPC investigations, if they insisted on their own investigation at the same time. The move also gave those legislators who did not want to join the accusing group a justification not to do so. They could say to their fellow legislators, and to their constituents back home, that they would await the FEPC report and decide then what to do next. Townsend, however, was not diverted.

Until the legislative [sic] decides whether to make an investigation the type of which will be impossible for the Fair Employment Practices Commission to conduct, I will have no information

¹²Letter of Alex Fuller to John C. Mackie, January 20, 1961, in files of executive division, MSHD.

¹³The State Journal (Lansing), January 20, 1961, p. 4; Flint Journal, January 21, 1961, p. 1; Port Huron Times-Herald, January 22, 1961, p. 9; Pontiac Press, January 20, 1961, p. 24.

to turn over to them. I feel this is an attempt by a department head to supersede the legislative branch of government.¹⁴

With the FEPC action underway, the agency leaders on January 20, reviewed in staff meetings the audiences to be considered in future moves.¹⁵ Six audiences, not mutually exclusive, and not influenced equally by the same appeals, were listed:

1. The supervisory employes of the highway department. The initial accusation hit directly at the morality and fairness of supervisory employes at every level and in every activity. "High morale depends upon the belief among the rank and file that personnel operations are fairly handled,"¹⁶ White observes. If there was discrimination in hiring and promotion, then supervisors would be involved, actively or passively. (Even if a supervisor is in fact discriminating, he usually rationalizes it under some other reason. Some supervisors, for example, stated in the subsequent inquiry that they were protecting Negroes from discrimination by not assigning them to jobs in some out-state areas for fear the Negro would be treated uncivilly in restaurants and housing accommodations.)

¹⁴The Detroit Courier, January 28, 1961, p. 2.

¹⁵John C. Mackie, memorandum to files, January 20, 1961, in files of executive division, MSHD.

¹⁶White, p. 453.

2. The Negro community to whom the Highway Commissioner and the Democratic Party looked for continued political support.

3. The Democratic Party community, understandably sensitive about issues affecting its Negro supporters.

4. The legislature itself, and the Negro legislators as a group, important because the department's operating and capital improvement budgets undergo legislative approval.

5. The road building industry in Michigan. Highway construction is performed by private contractors out of public funds. Millions of dollars are involved in highway construction contracts. Every construction contract contains specific language declaring it to be a contract violation to discriminate in employment.¹⁷ A charge of this nature, therefore, if proved against a contractor, could lead to cancellation of his contract and his removal from the list of qualified bidders. For these reasons, contractors had a direct interest in the developments. As a group, this industry is one

¹⁷"Neither the contractor nor his subcontractors shall discriminate against any employee or applicant for employment, to be employed in the performance of such contract, with respect to his hire, tenure, terms, conditions or privileges of employment, or any matter directly or indirectly related to employment, because of his race, color, religion, national origin or ancestry. Breach of this covenant may be regarded as a material breach of the contract." Michigan State Highway Department Contract, Form 1301, Rev. April, 1960.

of the major support groups for highway programs generally.

6. The general public, casually interested in state affairs and important in over-all popular support for highway programs.

In the staff's planning, audiences were also divided into media audiences. The press relations section of the agency knew that periodically reporters would raise questions about the progress of the investigation. The political campaign immediately ahead meant that Mackie would be presenting his ideas on paid radio and television programs, as part of his political effort; while at the same time, he would continue to make news as a government official. He would be stumping the entire state, which meant he would be interviewed from time to time by newspaper, radio, or television reporters relatively less experienced in news handling than capitol reporters. The staff concluded that reporters inquiries would be diverted to and handled by FEPC. This would place the MSHD in the public position of complete detachment from the investigation and its results, and thereby, in the opinion of the staff, add to the impression that the MSHD had nothing to fear.¹⁸ Until March 19, when the FEPC report was made, Mackie answered all questions about the discrimination charge in the language of his letter to Fuller.

Since television is a visual medium, and a highway building program lends itself to dramatic pictures of new

¹⁸ Interview with Frederick E. Tripp, Director for Administration, MSHD, March 15, 1962.

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highways, new bridges, and construction in progress; and since employment policies, whether fair or discriminatory, cannot easily be made visible, Mackie's campaign planners decided to concentrate his paid political television entirely on the road building record. The discrimination charge would not be presented in this medium unless events forced Mackie to do so.¹⁹

Mackie and his staff divided audiences still further into: (1) the Negro newspaper audience, i.e. the readers of the Michigan Chronicle and the Detroit Courier; (2) the Negro leadership audience composed of Negroes holding public office, presidents of local chapters in Michigan of the National Association for the Advancement of Colored People, and Negro ministers; (3) delegates to the Democratic state convention; and (4) Democratic officeholders and Democratic candidates for other offices at the April 4 general election.

The agency's top management had given thought to the audiences and support groups affected by Townsend's charge, recognizing that these audiences overlapped in many ways and that the same appeal might work for several of the intermingled receiver groups. Thought was given also to the news media, and evaluations were made of which media best suited which audiences.

Another area of decision lay in the choice of content of Mackie's public statements. It was decided to keep the

¹⁹Interview with Edwin N. Winge, Administrative Assistant, U. S. Senator Patrick V. McNamara, and former Director of Public Relations, Democratic State Central Committee of Michigan, Lansing, May 2, 1962.

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message of the highway election campaign, assuming Mackie's nomination, separate from the discrimination matter. Mackie would campaign affirmatively on the record of highway building during his first four-year term. The massive road building job, which was easily visible throughout Michigan, would be the focus of all advertising and publicity material. The nation's No. 1 road builder would be the central theme.²⁰

The discrimination message would be that there was no known discrimination in the highway department, that Mackie himself had asked for a full investigation, that this investigation was underway by the one agency designated by law and equipped by training to conduct a full investigation, that Mackie had given the FEPC open access to any highway department record or employee, and that any decision on the validity of certain public charges should be withheld until the FEPC report was made. The message would not attack Townsend or any person who sided with him. And this message would be used only in answer to questions, or as a subordinate speech section. The reason for this was that MSHD executives should not seem to attach more than passing importance to the facts of the charge, lest by emphasis they seem to indicate fear of its validity; but they should indicate that they accepted seriously the fact that the charge was made and were therefore cooperating fully with FEPC to get a fair and honest report on MSHD's hiring and promotion practices.²¹

²⁰Ibid.

²¹Ibid.

At the same time that these evaluations of audiences, media, and content of messages were being formulated, the agency began to act in a variety of ways.

Full text copies of Mackie's letter to the FEPC and of the FEPC reply were distributed to all MSHD supervisory personnel to let them know that Mackie expected full compliance with any requests of the investigators. This was done on January 20.

In the following week, four major activities took place:

1. On January 24, Neil Staebler, Democratic National Committeeman for Michigan, met in Lansing with Billie S. Farnum, then Deputy Chairman of the Democratic State Central Committee of Michigan (later appointed Auditor General of Michigan); Ed Winge, Publicity Director of the Democratic State Central Committee; Otis Smith, Auditor General (later appointed to the Michigan Supreme Court), Richard L. Miller, Administrative Assistant to Governor Swainson, and Mackie.²²

2. The FEPC investigators formally began their inquiry by meeting with Mackie in his office in Lansing at 1:00 P. M. on January 25.²³

²²Richard L. Miller memorandum to Governor Swainson, January 24, 1961, in files of executive office, Capitol, Lansing.

²³The State Journal (Lansing), January 26, 1961, p. 7.

3. The editor of the Michigan Chronicle was approached and offered an exclusive interview with Mackie. The offer was accepted.²⁴

4. A series of third-person negotiations were opened to see whether a meeting could be arranged between Mackie and Yates. Yates was chosen because the third person lived in the same congressional district as Yates in Detroit and knew him. The assessment of advisers was that Townsend could not be safely approached at this time.²⁵

At this point in time, the agency still had been given no specific cases of alleged discrimination by Townsend or the other legislators. Repeated attempts over the weekend by several persons to get such documentation failed. Those who tried to find out the particulars behind the charge, if any, included a Negro Democratic state senator; the Democratic minority leader of the House of Representatives; and two members of the governor's staff.²⁶

Miller's report to Governor Swainson of the Staebler meeting reveals the broad disagreement between Mackie and Townsend. To a politically discerning person, it gives some hints of the sensitive problems involved in determining what countermoves should be made. Staebler conducted the meeting.

²⁴Interview with Farrell, March 12, 1962.

²⁵Miller memorandum to Governor Swainson, January 24, 1961.

²⁶Interview with Richard L. Miller, Administrative Assistant to Governor Swainson, Lansing, October 10, 1961.

He set forth, one at a time, such charges as Townsend had made in comments to emissaries or reporters. Miller summarized it this way:

Townsend

Despite my many attempts to discuss complaints of racial discrimination with the Commissioner personally, Mackie has refused to meet with me or the group of Negro legislators interested in this situation.

Mackie

I have personally contacted Roger Townsend 8 or 10 times over the past 3 years on my own initiative. In most of these cases rumors have come to me that Roger was not satisfied in some way or other with my personnel policies in Highway. Each time Roger has claimed that the rumors were baseless, that he had no complaints.

The latest contact with Townsend was during the 1960 legislative session. We had a right-of-way bill in the House and Roger was opposing it. I approached him on the floor and he stated that he opposed the bill because some of his constituents would be hurt by it. Discussion indicated that Roger knew nothing of the bill's content.

Townsend

In 1960 the Highway Department hired over a hundred temporary employes for summer work in Genesee County. Only a handful of the hired were Negroes.

Mackie

In 1960 a total of 10 to 15 temporary employes were hired for summer work in Genesee County. Six or seven of these were Negroes.

Roger probably is referring to 1959 when approximately 130 summer

employees were hired. But in 1959 from 1/2 to 3/4ths of all those hired were Negroes. In fact, Roger Townsend was asked if he had any constituents needing temporary work that he would recommend. His reply was negative.

Recently a Negro with a college education and long tenure in the Highway Department (approx. 20 yrs.) was passed by for promotion. Subsequently a white man with a high school education and less seniority was promoted to the opening.

Obviously Townsend is referring to the case of Bill Smith, a Negro who was given consideration for promotion to a supervisory position. The statements about Smith's seniority and education are true. He was not promoted to the supervisory position because my personal conversations with his fellow employees proved to me that he would be incapable of handling supervisory functions.

Townsend

When Mackie refused efforts of our group to meet with him personally, we went to Governor Williams to explain about the complaints. Governor Williams called Mackie, but was unable to get him to meet with us. If Governor Williams could not get Mackie's cooperation, our only resort is to work through an investigation by a legislative committee.

We have wanted to discuss this situation with Mackie personally. But every time we try,

Mackie

Mackie doesn't recall any request on the part of Governor Williams for him to meet with the group of Negro legislators.

No attempts have been made to contact me, nor have members of my immediate staff

we are shunted to one
of his employees.

shunted aside calls
which are supposed to
have been made to me.²⁷

Miller's memorandum refers in its concluding paragraphs to rumors that the Townsend group intended to have some of the local Democratic conventions picketed in protest against Mackie's alleged discrimination policies.²⁸ Mackie was scheduled to be the keynote speaker at the Genesee County Democratic convention at 8:00 P. M. on January 25. Michigan law requires that all county and district conventions be held at the same hour on the same night. These local conventions name the delegates to the state nominating convention. If public demonstrations occurred at these local conventions, it would create news headlines and pictures which might prejudice Mackie's renomination ten days later. Miller refers also to the attitude of Edgar Currie, Second District, Wayne County, a Negro legislator, who supported Mackie; and to Yates's reaction to the FEPC move, a reaction identical to Townsend's views as quoted in the Detroit Courier that same week. Miller's memorandum to Governor Swainson concludes:

It was decided not to attempt to contact Roger Townsend because his purposes are to defeat Mackie. With this purpose Townsend cannot be expected to give Mackie a fair hearing.

There was unanimous agreement at this meeting that you [Governor Swainson] should not meet with the group of Negro legislators at this time. Such a meeting might put those legislators not sympathetic to Townsend on the spot in the Negro "community."

The possibility of Neil changing county convention speaking assignments with Mackie (Neil at

²⁷ Interview with Mackie, March 12, 1962.

²⁸ Interview with Miller, October 10, 1961.

Genesee, Mackie at Washtenaw) was discussed, but no decision made. It is the opinion of Winge, Smith, and myself that this would be a poor move. It would give some credence, undeserved at this time, to the Townsend charges.

I talked with Edgar Currie and Fred Yates over the phone yesterday in regard to Townsend's charges. Edgar has refused to be a part of the group complaining about Mackie. He feels that Mackie's "conduct has been good" in the matter of hiring Negroes. He is satisfied with the FEPC investigation proposal, but feels a lot of this could have been avoided if Mackie had exhibited a little more willingness to establish personal rapport with Democratic legislators.

Fred Yates takes a completely different position. He is opposed to an investigation by the FEPC and says that in such a case the FEPC would be usurping the investigatory power which by tradition resides with the legislative branch. Fred also opposes releasing any evidence available to any group other than a legislative committee. To do so, he says, would make those employees willing to offer testimony against Highway vulnerable to punishment from their supervisors. While a legislative committee could subpoena these witnesses and require them to testify, the FEPC could not.

Further, Fred states that FEPC has neither the money nor the resources to conduct the type of careful investigation which he feels is necessary.

Yates clearly would like you to call in Mackie and the group of Negro legislators for a meeting - presumably to tell Mackie to work with the legislators in setting up uniform promotional policies within the Highway Department.

Neil also plans to have wires sent to each convention chairman on Wednesday, January 25th. The wires would give available facts on Highway's hiring and promotional policies. Also the wires would have a "Use only if question is raised" notation to the chairman.

A random note: (1) Mackie will meet with the FEPC at 1:00 P. M. on Wednesday and Townsend will meet with the same group at 2:30 P. M. on the same day.

The Michigan Chronicle interview took place in Detroit on January 27 and appeared in the paper's issue the following Thursday, two days before the Democratic state convention. In setting up the interview, Mackie's press section pointed

out that Townsend had given his first story exclusively to the Detroit Courier, the competitive Negro weekly. Charles Wartman, managing editor of the Michigan Chronicle handled the interview. Mackie was able to make several points: that highway jobs were under civil service and controlled by a great number of regulations in hiring and promotions; that one Negro had reached the \$10,000 pay level in the MSHD since Mackie took office; that Mackie's department was the first government agency in the nation to hire a Negro to pilot its departmental airplane; and that a highway department, by its nature, was largely an organization of engineers. With few exceptions, the jobs that paid well required engineering degrees. Negroes rarely graduated in engineering from Michigan universities, and the department was required by state civil service commission rules to recruit in Michigan first before going to other states.²⁹

Mackie's meeting with the FEPC investigators at 1:00 P. M., January 25, got the investigation underway. Office space was made available to the investigators, and they were told who to see for any records they wanted. Arrangements were made to call in for questioning any employee they asked for.³⁰

The work of setting up a meeting with Yates was handled by Irving J. Rubin, Administrative Assistant to Mackie. Rubin, who is stationed in Detroit, began inquiries among Wayne County

²⁹Michigan Chronicle (Detroit), January 23, 1961.

³⁰Interview with Ross, February 2, 1962.

and Detroit Negro officeholders and among Democrats in Yates's district to see who might approach him. Hobart Taylor, a Negro attorney, since appointed by President John F. Kennedy to be legal adviser to the President's Committee on Equal Opportunities in Employment, was one of the persons approached. Through his intercession, a meeting was held in the Canopy Hotel at Brighton, from 6:00 to 10:00 P. M. on January 29. Mackie interrupted his campaigning in Montmorency County, more than two hundred miles away, to attend. At the meeting were Staebler, Mackie, Taylor, Yates, Rubin, and John Murray, Public Relations Director for the MSHD.³¹

There had been indications during the previous week, verbally reported by emissaries in the state capitol that the signers of the accusatory resolution would not sit down with Mackie, except as a group, lest any one of them seem to be making a separate conciliation or retreat.³²

The Negro legislators who did not participate in the original charge likewise were reported to be reticent about meeting with Mackie, once the charge was made, for fear of seeming to be less enthusiastic than the accusers in defense of their own people in a discrimination matter. Rubin found this reticence also among several of the possible go-betweens for the Yates-Mackie meeting.³³ Until the impact of the

³¹John C. Mackie memorandum to files, January 30, 1961, in files of executive division, MSHD.

³²Interview with Irving J. Rubin, Administrative Assistant, MSHD, Detroit, February 13, 1962.

³³Ibid.

original charges had been dissipated, or until the FEPC investigation was complete, it was not easy for a Negro leader to take sides.

Yates made it clear at the Brighton meeting that he was meeting with the foreknowledge of his three co-signers, and that all discussions would be reported back to them, and to other Negro legislators who might be interested. The discussion centered on five proposals made by Taylor and Yates. They were: (1) that the MSHD should undertake a recruitment program to find Negroes qualified for higher level jobs; (2) that promotional potentials, a civil service form and procedure preliminary to any promotion, be redesigned to eliminate any opportunity for a supervisor to deny promotion for discrimination reasons; (3) that a Negro be placed at the supervisory level in the personnel division to assure Negroes throughout the MSHD that they had a friend in court in personnel matters; (4) that the agency report regularly to an informal "watch-dog" committee to be set up among Negro legislators; (5) that individual cases of discrimination which Yates claimed to know about be given satisfaction immediately.³⁴

Mackie felt that something could be worked out within the framework of these suggestions, so long as he was not made to appear in any way guilty of the original charges. It might be possible to undertake a recruitment drive among

³⁴ John Murray memorandum to files, January 30, 1961, in files of executive division, MSHD.

Negro colleges in other states in an attempt to find Negro engineers, although this and the promotional potential review required civil service cooperation. Mackie would make no commitment on individual cases until he was given specific information. All agreed to think the matter over. Yates agreed to set up a meeting of Negro legislators, as many as he could get, in Lansing as soon as possible to report the Brighton meeting conversation. It was tentatively agreed that the Brighton participants would attend the Lansing meeting, which Yates and Taylor felt should be closed to the press. Mackie pointed out the political meetings in Lansing were almost always discovered by the press through tips or careless conversations by those attending.³⁵

Mackie had spoken at the Genesee County Democratic convention on January 25. It was not until January 30, however, that the full dimensions of Townsend's attack on Mackie were known.

As Miller's memorandum to Governor Swainson reveals, the question whether Mackie should appear at the Genesee County convention was discussed by party leaders. Genesee County is Mackie's home county, and also Townsend's. Here was the one location wherein Townsend himself probably could be faced since legislators rarely miss attending their county political conventions. Was such a confrontation desirable? Would it lead to stories favorable to Mackie, or unfavorable? Was it a real possibility that Mackie might be repudiated in

³⁵Ibid.

in his home county? Questions like these were puzzled over by Mackie's staff and by the party strategists.

Before a final answer was made, Mackie went to Flint, the county seat of Genesee County, and visited with the Democratic county chairman, William Schwartz, to get a private assessment of Townsend's strength. Schwartz said he doubted that Townsend had enough votes to cause any real embarrassment, for example, to deny Mackie a county convention endorsement for renomination at the coming state convention; but he fully expected Townsend to make a speech about Mackie's alleged discrimination. The county chairman felt that Mackie had not maintained sufficient personal liaison with Democratic legislators during the previous four years and recommended that this failing be remedied.³⁶

Reassured by the chairman's assessment, Mackie decided to address the convention. The county chairman's assessment was not the controlling reason for this decision. The decision was made principally on the grounds that in a political arena Mackie's credentials had a wider public acceptance than Townsend's. Mackie had received 588,443 votes in 1957 in his state-wide race for office.³⁷ He was a member of the administrative board, a form of cabinet in the Michigan state government. He was in the Democratic Party's inner council. He had been endorsed by Governor

³⁶Interview with William Schwartz, Flint, April 5, 1961.

³⁷Michigan, Secretary of State, Michigan Manual, 1957-1958, p. 555.

Williams. Townsend, elected in 1956 by 53,015 votes in a district election could not match Mackie's state-wide political appeal. Thus, if Townsend took his attack into the county convention, and Mackie won, it would be a dramatic setback for the legislator.

Auditor General Smith was to speak the same night to the Democratic convention in Saginaw County. Mackie asked him if he would speak on the Townsend attack. Smith, a Negro, had credentials in the Negro community at least equal to Townsend's, and anything Smith might say would make a news story, not only for the daily press but also for the Negro press. Smith agreed.³⁸ Mackie requested Staebler to bring up the discrimination attack at the Washtenaw County convention, which Staebler was keynoting, to serve notice that the party was not indifferent to Townsend's attack or to Mackie's welfare. Staebler agreed.³⁹

The Flint Journal of January 26, 1961, testified to the soundness of the strategy. A four-column headline on the first page of section two read:

Dems Stick With Mackie
As Townsend Loses Fight.

Inserted in the body of the story was a release from Saginaw:

Mackie Supported
by Otis Smith.

³⁸Interview with Mackie, March 12, 1962.

³⁹Ibid.

This story, all in bold face type, ran four paragraphs. It read:

Saginaw--Auditor General Otis M. Smith, the first Negro ever elected to a state administrative position, lashed out Wednesday night at charges of discrimination brought against State Highway Commissioner John C. Mackie.

In a speech to Saginaw County Democrats, Smith concentrated on the accusations made by State Representative Roger Townsend, Flint Democrat.

"We who know Mackie have confidence in him," Smith said. "If anything in his department needs changing, I'm sure he will do it.

Smith said he was sure that Mackie would take necessary corrective steps if any discrimination should be found in highway department hirings and promotions.

On the same page, was a third relevant story. It was a Lansing report saying that the FEPC investigation was getting underway. The story made it clear that Mackie had asked for the FEPC investigation and quoted from Mackie's letter to Fuller. A fourth story on the same page, above the fold as were the other three, reported Mackie's speech to the convention under a headline:

Election Critical,
Mackie Warns.

Four stories, all reinforcing an affirmative image of Mackie, all legitimate news stories, made Mackie's Genesee journey well worthwhile. Staebler's story angle did not get used in Ann Arbor and was not picked up by wire services. Staebler had, however, on January 23, issued a direct press statement saying:

I have no evidence of nor complaints about discriminatory employment practices in the State Highway Department. If such evidence exists, it should be produced by Mr. Townsend. If it does

not exist, Mr. Townsend is doing a disservice both to Mr. Mackie personally and to the principle of fair employment practices.⁴⁰

On Monday, January 30, the day after the Brighton meeting, the Yates-Mackie negotiations were disturbed by the discovery of a letter Townsend had written on January 17.⁴¹ It was on plain paper, and contained a clear statement that the four initiating legislators were trying to do more than merely set up a legislative investigating committee; they were trying to organize direct political opposition to Mackie as well. The letter was signed by Townsend, and listed below his signature were the names of Yates, Diggs, and Holmes, Jr. It said:

This letter is to call your attention to a resolution that was introduced today in the State Legislature by four democratic members of the House of Representatives; Townsend, Yates, Diggs, and Holmes. The resolution requested the House of Representatives to appoint a committee to study racial discrimination in the hiring, upgrading and promotion of Negroes in the Highway Department by Commissioner John Mackie. There has been numerous complaints of racial discrimination coming to the Negro members of the Legislature for the past three years. We called a meeting in Detroit over a year ago of Negroes who had made complaints and invited Commissioner John Mackie but he failed to appear. There were more complaints than we had time to hear in one evening.

The Negro members in the House of Representatives were prepared to introduce such a resolution last year but withheld it after they were called in to discuss the problem with Governor Williams. Before seven Negro members of the Legislature, the Governor tried to arrange a meeting with John Mackie, he too has failed to get him to a meeting.

⁴⁰ Press release, Democratic State Central Committee of Michigan, January 23, 1961.

⁴¹ Mackie declined to reveal the source of the letter.

There has been charges filed against John Mackie through the State Fair Employment Practices Committee of which we have copies and no action has been made public.

We had a young Negro engineer who became so discouraged [sic] with the policy in the Highway Department that he gave up engineering entirely and went back to school and took up dentistry. We had instances of qualified Negro personnel approved by civil service but by-passed for promotion by the Highway Department, and persons not on civil service were placed into the vacancies while eligible Negro personnel waited on the promotion list. We have instances of Negro personnel who passed civil service with high grades but are consistently given low promotional grades by the Department to bring their total ratings down so that they are low on the available register. There are complaints by Negro members of the Department that once they become eligible for promotion to a supervisory capacity they become subject to extra ordinary pressures from within the Department. So much so until one member who was appointed soon took sick and died because of extreme pressures put on him by the Department.

We have never once in all our years of negotiating with the Department had a talk directly with Department Heads about this condition.

For some reason John Mackie has absolutely refused to personally sit down with Negro Legislators and discuss this problem. It is our feeling that John Mackie, during the entire 1960 election, took the position that he was a non-partisan and had been elected on the Democratic ticket. Therefore we feel if he is going to claim to be a democrat when he comes up for election he should have carried out the entire platform of the party.

We feel the FEPC Law should apply to all employers alike. If you agree with us this is what you can do: Go into your organization and ask the body to inform the Democratic Party that they will not support John Mackie and will consider his selection as a Democratic candidate a rebuke of their own party platform. Any member of the Negro House members listed below will be glad to appear before your organization and explain this matter in more detail.⁴²

⁴² Mackie's copy of this letter is in the files, executive division, MSHD.

Mackie directed his public relations person to call Taylor, the Detroit Negro attorney who had set up the Yates meeting, to say that the letter cast the whole situation in a different light.⁴³ Heretofore, the agency had thought it was dealing with a small group of aggrieved legislators, whether justly aggrieved or not was a dispute of the facts as Miller's memorandum contrasting Mackie's and Townsend's stories pointed out. Now it appeared that the legislators were aggressively trying to go beyond a government inquiry and a personnel issue.

Taylor expressed surprise when the letter was read to him. He had intended to accompany Yates to Lansing later that day to be available for an enlarged meeting on the Brighton considerations. Taylor candidly said that he did not want to get into a political crossfire. He decided to withdraw from the events, leaving Mackie to follow through with Yates in whatever manner he saw fit.⁴⁴ How far the ripples of the Townsend letter might extend were at that moment unpredictable. Mackie and his staff had no certain knowledge how far the letter had been circulated.

The next call went to Staebler. After a lengthy discussion, he agreed to call Yates to set up a meeting in Lansing for the next day, January 31, with only Yates, Townsend, Mackie, Murray, and himself present.⁴⁵

⁴³ Interview with Mackie, March 12, 1962.

⁴⁴ Ibid.

⁴⁵ Ibid.

The five met for lunch in a private dining room in the Riverside Motel, Lansing. Mackie produced the Townsend letter and Staebler read it aloud.⁴⁶ "Staebler had a deserved reputation for infinite patience and courtly manners," Mackie said later. "But this time he was angry. I have never seen him so angry."⁴⁷

Staebler said he thought the two legislators were acting in a manner which could only bring harm to the Democratic party. He said he himself had given too much of his life through the Democratic party helping the Negro achieve fair employment opportunities to stand by now and allow anyone, including Negro legislators, to create division and discord. If Townsend and Yates had grievances, they could be argued out in party and governmental councils without mailings attacking the integrity of a state official who wore the Democratic label.⁴⁸ Townsend said he had mailed the letter "to a great number of people," but he refused to reveal who they were, or how dispersed geographically.⁴⁹ The meeting then discussed the Brighton proposals but Mackie did not want to pursue them further. He said he would wait the outcome of the FEPC probe before making any commitments. On that note, the meeting came to an end.⁵⁰

⁴⁶Ibid.

⁴⁷Ibid.

⁴⁸Ibid.

⁴⁹Ibid.

⁵⁰Ibid.

In addition to the Taylor and Staebler calls, Mrs. Mildred Jeffrey, Democratic National Committeewoman for Michigan, and a staff employe of the United Auto Workers (AFL-CIO) was called and asked if she could find out who had received the Townsend letter.⁵¹ Mrs. Jeffrey had access to leaders of union locals and leaders of community groups in the Detroit area. Her formal job assignment was community relations for the UAW.

Mrs. Jeffrey reported that the letter had been received by one N.A.A.C.P. leader in Detroit, but not by officers of union locals.⁵² On February 1, Mackie received through the mail a letter from Mrs. Albert Wheeler, of Ann Arbor, saying that the Ann Arbor Branch of the N.A.A.C.P., of which she was president, had received Townsend's letter alleging highway department discrimination and "an equally serious charge" that "you have refused to sit down and discuss this problem with Negro legislators."⁵³ Mrs. Wheeler asked for a statement, and made a proposal:

Obviously, we are in no position to judge the merits of the accusations and we shall not presume to do so. However, we are vitally interested in ascertaining the facts in this matter in order to reach an honest and objective decision. To this end, we would welcome a statement from you indicating the hiring and promotional practices and record in your department as it pertains to Negro personnel and also your comments on the charges that you

⁵¹Ibid.

⁵²John C. Mackie memorandum to files, February 1, 1961, in files of executive division, MSHD.

⁵³Letter of Mrs. Albert Wheeler to John C. Mackie, January 30, 1961.

have refused to discuss this matter with several legislators.

Finally, if you are renominated for Highway Commissioner, this NAACP chapter would be receptive to arranging a public debate in Ann Arbor on this question at which time you and the legislators could defend your positions, including bringing key individuals who would support your assertions. If such a meeting would be agreeable to you and the legislators we would try to schedule it at a mutually convenient time between February 15 and March 31. Perhaps the best times for such meetings here is a week-day evening or a Sunday afternoon.

If this suggestion culminates in an actual public debate we would have our local news and radio available and attempt to secure representatives of the Detroit newspapers, radio and television.⁵⁴

The agency assumed from this that Townsend had circulated his letter among the N.A.A.C.P. leaders in various Michigan cities.⁵⁵

The N.A.A.C.P. is considered an important force in the Negro community.

The N.A.A.C.P. is the most important and the best known organization in the Negro community. Its president automatically becomes prominent. The values and goals of the race are intimately bound up with, if not actually embodied in, the association. The N.A.A.C.P. is not a mass organization in the sense that it organizes the Negro rank-and-file for any purpose; it is rather, an organization composed of and responsive to, a relatively small but vocal and attentive group.⁵⁶

Mackie later turned down Mrs. Wheeler's suggestion of a debate. In a letter to her on February 24, he said:

I appreciate particularly the attitude . . . that you want to hear all sides before making a decision. However, a debate, as you suggested,

⁵⁴ Ibid.

⁵⁵ Interview with Mackie, March 12, 1962.

⁵⁶ James Q. Wilson, Negro Politics (Glencoe, Ill.: The Free Press, 1960), p. 283.

would not, in my opinion, clarify the charges originally made. The issue is not one of argument but one of fact, and I think the FEPC is the most authoritative fact finding agency we have in this field.⁵⁷

Mrs. Wheeler's letter was circulated immediately to party leaders, and to the governor's advisers for their information.

The next rendezvous with danger was the Democratic state convention in Grand Rapids. Mackie did not now fear that his renomination was in jeopardy. A number of county conventions had endorsed his renomination. Party leaders had no exact count of how many because no effort was made to obtain a total. More important to Mackie was the absence of any report of resolutions against him in the county conventions. There was, however, the possibility of some demonstration at the state convention. Reports filtering to Mackie from the governor's office, from political friends, and from newspapermen all agreed that Townsend was threatening to carry a fight against Mackie to the floor of the state convention.

In its edition dated February 4, available to its readers on February 2, two days before the state convention, the Detroit Courier carried a story on page two reporting that Townsend was trying to set up a Negro caucus within the Democratic state convention. The story read:

I am requesting all Negro delegates to the Democratic State convention in Grand Rapids to

⁵⁷Letter of John C. Mackie to Mrs. Elmer Wheeler, February 24, 1961, carbon in files of executive division, MSHD.

caucus with the legislators, Friday night, February 3, concerning the Michigan Highway Department and its commissioner, John C. Mackie.

Negroes have been giving the Democratic Party 75 to 95 per cent vote margins in their districts. Their communities suffer a disproportionate share of the total 320,000 unemployed in Michigan.

Here, then, was the first expression of a direct political threat. Townsend's remarks continued in this vein and touched also on the lack of Negro engineers:

Negro voters have a right to know before they vote how Mackie claims there is no bias in his department of 5,000, when only 100 Negroes are included in his entire operation.

Of the 400,000 Negro voters in Michigan, most of them have been predominantly Democratic voters, and if it isn't bias that exists, then what name does the commissioner call it.

There are engineering classifications up to Class VI, yet Negroes seldom are able to advance beyond Class III.⁵⁸

Another factor of possible ominous import was a sheet of paper which Mackie's driver brought back from the Genesee county convention. The paper was a verifax copy of a resolution on the letterhead of the National Association for the Advancement of Colored People, Flint Branch, and it read:

Whereas the Executive Board of the Flint Branch of the N.A.A.C.P. in special meeting assembled had been informed of a resolution now pending calling for the appointment of a committee to study allegations of racial discrimination in the hiring, upgrading and promotion of Negroes in the State Highway Department under Commissioner John Mackie, and

Whereas we are reliably informed Commissioner Mackie has refused to discuss this question with Negro Legislators, now therefore [sic] be it

⁵⁸ Detroit Courier, February 4, 1961.

resolved that the Democratic Party be urged not to nominate John Mackie as its candidate for Highway Commissioner in the Spring election.⁵⁹

Even if the best judgment of Staebler and his advisers showed that Mackie's renomination was almost a certainty, a Negro caucus within the Democratic convention would be a major news story. The Negro delegates had never caucused separately, and firsts make news. Moreover, such contests as were shaping up for nominations at the Democratic convention were for relatively obscure posts, so the convention would likely be a dull meeting from the point of view of reporters. A Negro caucus in a dull convention might produce anti-Mackie headlines even as he was being renominated.

The convention actions did not directly affect the agency's actions, yet they were joined to the degree that Mackie, by reason of his position as an official elected on a partisan ballot at a state-wide election, was both a political leader and a government administrator. Furthermore, advice affecting the political strategy would sometimes come from government sources. State Senator Basil W. Brown, Third District, Wayne County, a Negro and a Democrat, called Mackie on February 2, to express his worry that some anti-Mackie action might erupt at the state convention. He proposed that Mackie meet at the state convention with Negro legislators and that the group issue a mutually-satisfactory statement

⁵⁹ Mackie's copy of this resolution is in the files, executive division, MSHD.

of conciliation or agreement after the meeting broke up.⁶⁰ Brown followed up his suggestion by preparing a press release containing the points he thought would serve for such a meeting. He gave the proposed press release to Mackie on February 3 in Grand Rapids when they met in the lobby of the Pantlind Hotel for the pre-convention dinner and preliminary county and district caucusing.⁶¹

Brown's suggestion was rejected. Mackie's advisers felt strongly that such a meeting in the environment of a political convention would make Mackie appear to be admitting guilt, or to be capitulating. They envisioned a closed-door meeting, reporters waiting restlessly outside, noisy language inside, the door opening at last, Mackie and Townsend emerging with Negro legislators and a number of Negro delegates crowding behind, picture taking, a joint press release. Mackie decided not to take the chance.⁶² Brown's release carried too much of a note of retreat. It read:

PRESS RELEASE

"I have met with Negro Legislators and they have called to my attention complaints about practices in the Highway Department which if true, are contrary to the Democratic Party Policy and Platform." Stated John Mackie, Highway Commissioner at a Press Conference held in Grand Rapids, February 4, 1961 in the Pantlind Hotel.

"Racial bias will not be tolerated in the Highway Department," he continued, "and if any Department head or person in a supervisory capacity is using the Department to perpetuate such personal

⁶⁰ Interview with Mackie, March 12, 1962.

⁶¹ Ibid.

⁶² Ibid.

views in denying equal opportunity because of race, I want to be the first to know about it, and I guarantee that proper disciplinary measures will be taken against the guilty parties."

Commissioner Mackie further stated that he would immediately issue a directive to all Department heads and supervisory personnel setting forth the Department's position of no racial bias and he expects it to be strictly adhered to.

Mackie promised that he would make a thorough investigation of all complaints presented by legislators and would meet with them monthly to check on results. Such meetings will continue until the problem is completely resolved. They further agreed on a Four Point Program that will help prevent such complaints originating.

"Had the original request of legislators to meet with me not been fouled up in my office, I would have been happy to have met with them and settled this matter long ago."

Representative Roger Townsend, spokesman for the Legislators and also initiator of a Legislative Resolution to investigate Highway Department bias, commented that Commissioner Mackie's reputation for fair play will be equally as great as his reputation as a road builder through his vigorous action in this matter.⁶³

On February 4, Mackie was unanimously nominated on the first ballot.⁶⁴ No eruptions occurred on the convention floor, nor were any difficulties reported in the district caucuses preceding the nomination. Forces friendly to Mackie within the convention, led by Staebler and Mrs. Jeffrey, had been alerted to report any indication that Townsend's caucus move was getting underway.⁶⁵ No such reports were forthcoming.

⁶³ Press release drafted by Senator Brown, February 2, 1961, original in files of motorist services division, MSHD.

⁶⁴ Detroit Free Press, February 5, 1961, p. 1; Detroit News, February 5, 1961, p. 1; Grand Rapids Press, February 5, 1961, p. 1.

⁶⁵ Interview with Mackie, March 12, 1962.

With the renomination past, Mackie and his staff turned their attention to audiences which earlier had been generally agreed on as pertinent. Between February 6 and March 6, the agency concentrated on a variety of mailings and intra-agency memorandums. These included:

1. A letter from Mackie to twenty-nine officers of N.A.A.C.P. branches in twenty-three Michigan cities asking that they withhold judgment until the verdict was in. Mackie wrote:

It has been brought to my attention that a letter charging the Highway Department with discrimination in the hiring and promotion of Negroes has been circulated in Michigan.

In the event that you were one of the people who received this letter, I take this means to deny the charge completely. I recognize that the charge is a serious one and I therefore have asked the Fair Employment Practices Commission, the agency created by the Legislature for the purpose of investigating such complaints, to conduct a total inquiry into the Highway Department. We have directed that every record be made available and that any employee be made available. For your information, I am enclosing a copy of my letter to the chairman of the FEPC in which I asked that an investigation be undertaken.

The particular letter circulated in Michigan charges that Governor Williams failed to get me to attend a meeting. The fact is that at that time, I was out of Michigan on highway business and that a member of my staff with authority to speak for me did meet very promptly and did review each complaint that was made.

In any event, the FEPC investigation is going forward. Whatever its findings and recommendations may be, they will be promptly accepted and put into practice. It is my belief that state government should be the model employer--not only in eliminating discrimination, but also in standards of pay and performance. I certainly do not claim

that we in the Highway Department are perfect. If there are ways and means whereby our firm policy against discrimination can be made more affirmative, I will be glad to do so. This, however, is a far different matter than the accusations made publicly against me; charges which are not true in spirit or in fact.

I am sure you would want to hear both sides before you arrive at any conclusion. The issue here is not one of argument, but one of fact. In my opinion, the FEPC is capable of ascertaining the facts.⁶⁶

2. Mailing to all "concerns holding contracts or sub-contracts with the state highway department" a two page form asking information relating to hiring practices of the contractors and the racial composition of their work forces.⁶⁷

The care and caution with which the agency reviewed each move was demonstrated in this mailing. The two page form was drafted by FEPC staff persons and sent to Mackie to have it go out in highway department envelopes. The FEPC does not initiate investigations of private business concerns unless a specific complaint of discrimination has been filed. The highway department, however, as the contracting agent responsible for the performance of the contract could legally undertake to verify whether the non-discrimination clause was being

⁶⁶ Letter of John C. Mackie to twenty-nine officers of the N.A.A.C.P., February 8, 1961, original in files of motorist services division, MSHD.

⁶⁷ Mailing of Fair Employment Practices Commission to contractors, February 14, 1961, original in files of FEPC, Lansing.

enforced.⁶⁸ Furthermore, Mackie had offered the FEPC investigators any assistance they deemed necessary to their work. In this instance, however, Mackie asked the FEPC staff to come to his office to confer on the proposed questionnaire to contractors.

Frederick Routh, executive secretary of the FEPC, William C. Layton, and William B. Seabron of the FEPC staff, met with Mackie on February 14 in his office. At different points of the discussion, different staff people participated. Mackie said he had doubts about the form in several ways. For example, the form asked the contractor to submit a list of all his employees "by race," and Mackie questioned the wisdom or legality of a public official asking that question since the FEPC law prohibits records by race. Another question was: "Please describe your experience in the use of Negro employees." Mackie voiced the same objection. The preface to the questionnaire said it was "aimed at finding out the use of Negroes." Mackie again questioned whether this was suitable language.⁶⁹ The day before this conference, C. J. Carroll, Executive Secretary, Michigan Roadbuilders Association, Lansing, had asked his association's attorneys to review the form, which he had gotten from Howard E.

⁶⁸ Interview with James E. Andrews, Assistant Attorney General, February 7, 1962.

⁶⁹ Interview with Mackie, March 12, 1962.

Hill, Managing Director, MSMD. Hill was aware that industry cooperation was needed if the questionnaire was to be of any value. Carroll reported that his attorneys would advise contractors not to fill out the questionnaire, but to say merely that they kept no records according to race, and for them to submit racial lists would be illegal.⁷⁰ The FEPC representatives did not agree with Mackie's position and urged that the questionnaire be sent. Mackie's public relations officer suggested then that the prefatory language be changed so that it became a questionnaire clearly originating in the FEPC, and that the highway department then take the position that it was merely transmitting a questionnaire drafted in another agency. The FEPC representatives agreed and the questionnaire was processed.⁷¹

3. A speech section for use by Democratic candidates, party leaders, and state officials was prepared by Ed Winge, party publicist. This material reviewed the charge, Mackie's invitation to the FEPC, and it included reprints of the remarks made by Otis Smith at the Saginaw County convention. The theme of the speech insert was that Mackie had acted openly and fearlessly. He was a man whose actions were

⁷⁰Interview with Howard E. Hill, Managing Director, MSMD, March 15, 1962.

⁷¹Ibid.

evidence that he had nothing to hide. The speech section urged other candidates to emphasize the highway building record whenever such remarks were appropriate, and to use the discrimination material only when the question was raised from the floor, or before audiences which might be presumed to be interested, e.g. Negro church picnics. Reprints of news clippings that told the story of Mackie's FEPC action and the Mackie-Fuller exchange of letters were mailed by the Democratic Party to its leadership list, numbering about 1,500 persons, and including all chairmen of the county and district political organizations, members of the Democratic State Central Committee, Democratic legislators, state office holders, county officials, and members of operational committees dealing with registration, money raising, get-out-the-vote drives, and other party functions.⁷² The ten Democratic candidates for spring-election offices (Mackie made eleven) were canvassed frequently by the party secretariat during the weeks until the election for any evidence that the discrimination question was being raised along the campaign route. Eight of the candidates reported that the question came up, either from the floor, or in conversations after political rallies.

⁷²Speech section and newspaper clipping reprints issued by Democratic State Central Committee of Michigan, Lansing, February 19, 1961, in files at committee office.

The tone of the inquiry, however, was not accusatory for the most part. Mackie's experience was similar to the other candidates.⁷³

4. On February 21, an 8:00 A. M. breakfast was held in the Jack Tar Hotel, Lansing, for all Democratic legislators. Mackie sent individual invitations to the legislators, portraying the breakfast as an opportunity to talk over campaign questions. Forty-two of the seventy-seven Democratic legislators attended. Yates was among them, as were six other Negro legislators. Townsend, Diggs, or Holmes, Jr. did not attend. Mackie addressed his remarks entirely to highway issues, asked for the legislators' help in getting the vote out in their respective districts, and invited questions. The discrimination matter did not come up.⁷⁴ The breakfast was a success in its own right as a gathering of Democratic legislators to hear the major candidate on the spring-election ticket. The meeting had also the significant effect of opening the door to all Negroes in the legislature who might be so inclined to sit down with Mackie.

5. Unsolicited letters to the agency praising Mackie for fairness in employment opportunities were excerpted and distributed to the party's leadership list, and used as warranted in answering any general

⁷³Interview with Mackie, March 12, 1962.

⁷⁴Interview with Kaufman, March 15, 1962.

mail on the subject. All mail in this area was first turned over to the public relations division for handling on the grounds that its people had the skill in language to phrase replies accurately and adequately.⁷⁵

6. Any communication referring to the N.A.A.C.P. was given careful review for its reprint possibilities. As one example of many, a letter from James L. Holloway, president of the Cass County N.A.A.C.P., which contained the statement that in Holloway's opinion "the policy laid down by you in regards to discrimination was above reproach," was circulated to top party officials, candidates, and other state officials.⁷⁶ Any data of value in establishing that Negroes had fared better in the agency under Mackie than under his predecessor, Charles M. Ziegler, a Republican, were distributed to one or more of the audiences with which Mackie was dealing either in his role as a candidate or his role as the top manager in a government agency. On February 14, for example, Frederick E. Tripp, Deputy State Highway Commissioner, took the opportunity in reply to a letter from Gordon Traye, chairman, Sixteenth Congressional District Democratic organization, to enumerate certain figures.

⁷⁵ Ibid.

⁷⁶ Letter of James L. Holloway to John C. Mackie, February 24, 1961, in files of executive division, MSHD.

Traye's letter asked whether Negro employment in the highway department had increased under Mackie.

Tripp said:

It has not been our policy to designate a person's race, color, or creed, on any personnel forms, and therefore we do not know exactly how many negroes are employed.

However, in reply to the same question by the Fair Employment Practices Commission investigators, we attempted to find how many of our employees were negroes, and found that at the present time we have some 104 negroes occupying permanent positions in our Department. During the summer months we have employed as many as 300.

In 1957, prior to Commissioner Mackie's term of office, there were 18 negroes occupying permanent positions.⁷⁷

7. From information supplied by Mrs. Hillary Bissell of Grand Rapids, recording secretary of the Democratic State Central Committee in 1953-54, the agency learned that the N.A.A.C.P. branch in Grand Rapids had invited Diggs, one of the initiating legislators, to speak on February 19, at the True Light Baptist Church, Grand Rapids, on the discrimination charge. She then asked Friley Johnson, branch president, to balance the program with a speaker representing Mackie.⁷⁸ Johnson sent an invitation to Tripp, saying he was "deeply grateful to

⁷⁷ Letter of Gordon Traye to Frederick E. Tripp, February 9, 1961, and letter of Tripp to Traye, February 14, 1961, in files of executive division, Michigan State Highway Department.

⁷⁸ Letter of Mrs. Hillary Bissell to Frederick E. Tripp, February 10, 1961, in files of executive division, MSMD.

Mrs. Bissell for maybe preventing an enjustic [sic]."⁷⁹ Clarence Taylor, Jr., an administrative analyst working under Tripp, was assigned to attend. Taylor is a Negro. His subsequent report to Tripp was reproduced and distributed to MSHD top management, to the governor's office, to party leaders and to other spring-election candidates, and to the N.A.A.C.P. leaders in other cities. Diggs did not appear, and sent no explanation; Taylor asked to be heard anyway, and Johnson agreed.⁸⁰ Taylor's report read in part:

In my presentation of the subject, I stressed the fact that the mere use of the word "Discrimination" had high emotional overtones to we members of minority groups who had long suffered "second class citizenship", and that because of this fact it was doubly incumbent upon us to be as objective, factual and calm in arriving at any conclusions on any charge of discrimination levelled at any person lest we be found guilty of crying "wolf", to the detriment of our search for a better, fuller life as American citizens.

By way of statistics, I pointed out that at the request of the Commission, for a list of negro employees, by job classification in the Department, that the Department had contacted each of the ten District Offices for such information and that a study of the returned information revealed that as of July 1, 1957 when Commissioner Mackie took office, the Department had approximately 38 full and part-time negro employees, whereas today, three and one half years later, we have approximately

⁷⁹Letter of Friley Johnson to Tripp, February 13, 1961, in files of executive division, MSHD.

⁸⁰Clarence Taylor, Jr., memorandum to Tripp, February 20, 1961, in files of executive division, MSHD.

137 or an increase of approximately 250% for the period.

In conclusion, I cited the long, objective and successful fight of the N.A.A.C.P. on the national level for full citizenship for all minorities, and that the only request our Department could or would make was that the members of this and other Branches uphold that tradition of objectivity by withholding any judgements in the matter until the F.E.P.C. had concluded its investigation and filed its report. At this time, I also thanked the Branch for having granted the Department the opportunity to meet and discuss the subject with them.⁸¹

8. Within the agency, the public information section set aside all clippings and magazine articles relating in any manner to discrimination. These were routed to Mackie and his policy staff, and occasionally to the governor's office and to the other candidates, for whatever value they might have. Stories relating to discrimination problems were not included in the clippings routed for top management's information before January 17.⁸² Articles relating to positions enunciated by President Kennedy,⁸³ stories describing the federal government drive to recruit qualified Negroes for federal employment,⁸⁴ statistics on Negro population growth,⁸⁵ stories

⁸¹Ibid.

⁸²Interview with Mackie, March 12, 1962.

⁸³New York Times, March 7, 1961.

⁸⁴Detroit Free Press, March 14, 1961.

⁸⁵Anon. "More Negroes--in More Places," U.S. News & World Report, March 20, 1961.

alleging discrimination in a Michigan motel⁸⁶--all were assiduously collected and circulated for whatever value they might have in forming management judgments day by day.

The FEPC concluded its investigation in the week of March 12, and issued its report for Sunday newspaper release, March 19. Mackie concentrated every minute he could spare from necessary government assignments to his political campaign. He had asked the FEPC to conclude its investigation before the April 3 election, if this was at all possible.⁸⁷ This was a calculated risk. An adverse report from the FEPC might reduce Mackie's votes. A favorable report might enhance his chances for a smashing victory. Party leaders were confident in the final weeks that Mackie was far out in front of his Republican opponent. Yet each campaign move was studied carefully down to the last day.

If the FEPC report exonerated Mackie, the press reports that followed, might by inference, at least, put the initiating legislators into an unfavorable public light. Moreover, some Negro legislators and community leaders were still holding back on public support of Mackie. He and his staff decided to ask Negro legislators from Wayne County, since Mackie's last three weeks of campaigning were concentrated in the Wayne County area, to meet for lunch in Lansing on March 14, at Dines restaurant. The invitations were extended verbally

⁸⁶Detroit Free Press, February 25, 1961.

⁸⁷Interview with Mackie, March 12, 1962.

by Tripp and Kaufman.⁸⁸ Yates and Townsend were told that the meeting could be the basis for a news story to the Negro newspaper, indicating that the legislators and Mackie were interested in the same goal, equal opportunity for employment in state government, even if their approaches differed. Kaufman pointed out that Mackie was likely to be elected and that a mutually agreeable statement could be a bridge to future meetings after the election. Beyond the election, there was the continuing governmental relationship involving their role as legislators and Mackie's role as an administrator.⁸⁹

Representatives Edgar Currie and Maxine Young, Second District, Wayne County; James Bradley, Fifth District Wayne County; Hiram McNeeley, Twentieth District, Wayne County; and Holmes, Yates, and Townsend attended the luncheon. The discussion was friendly; and Mackie pledged to carry out the FEPC recommendations promptly, whatever they might be.⁹⁰

Mackie's public information section was assigned to draft a statement which Yates could issue to the Negro press in Wayne County in his name, and in the name of the other legislators. The statement required several drafts, which carried it into the next morning before it was completed.⁹¹ When issued by Yates, it read:

⁸⁸Interview with Kaufman, March 15, 1962.

⁸⁹Ibid.

⁹⁰Interview with Mackie, March 12, 1962.

⁹¹Interview with Farrell, March 12, 1962.

We met in a spirit of friendly cooperation to discuss problems arising from reports of alleged discrimination in the highway department.

We agreed that employment policies should be reviewed periodically to guarantee that no unfair practices develop.

To this end, we will hold future meetings.

Thus, by working together, we can do much to gain a mutual goal of making state employment the model of equality and non-discrimination.

Misunderstandings may have existed in the past, but we are on our way to resolving these misunderstandings.⁹²

Mackie and his staff did not have the same fear that a conciliatory move would be misinterpreted at this time, as dominated their thinking in the week before the state convention. The passage of time itself was the major factor in the new assessment. The discrimination charge had disappeared from the newspapers. Beyond issuing a statement announcing that the investigation was underway, the FEPC did not make any press releases until the results of the investigation were announced. Townsend had been asked by the FEPC at the beginning of the probe for the specific cases on which he based his demand for a legislative committee investigation. Townsend refused to give his evidence to the FEPC.⁹³ This fact was ascertained by the agency through conversation with Routh. The MSHD public information staff considered it a proper question to ask Routh, and did not hesitate to tell capitol reporters of Townsend's refusal to document his

⁹² Statement by Frederick Yates, March 15, 1961, in files of executive division, MSHD.

⁹³ Michigan, Fair Employment Practices Commission, An Investigation of the Personnel Policies and Practices of the Michigan State Highway Department, Special Report of the Commission (Detroit: The Commission, 1961), p. 1. Hereinafter cited as FEPC Report.

accusation. Capitol reporters had themselves been rebuffed by Townsend.⁹⁴ More important news assignments soon diverted reporters and Townsend ceased to be news. A conciliatory statement, therefore, did not have the same news interest to the daily press that might have been the case during the political convention.

The Yates statement missed the copy deadline for the March 18 editions of the Detroit Courier and the Michigan Chronicle. It appeared the following week, March 25, in the Detroit Courier, a tabloid, covering almost the entire front page with a headline:

Mackie, Solons
Reach Accord on
Bias Charge

As a matter of style, the Detroit Courier repeats its front page headline over the pertinent story on page two. The first three paragraphs, after which appeared the text of the Yates statement as drafted by the MSHD public information section, read:

State Highway Commissioner John C. Mackie assured seven Negro State Legislators Friday he would comply with any recommendations made by the forthcoming Fair Employment Practices Commission on employment practices in his department.

Meeting with Wayne County Representatives James Bradley, Hiram McNeeley, Edgar Currie, David Holmes, Mrs. Maxine Young, Fred Yates and Roger Townsend of Flint, Mackie repeated his intent to enact forthwith whatever recommendations the FEPC makes. The FEPC report is expected within a week.

At the same time the representatives were assured of continuing opportunities to discuss any other employment policy not covered by the FEPC report.

⁹⁴ Interview with Farrell, March 12, 1962.

The same edition of the Detroit Courier carried the story of the FEPC report. The headline on page four read:

Highway Heads Cleared
Of Discrimination Charges

Any Negro legislator or community leader, heretofore reluctant to campaign for Mackie, could now do so. The public bridge had been built. The Michigan Chronicle did not run the statement that came out of the meeting with Negro legislators, but held its coverage to the FEPC report itself.

On Wednesday, March 15, the FEPC informed Mackie that its report was nearly completed and that he and two assistants, his public relations counsel and his director for administration, could review the report in Detroit on March 17, prior to its issuance to the press.

The preview meeting was held for the assistants in the FEPC office, Cadillac Square Building, Detroit, at 4:00 P. M., and later in the Sheraton-Cadillac Hotel with Mackie at 10:00 P. M., the earliest Mackie could break away from a meeting in Oakland County. Routh spoke for the FEPC staff at the meetings. Fuller, the FEPC chairman, joined the group at the hotel meeting. Routh emphasized that the report would not be changed, unless some grievous error was discovered in it; but that he felt that the agency should have the opportunity to see what was in the report to prepare whatever follow-up might be deemed desirable or necessary.⁹⁵

The agency representatives suggested one change, a change which indicates a sensitiveness to journalistic values.

⁹⁵ Interview with Tripp, March 15, 1962.

In relation to contract compliance, the report stated:

All state contracts, by law, must contain a non-discrimination clause; while rigid contract compliance in other areas is the rule of the Highway Department, the evidence clearly indicates that the Highway Department has made no effort to enforce the non-discrimination clause in its thousands of contracts.⁹⁶

The MSHD reviewers insisted that this could produce a news lead on March 19 which might make it seem that there was widespread discrimination by contractors. There might, in fact, be no discrimination by contractors. Saying that something is not enforced implies that violations might be common.⁹⁷ A careless reporter might pick this out and write: "The FEPC reported today that anti-discrimination clauses are not enforced in thousands of highway department contracts."

In fact, the agency staff said, no charges of discrimination were on record against contractors.⁹⁸ Routh agreed to add another sentence to the language:

It should be noted, however, that no specific charges of violation of this clause by contractors or subcontractors have been brought to the Department's attention.⁹⁹

The agency protested one other conclusion:

Among factors tending to limit the use of Negro personnel by the State Highway Department are the following: referral by present Highway personnel,

⁹⁶Michigan Fair Employment Practices Commission, FEPC report, draft copy, in files of FEPC, Detroit.

⁹⁷Interview with Tripp, March 12, 1962.

⁹⁸Ibid.

⁹⁹Michigan Fair Employment Practices Commission, FEPC report.

most of whom are white; recruitment at district offices located in predominately white communities; professional recruitment at the University of Michigan, Michigan State University and Michigan Tech, but not at the other professional and technical institutions and colleges in the State.¹⁰⁰

This, the agency argued, seemed to criticize the department for something it could not remedy ("referral by highway personnel, most of whom are white; recruitment at district offices located in predominately white communities"). Tripp said this implied that being white automatically meant discrimination. Furthermore, it was factually untrue that the MSHD recruited only at the schools named.¹⁰¹ Routh replied that Wayne State University was the Michigan university attended by the greatest number of Negroes, and therefore the MSHD should recruit at Wayne. Tripp said the agency did.¹⁰² The FEPC staff insisted otherwise and the statement stood in the final report.¹⁰³

On the advice of his public information section, Mackie had suggested the Sunday release to Routh.¹⁰⁴ There are only eleven newspapers in Michigan which publish Sunday editions, but two of them are the largest circulation newspapers in the state, the Detroit Free Press and the Detroit News. Mackie's public information staff believed the impact

¹⁰⁰ Ibid.

¹⁰¹ Interview with John Overhouse, recruitment and training section, personnel division, MSHD, May 4, 1962.

¹⁰² Interview with Tripp, March 15, 1962.

¹⁰³ FEPC report.

¹⁰⁴ Interview with Farrell, March 12, 1962.

of the Sunday papers of March 19 in the area wherein most Negroes were concentrated, the Wayne County area, was worth the lessened news value of the story as a second day story for Monday editions around the state.¹⁰⁵

The Detroit News played the story on page 12-B under this headline:

FEPC Clears Highway Dept.
On Racial Discrimination Charge

The Flint Journal ran the story on page one. Its headline read:

State Road Department
Cleared of Discrimination

The State Journal of Lansing ran the story on page one under this headline:

FEPC Asks Stricter
Control of Hiring by
Highway Contractors

The Detroit Free Press ran an eight-column headline at the top of page one:

Probe Finds Bias in Highway Dept. Hiring

The story was carried on page 9-A under a headline that read:

Bare Bias
in State's
Road Dept.

Readers of the Detroit News and readers of the Detroit Free Press would find it hard to believe that they

¹⁰⁵Of the population of Michigan, 47.4 per cent lives in the Detroit metropolitan area. Of the Negro population, 73.9 per cent lives in Wayne County. U. S. Bureau of Census, U. S. Census of Population: 1960. General Population Characteristics, Michigan. (Washington: U. S. Government Printing Office, 1961).

were reading stories based on the same handout. The Detroit News lead said:

Charges that the State Highway Department wilfully practiced racial discrimination in its hiring and promotional policies were denied Saturday by the Fair Employment Practices Commission (FEPC).

The Detroit Free Press lead said:

There is some evidence of racial discrimination in the State Highway Department, but it is not a Department policy, the Michigan Fair Employment Practices Commission said Saturday.

The Flint Journal had used the United Press International story. Its lead read:

Detroit (UPI)--The Michigan Fair Employment Practices Commission said Saturday its investigation of the State Highway Department uncovered no instances of discrimination in employment or advancement.

The State Journal published an Associated Press dispatch out of Detroit. Its lead read:

Detroit, March 19 (AP)--The Michigan fair employment practices commission (FEPC) said Saturday the state highway department should spell out its policy of non-discrimination against Negroes and require all road builders to comply with non-discrimination clauses in their contracts.

The Grand Rapids Press, which had given the accusatory resolution an eight-column headline, ran the FEPC report on page twelve under a one-column head over the UPI story:

Road Unit
Cleared of
Bias Charge

The Detroit News and the Detroit Free Press stories were based upon a short version of the FEPC report which was distributed by Routh to wire services and newspapers in Detroit Saturday morning. The full report, also distributed,

ran sixty-six pages. The short version ran ten pages. It summarized the scope of the report, outlined the procedures used, listed ten conclusions, eight recommendations to the highway department, and a series of recommendations to other departments, including the civil service commission. The full report contained sample interviews and responses, accounts of district office problems, observations on the number of Negroes who sought employment in person at the highway department office in Lansing. The news stories showed clearly that reporters preferred the short version.

The ten conclusions in the short version were these:

1. There is no formal written policy of non-discrimination in employment in the Highway Department's Employee Handbook and Personnel Policies and Procedures Manual. There is, however, what amounts to a de facto policy of non-discrimination which is generally understood by top management and many supervisors.

2. The investigation failed to reveal any evidence of Negroes employed by the Highway Department prior to 1933, between 1933 and 1955 (the year of the passage of the FEP Act) there was only limited use of Negro personnel including a segregated all-Negro survey crew; since 1955 and particularly since 1957, there has been a gradual increase in the use of Negro personnel.

3. Most Negro employees believe that the Highway Commissioner and top level administrators do not discriminate and are opposed to discrimination in the department's operation. They also believe that such discrimination as does exist may be attributable to individuals on the lower supervisory levels.

4. Negro employees, almost without exception, believe there has been a marked improvement in non-discriminatory practices on the part of the Highway Department since 1957. However, many feel that there is still room for improvement.

5. There is evidence to support the view that there is a plateau beyond which Negroes have difficulty in advancing; it begins at the supervisory levels.

6. Negro new hires tend to enter the Highway employment stream in much the same way as whites. However, evidence indicates that where provisional and temporary appointments are involved, at some district offices there is a paucity of Negroes.

7. Community housing and public accommodations patterns based on race influence the utilization of Negro personnel. In some instances, Negroes exclude themselves from these areas, and in other instances are limited from these areas by Highway personnel. Discrimination in housing and public accommodations has a direct relationship to the possibilities of a program of merit employment.

8. All state contracts, by law, must contain a non-discrimination clause; while rigid contract compliance in other areas is the rule of the Highway Department, the evidence clearly indicates that the Highway Department has made no effort to enforce the non-discrimination clause in its thousands of contracts. It should be noted, however, that no specific charges of violations of this clause by contractors or sub-contractors have been brought to the department's attention.

9. The small number of Negro workers seen on highway projects does not accurately reflect the Highway Department's utilization of Negroes; it may be due to either of two causes:

A. In some areas of the state there are few, if any, Negroes available for recruitment.

B. Lack of enforcement by the Highway Department of the non-discrimination contract clause with contractors and sub-contractors.

10. Among factors tending to limit the use of Negro personnel by the Michigan State Highway Department are the following: referral by present highway personnel, most of whom are white; recruitment at district offices located in predominately white communities: professional recruitment at the University of Michigan, Michigan State University, and Michigan College of Mining and Technology, but not at the other professional and technical institutions and colleges in the state.

When he read the Detroit Free Press headline in Lansing on Sunday, March 19, Mackie's public relations counsel decided on his own to protest to the newspaper that the headline was misleading.¹⁰⁶ With an election only two weeks

¹⁰⁶ Interview with Mackie, March 12, 1962.

ahead, with the resolution of January 17 still in the committee on rules and resolutions of the House of Representatives, with the cautious work done earlier in the week to build a public bridge between Mackie and Wayne County Negro legislators, and with the possibility that thousands of people might see only the Detroit Free Press headline, and not read the story inside, or read the Detroit News story--it was felt that some counter-story had to be argued for. Ron Martin, the reporter who wrote the story, did not agree, when called, that the story was misleading; although he agreed that in the context of an election and a continuing governmental relationship between Mackie and Negro legislators, the headline might have an impact disproportionate to the report considered as a whole. Martin pointed out that he was not responsible for the headline. Mackie's aide then asked that a Monday story be run on the news peg that Mackie would send a directive to every highway department employee spelling out specifically the department's non-discrimination policy. Such a directive was one of the eight recommendations to the highway commissioner in the FEPC report. A Monday story would enable Martin to quote other sections of the FEPC report which exonerated Mackie from any blame. Martin agreed.¹⁰⁷ On March 20, a six-paragraph story appeared under a one-column head on page one of the Detroit Free Press. The headline and the story read:

¹⁰⁷ John Murray memorandum to files, March 20, 1961, in files of motorist services division, MSHD.

Mackie
To Enforce
Bias Ban

State Highway Commissioner John C. Mackie said Sunday he will spell out departmental non-discrimination policies to every employee in a directive Monday.

"I said the recommendations of the Fair Employment Practices Commission would be speedily carried out, and I meant it," Mackie said.

His statement came after the Michigan FEPC had issued a comprehensive report on Highway Department employment practices. In it the FEPC said there exists "a policy of nondiscrimination which is generally understood by top management and many supervisors." But it said the policy should be written.

The report said that there has been a "marked improvement" in department racial policies since Mackie became commissioner in 1957.

"The attitudes and actions of Commissioner Mackie and top-level management are not discriminatory," the report said.

Mackie said all FEPC recommendations would be carried out as soon as programs can be set up.

Although the position and play of Monday's story was considerably reduced over the Sunday story, the agency believed the effort toward a correction greatly worthwhile. The Monday, March 20 story, was included in reprints of the stories in the Detroit News, the Flint Journal, and The State Journal and mailed on March 21 to lists of the audiences with which the agency was concerned from the beginning. The agency made the reprints in its own shop.¹⁰⁸ The mailing was one way to assure that governmental, political, and Negro community leaders saw the second Detroit Free Press story.

On March 20, the MSHD top management gave first priority to the non-discrimination directive. This was done not only to justify the Detroit Free Press story but also as

¹⁰⁸Interview with Farrell, March 12, 1962.

the first step toward the long-range goal set forth in January: to turn the initial attack into an opportunity for leadership within state government agencies.

The directive was written, printed, and mailed to every employe at his home address. It read:

It is the policy of the Michigan State Highway Department that:

No person shall be discriminated against in seeking employment, in being employed or promoted, in any conditions of his employment, or any separations therefrom, because of race, color, religion, national origin, or ancestry.

No retaliation of any form, kind or degree shall be brought against any employee who under any circumstances brings charges of discrimination either to the management of the Michigan State Highway Department, or the Civil Service Commission, or to the Fair Employment Practices Commission.

This directive will formalize the Michigan State Highway Department's non-discrimination policy and thereby make this policy specific and clear to every employee. The employees of the Highway Department can be proud of the record of improvement in equality of employment opportunities since 1957.

I ask your continued effort to assure that equality of opportunity in all hirings and promotions is carried out without regard to race, religion, color, ancestry, or national origin.¹⁰⁹

On March 21, Ed Winge mailed a packet to the Democratic candidates in the spring election and to the party's leadership mailing list. The packet contained these items: (1) a statement to guide candidates and party leaders in their public comments about the FEPC results, (2) a copy of the short version of the FEPC report, (3) and reprints of

¹⁰⁹ John C. Mackie memorandum to employees, March 20, 1961, in files of executive division, MSHD.

the headlines and complete stories from Flint, Lansing, and Detroit newspapers.¹¹⁰

Winge's guide statement read in part:

I suggest the Democratic candidates present this whole activity as a Democratic plus.

Instead of trying to sweep anything under the carpet, Commissioner Mackie asked for a full and frank assessment of his departmental practices. He said he did not think the Highway Department was perfect and he would willingly make improvements wherever needed. His aim is to do all he can to make the State government the model employer, not only in working conditions, but in equality of opportunity.

The FEPC report makes it clear that Negro employees "believe there has been a marked improvement in non-discriminatory practices on the part of the Highway Department since 1957"--which is the year Commissioner Mackie took office.

The report points out that until 1957, there was only limited use of Negro personnel in the Highway Department and that almost all the improvement that has taken place has occurred since then.

The FEPC report went beyond the Highway Department and made a series of recommendations to the Civil Service Commission, to other state agencies, to Governor Swainson and to the Michigan Legislature. Essentially, these further recommendations ask that specific directives of non-discrimination policy be issued in all state government agencies, that the FEPC be given funds and staff to establish a contract compliance division to enforce the non-discrimination clause in all state contracts, and that the Governor call a state-wide conference of agency heads to set up procedures and reports in this general area.

The majority of newspapers absolved Commissioner Mackie of the charges originally leveled against him and against the Highway Department.¹¹¹

Mackie's staff prepared a separate memorandum for the N.A.A.C.P. leaders, telling them where they could get a copy of the full FEPC report, and enclosing copies of the news

¹¹⁰Interview with Winge, May 2, 1962.

¹¹¹Memorandum of Winge to spring-election candidates and others, March 21, 1961, in files of Democratic State Central Committee, Lansing.

stories and the intra-agency directive. Mackie considered the reprinted news stories to be a particularly effective mailing piece, because someone else, i.e. the headline writers, and reporters, were exonerating him, and saying for him in dramatic black type what might seem immodest if said directly by himself. Mackie also assumed that the N.A.A.C.P. branch officers outside of Detroit would not be likely to see newspapers from other cities, and hence his mailing would be fresh and attractive to them.¹¹²

On March 23, top management in the MSHD distributed to every division head in the highway department the full text of the short version of the FEPC report. Personnel officers were given the full version to study. The agency asked the FEPC to send copies of the report to all legislators, to the members of the Administrative Board and to the governor and his staff. Carbon copies of the letter so requesting were sent to the recipients to inform them that the MSHD was making sure that they got a copy of the report.¹¹³

The election on Monday, April 3, was a Mackie landslide. He carried Wayne County with 270,639 votes to 97,276 votes for his Republican opponent, Charles R. Bedwell. Overall, he received 760,329 votes to his opponent's 518,096.¹¹⁴

¹¹²Interview with Mackie, March 12, 1962.

¹¹³Letter of John C. Mackie to Frederick Routh, March 24, 1961, carbon copy in files of executive division, MSHD.

¹¹⁴Michigan, Secretary of State, Michigan Manual, 1957-1958, p. 568.

In his first election in April, 1957, Mackie had carried by 588,443 votes to 535,720 votes for his opponent, George M. Foster. In 1957, Mackie had received 266,341 votes in Wayne County to Foster's 131,630.¹¹⁵

State-wide, Mackie had gone from a 52,723 vote margin in 1957 to 242,233 in 1961; and in Wayne County, from 124,711 to 173,353. Mackie's Wayne County vote did not greatly increase, but the Republican vote fell far below 1957 there.

Neither Mackie's staff, nor party leaders, nor political reporters made any claim that the discrimination matter was an issue in the election of any proportions; indeed, the multi-party and multi-part effort was precisely to keep it from flaring into an issue. Foster was a well-known Republican and Mackie a political unknown in 1957. In 1961, Mackie was the well-known figure, and Bedwell was the unknown.

The election behind him, Mackie and his staff were now able to give full attention to carrying out the eight recommendations of the FEPC report. These were:

1. The Highway Commissioner should immediately promulgate a clear, definitive, written employment policy of non-discrimination; this should be communicated and interpreted to all supervisory personnel and distributed to all employees.

2. The Highway Commissioner should promulgate, communicate, and implement a written policy of no retaliation against employees who might bring charges of discrimination either to highway management, through complaints to the State Civil Service Commission or the Fair Employment Practices Commission.

3. The department should establish and maintain an on-going program of orientation and training for supervisors at all levels in the philosophy, operations and techniques of merit employment.

¹¹⁵Michigan, Secretary of State, Michigan Manual, 1957-1958, p. 568,

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4. The department should establish a section whose function will be the systematic and periodic review of personnel practices with special emphasis on the implementation of the policy on non-discrimination in employment.

5. The department should establish a firm procedure for periodic review and continuous implementation of the non-discrimination clause in all Highway Department contracts and require all contractors and sub-contractors to display the FEPC Poster in prominent places.

6. The department should review and reappraise the present promotional potential rating procedures to insure that they are being utilized consistent with Civil Service provisions.

7. The department should inaugurate immediately a program instructing district office managers and other suitable personnel to work with local leadership in communities where housing and public accommodations practices work a hardship on any employees.

8. The department should make a semi-annual review and survey of the implementation of its non-discriminatory employment program (contained in Recommendation No. 1) and report each of these to the Fair Employment Practices Commission for the next two years.

The first and second recommendation had been taken care of by the March 21 directive to employees. Of the remainder, the fourth was considered by Mackie and his staff as the controlling one. By designating a person within the agency to have primary responsibility for matters relating to equal opportunity in employment, and by making that person responsible only to the highway commissioner himself, the agency would be making it clear both internally and externally that the FEPC report was regarded as a serious matter deserving top management attention and follow through.

The section was established on July 12 by a directive from Mackie to all MSHD division heads. The three months intervening were devoted to working out which of a number of possible ways of structuring the section would most efficiently

implement the FEPC recommendations. This required periodic consultation with the FEPC staff and with civil service job analysts to set up a suitable job description and civil service grade level.¹¹⁶ When the procedural questions were resolved, Mackie's directive was issued. It read:

In line with the recommendation by the Michigan Fair Employment Practices Commission, March 18, 1961, a special section is being established within the Department. The function of this section will be the systematic and periodic review of personnel practices with special emphasis on implementation of the Highway Department's non-discrimination policy contained in my March 20, 1961 memorandum.

Effective immediately, I have designated Albert Kaufman of the Executive Division to head this section. Your complete cooperation in this area will go a long way in achieving the Highway Department's goal in the field of human relations.¹¹⁷

From then on, all matters relating to the employment of Negroes were referred to Kaufman before action was taken on them. Kaufman gave top priority to any complaints, no matter how they originated. The agency was determined to eliminate any possibility of future complaints by legislators that they were not getting a satisfactory hearing on Negro employment problems. A typical handling of a random complaint is indicated in a memorandum from Kaufman to Mackie dated June 14. It reads:

On June 8, 1961, Miss Dorothy McClernan, your secretary, received a telephone call from Frank Williams of 1762 West Grand Boulevard, Detroit, Michigan.

Essentially, Mr. Williams' message was to the effect that there was unrest among certain Negroes

¹¹⁶Interview with Kaufman, March 15, 1962.

¹¹⁷John C. Mackie memorandum to all division heads, July 12, 1961, in files of executive division, MSHD.

in Detroit because "Negroes were not employed on Highway projects."

Mr. Williams said that a group of Negroes had driven from Detroit to Grand Rapids recently and failed to observe one Negro on a Highway construction project.

Mr. Williams concluded with the report that he understood a delegation of Negroes was planning a "protest march" to Lansing to complain about discrimination.

On June 13, 1961, I called Mr. Williams and asked to discuss this matter with him. At 8:00 P. M., same date, I went to his home.

We discussed the allegations generally but Mr. Williams was unable to provide specifics. He could not recall names, places or dates involving those who made the Detroit to Grand Rapids trip or those spearheading the protest drive.

Mr. Williams said that he was not personally aware of discrimination by Commissioner Mackie or any contractor. Mr. Williams admitted during our conversation that chances of discrimination were possible through union hall hiring practices.

At 8:20 P. M., we were joined by a Mr. Henry Bulkley who identified himself as a member of the Democrats 15th District Executive Committee. Mr. Bulkley hastened to explain he was not present in any official party capacity but rather as a Negro interested in fair employment practices.

Mr. Bulkley said he was not personally aware of discrimination but like Williams, had heard of discrimination by contractors and the proposed protest drive.

I assured both gentlemen that as your chosen representative in the field of human relations, I was anxious to know of any complaints. I also assured them that I would be happy to meet with them or any others desirous of discussions on this subject.

I told them we were most anxious for facts.

We met until 9:30 P. M. No conclusions were reached. However, both gentlemen said that in view of our conference, they would relate the State Highway Department's offer of cooperation to all concerned.¹¹⁸

The MSHD's public information section continued its alertness in culling and distributing stories relating in any way to employment discrimination. The public information

¹¹⁸Al Kaufman memorandum to John C. Mackie, June 14, 1961, in files of executive division, MSHD.

staff further watched for opportunities for legitimate news stories featuring Negroes employed by the highway department. A news release dated July 28 is representative of several stories taking advantage of such opportunities. Ronald Holmes, a property tax specialist, was invited to speak to the annual convention of the Michigan Association of County Treasurers in Menominee, on August 8. His speech covered tax procedures followed by the MSHD when it acquired property for new highways. The five-paragraph press release handled the announcement routinely. The release was distributed through the capitol press room to daily newspapers and wire services. The story was mailed to the Detroit Courier and to the Michigan Chronicle. A picture of Holmes was distributed with the story. It said what the story did not say. Holmes was a Negro. The Negro weeklies carried the picture and the story. A Negro was representing the highway department at a major conference in an outstate city and speaking as a qualified expert in property taxes to a group of fellow experts.¹¹⁹

In August, the public information section suggested to the Detroit Courier that it assign a reporter to go onto job projects and into MSHD district offices to talk to the workers about discrimination.

The result was a three-part series in the issues of August 19, August 26, and September 2. The MSHD furnished

¹¹⁹ Press release, July 28, 1961, in files of motorist services division, MSHD.

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transportation for Webb and Kaufman accompanied him. No advance warning was given to any project engineer or district office manager. The agency wanted to be sure that Webb had no justification to say that his trip was not openly and honestly arranged. Webb's stories were a careful review of what he found in his interviews with MSHD officials, workers on the job, FEPC spokesmen, and Townsend and Yates. The leads of the three stories in sequence were:

The Michigan State Highway Department, accused of discrimination against Negroes by several State Legislators last fall, is making a determined effort to rectify the charges.¹²⁰

Although bias in the Michigan Highway Department is in the process of complete elimination, individuals in the department, as well as others familiar with the situation, blame Negroes themselves for not securing more positions.¹²¹

"Present trends in the Michigan State Highway Department as they affect Negroes," stated Rep. Fred Yates this week, "appear to be that the program is moving forward on a progressive scale."¹²²

These stories were clipped, reproduced and mailed to the lists which had been receiving material since January, except that the political lists were reduced substantially in size and the governmental lists increased by the addition of industry groups, for example, the Portland Cement Association.¹²³

¹²⁰Detroit Courier, August 19, 1961.

¹²¹Ibid., August 26, 1961.

¹²²Ibid., September 2, 1961.

¹²³Interview with Farrell, March 12, 1962.

In its recommendations to other agencies, the FEPC requested that "the Governor promulgate a Code of Fair Practices binding on the executive branch of the State Government and all State Agencies."¹²⁴ Governor Swainson on May 26, 1961, issued a formal code of fair practices as drafted by the FEPC staff, and this, in placard form, was made available to all agencies.¹²⁵ In addition, the FEPC has its own poster stating the fair employment law, the rights of an employee under that law, and the procedures by which he should assert those rights if he believes discrimination is being practiced by his employer. Kaufman set off on a journey to visit each MSMD district office (ten in number covering the state) to instruct district personnel in the FEPC recommendations and to distribute the FEPC and the Swainson posters.¹²⁶ Earlier, FEPC posters had been distributed to every highway contractor. Kaufman's report to Mackie indicated that the discrimination problem had many ramifications. There had been instances in which Negroes, going from Detroit to small communities outstate for highway construction jobs, had insufficient funds to carry them to the first payday, or had been unable to find sleeping accommodations of any kind in the vicinity of the job and sometimes both; Kaufman told Mackie:

¹²⁴Michigan, Fair Employment Practices Commission, FEPC Report.

¹²⁵Governor John B. Swainson directive to all state government agencies, May 26, 1961, in files of executive office, capitol, Lansing.

¹²⁶Al Kaufman memorandum to John C. Mackie, June 14, 1961, in files of executive division, MSMD.

Sometimes we [the highway department] have permitted employees to sleep in field offices, both as a money saving device and a source of housing where accommodations were limited or unavailable in the immediate job vicinity.

But even this humanitarian gesture has not met the problem. In one instance where our supervisors permitted a Negro to sleep in the field office, there were objections from white workers who, in an effort to save money, wanted similar accommodations. The practice was eliminated.¹²⁷

On September 8, Mackie made a formal report to the FEPC listing the specific action that had been taken in relation to each FEPC recommendation. This report was summarized in an MSHD news release on September 13. The release and the commendations that followed climaxed the eight months of agency activity arising out of the original January proposal that a special legislative committee be formed to investigate the highway department.¹²⁸ The release said:

LANSGING--State Highway Commissioner John C. Mackie today made public his Department's accomplishments in the area of equal opportunity in employment.

He listed eight major steps, highlighted by creation of a special section, to insure non-discrimination in employment and promotion in the 5,000-employee State agency.

In a letter to Fred B. Routh, Executive Director of the Michigan Fair Employment Practices Commission, Mackie said:

"It is my belief that the State Highway Department's progress in this field can be used as a model for other departments of State government, and it is with that possibility in mind that I submit this report to you."

Outlining the Department's action since the FEPC last spring cleared the agency of unsupported discrimination charges, Mackie disclosed that:

¹²⁷Ibid.

¹²⁸Letter of John C. Mackie to Alex Fuller, September 8, 1961, carbon copy in files of executive division, MSHD.

A formal directive has been issued to all Highway Department employees spelling out the non-discrimination employment policy.

A written policy of "no retaliation" has been issued to protect employees who might bring charges of discrimination.

A program has been instituted to orient and train supervisors at all levels in the philosophy, operations and techniques of merit employment.

Non-discrimination clauses, now part of all Highway Department contracts, are being discussed with representatives of Michigan's road-building industry.

Promotional potential rating procedures are being reviewed and reappraised to insure they are consistent with Civil Service provisions.

Recruiting practices have been reviewed to insure that all qualified persons, regardless of race or national origin, are urged to apply for State Highway Department employment.

District office managers have been instructed to work with local leadership in communities where housing and public accommodations present hardships to certain employees.

Anti-discrimination posters and Gov. John B. Swainson's Code of Fair Practices have been distributed to every Highway Department office in the state.

"In addition, Mr. Albert Kaufman, of the Highway Department, made a 1,500-mile trip through the State visiting district offices and discussing problems of discrimination generally," Commissioner Mackie told the FEPC.

"He reviewed with each senior district engineer and office manager the Department's anti-discrimination policy, emphasizing the equal treatment provision, regardless of race, color, creed or national origin.

"Problems of housing and eating for Negro employees and the Department's obligations in these were also discussed."

The MSHD public information officer telephoned the Michigan Chronicle to suggest that the Mackie report be presented by him personally to the newspaper and that a picture be taken of this presentation. The newspaper agreed and its September 16 issue carried a picture of Mackie and Wartman with a story based on the September 13 release. Kaufman,

having worked with the Detroit Courier reporter on that newspaper's August series, delivered the Mackie report personally there.¹²⁹

Five hundred copies of the Mackie report were mailed to governmental, political, and Negro community leaders both in Michigan and in other parts of the country. Included in this mailing were Michigan congressmen, selected officials of the Kennedy Administration, and members of the United States Commission on Civil Rights established by President Eisenhower. In Michigan, the report went to Negro Legislators and to chairmen of major legislative committees, Republicans in each case because of the Republican majority in the legislature; to heads of major state agencies, to N.A.A.C.P. branch officers, to leaders of industries involved in highway construction, to leaders of local community relations organizations. Leaders of major labor organizations, Urban League leaders and persons who during the course of the eight months had written the highway department in criticism or defense were included in the mailing.¹³⁰

Commendations to Mackie and the MSHD top management flowed back. In letters far more than routinely commendatory, state and national figures praised Mackie's effort. Included was one from Hobart Taylor for the President's Committee on Equal Employment Opportunity. Taylor praised Mackie's overall handling of the affair and said: "I think the action

¹²⁹Interview with Kaufman, March 15, 1962.

¹³⁰Ibid.

that you have taken will certainly serve as a model of other departments of our state government . . ."131

James Robinson, capitol reporter for the Detroit Free Press put the frosting on the cake of success in his signed column on page five of section B, the magazine section, on September 17, 1961. The column was headed:

Mackie the Star

And it contained such paragraphs as these:

LANSGING--Highway Commissioner John C. Mackie's action in the area of racial discrimination is an excellent example of why Michigan Democrats look upon him as their political star of the future.

Mackie, whose main job is building roads, got into the racial field early this year after Negro Rep. Roger Townsend (D., Flint) accused his department of practicing discrimination in hiring and promotions.

The highway commissioner was amazed and shocked that such a charge would be made.

His reaction, however, was typical of Mackie. There were no angry denials or shouts of political trickery. Mackie simply called for a full and open investigation of the department's record. If there was anything wrong, he wanted to know it.

It would have been easy to forget the FEPC report once the April election had returned Mackie to office with an overwhelming majority.

But that isn't Mackie's method. He followed through on the FEPC recommendations and even expanded them.

The result is the most complete indoctrination any State department ever received on the need for non-discrimination in employment. Supervisors and contractors are being trained and educated in the philosophy of merit employment.

Negro employees are now encouraged to bring their problems to Mackie's office and they are guaranteed there will be no retaliation from the supervisors.

As yet, Mackie has given no indication of further political ambition. But the road is clearly open to him--and it is a high-speed expressway.

¹³¹Letter of Hobart Taylor to John C. Mackie, September 22, 1961, in files of executive division, MSMD.

The agency had set out to prevent an accusatory resolution, which eventually died in committee, from flaring into a long series of charges and countercharges. It had sought to prevent unevaluated assertions making press headlines from a legislative forum. It had sought to defend its integrity as an agency in order to maintain employe morale. It had tried to maintain relationships advantageous to its future with support groups, other governmental officials, and legislators generally. It had set out to turn the attack into an advantage. And Mackie had the further personal aim, inseparable in the flow of events from the governmental activities, of preventing the accusation from deflecting the political campaign away from the highway construction record into the "pit's much mire"¹³² of a debate on whether he was or was not guilty of discrimination.

The agency and Mackie succeeded on all counts.

¹³²Robert Browning, The Poems of Robert Browning (New York: Thomas S. Crowell Co., 1901).

IV. EVALUATION

The events set in motion by the January 17 resolution brought into play judgments and procedures involving political science, public administration, journalism, and communication arts. The permeating judgment, which informed the controlling decisions, was based on an awareness of the interacting relationships of public relations, public opinion, public administration, and public policy. There is little in the way of formal studies which attempts to show in a microcosm of on-going events how this interweaving affects the actions of leadership in government and politics.

Paul H. Appleby calls this judgment "governmental sense" and he sees it as an essential qualification of top management in government.

The second quality needed by the top executive is "governmental sense," the ingrained disposition to put the public interest first. . . .

Related to governmental sense is . . . public relations or political sense. This involves, on the one hand, an appreciation for the necessity for government officials and governmental action to be exposed to the citizens and the public affected by them and, on the other hand, an ability to anticipate probable popular reaction and to make allowance for it. . . .

To organize for or to stimulate and support organized efforts for getting integrated action that will be acceptable to the public is the job of administration at its highest level.¹

¹Paul H. Appleby, Big Democracy (New York: Alfred A. Knopf, 1945), p. 43.

In the case record of this thesis, the administrator was both a governmental and political person. Mackie arrived at his position as chief executive of the highway department by the process of a partisan political election. What Appleby says of the governmental executive is reinforced by the observation of Marver H. Bernstein:

Unless the political executive . . . cultivates an ability to anticipate popular reaction . . . his effectiveness on the job may be sharply limited and his survival potential minimal.²

The instinct for survival, both in the agency as an institution and in the top management which heads it, is a strong force in government. The attack by the legislators on Mackie and the highway department brought forth that instinct for self-survival. It is true that the resolution did not call for the abolition of the MSHD nor for its merger with other departments; nor did the resolution seek to abolish the office of highway commissioner as an elective position, which the legislature could do because this position was created as an elective office by the legislature in 1909.³ It is not a constitutional office. Yet the resolution was an attack upon the integrity of the agency in its employment policy, and it was a political attack which conceivably could threaten the election not three months away.

The resolution was looked upon by top management as a move which might, unless turned aside, bring upon the .

²Marver H. Bernstein, The Job of the Federal Executive (Washington, D. C.: The Brookings Institution, 1958) p. 28.

³Michigan, Public Acts: Session of 1909, Act 183.

highway department an unfavorable reaction from the various publics to which the agency looked for approval and support. Here again was a public relations factor. Fritz Morstein Marx describes it this way:

Beyond its decisions in particular cases, the long-range task of an administrative agency is a public relations problem. The job is to transform a public policy, which originally is only a string of words in a statute book or in a directive, from a purely verbal expression into a pattern of public acceptance . . . the long-range justification of an administrative agency will depend in large measure upon its success in establishing a favorable reaction to its basic policies and its normal methods of operation.⁴

If this is so, and it appears to be, then a government agency has a right to defend itself if attacked; or at least a right to keep the public informed of facts which might be important in forming a correct and just public opinion. Some authorities see this as more than a right:

It is the duty as well as the right of a departmental head . . . to answer his critics and to justify himself to the people. Under a parliamentary system the parliament would be the main . . . forum in which he would meet his critics. . . . In the United States, he must rely mainly on the press.⁵

This reliance on the press, as Pimlott describes it, makes a journalistic judgment often the controlling judgment of how the agency is to proceed, and in what language is the procedure to be presented. The determinations of the

⁴Fritz Morstein Marx, Elements of Public Administration (New York: Prentice-Hall, 1946), p. 376.

⁵J. A. R. Pimlott, Public Relations and American Democracy (Princeton, N. J.: Princeton University Press, 1951), p. 94.

"do thing" which makes the news,⁶ and how shall it be released are considerations of great importance in government. If done without care and skill, the desired result may not only be frustrated, but also the agency and its chief executive may end up in a worsened public relations situation.

In this study the "do thing" was the agency's action to have itself investigated. The mechanism was a letter to the chairman of the Fair Employment Practices Commission. The release took place by sending a copy of the letter to the capitol press room. This sequence reflects the permeation of journalistic judgment into an act of public administration greatly imbued with public interest and potentially important to public policy. The release did not have to be made in this manner. Mackie, for example, could have called a press conference and subjected himself at the outset to a cross examination on highway department personnel practices. It was a public relations decision based on a knowledge of newspaper reporting that Mackie should not do this, because a press conference might divert the story into unpredictable channels and away from the single point the agency wanted to make: that it was asking for an investigation of itself by the agency set up in law specifically to handle charges of discrimination in employment. The agency put no barriers in

⁶"Paul Weber taught me that to get an idea across, don't say something. Do something. The press can quote your words or not, as they will. But if you do something, they have to report it." [*Italics his.*] G. Mennen Williams, A Governor's Notes (Ann Arbor: The University of Michigan, Institute of Public Administration, 1961), p. 49.

the way of any reporter who might have wanted to question Mackie or his staff. But neither did the agency go out of its way to invite cross-examination at the outset. It was not until the FEPC investigation was underway that Mackie deliberately made himself available for interview; and he chose the newspaper which would reach the audience he was most concerned with at that time, the Michigan Chronicle and its Detroit area Negro readership. This, too, was a journalistic judgment, intimately interrelated to the whole pattern of agency moves.

Without any formal review of the question, Mackie and his staff would have agreed that "the modern newspaper is the most important medium of communication for the distribution of news and opinions to large publics."⁷

The two top persons in public information work for the highway department both are former reporters, both well-trained in what makes news. Mackie respects this training and works closely with his press aides.

In December, 1960, at a meeting of the American Association of State Highway Officials in the Sheraton-Cadillac Hotel, Detroit, Mackie gave a challenging statement of the people's right to know. He said:

We are spending public money. We are making public policy. Our work therefore, should always be carried on with a full respect for the public's right to know what we are doing, and why we are doing it.

⁷William Albig, Modern Public Opinion (New York: McGraw-Hill Book Company, Inc., 1956), p. 369.

Open access to public information therefore is more than just a desirable goal in a democracy.

It is the right of the people in a democracy. The people's right to know how their public officials are discharging the responsibilities of public office is a basic right in our democratic way of government.⁸

But the people are not informed by chance, and as the complexity of government has increased, the number of specialists in journalism, public relations, or communications employed by government has also increased.

There are opinions about public relations which imply that it is a conspiracy to dupe the public and to keep the facts from it. But the facts about public relations are otherwise. One of the most significant facets of contemporary American society is the vitality and the articulateness of public opinion. There is a desire for an informed public opinion because the communications media, which are essential to public relations, have created this need. And conversely, it is significant that public relations techniques reach the public almost exclusively by means of these very media of communication. A free press and responsible public relations both contribute toward making public opinion the most powerful force in our democratic society. Public opinion and the media of communication interact on one another.⁹

Zechariah Chafee, Jr., makes somewhat the same point, and adds to it a description of the expanding role of government public relations officers. Both references are quotations from sources he does not identify.

The fact that, with the passage of years, the government itself has become an even greater participant in social and economic affairs has created

⁸MS copy of speech by John C. Mackie, December 7, 1961, Detroit, in files of executive division, MSMD.

⁹Charles S. Steinberg, The Mass Communicators: Public Relations, Public Opinion, and Mass Media (New York: Harper & Bros., 1958), p. 87.

a necessity for better intercommunication between it and the public in the interests of both.

And later, in the same volume, he writes:

The government publicity man . . . is no longer just a newspaperman or a publicity man who has happened to become a public servant. He is a new kind of public servant, somebody who combines his profession with a very special experience.¹⁰

Herbert Brucker treats this so-called "new kind of public servant" with mild contempt. He calls them "ministers of popular enlightenment" and says that "government . . . employs publicity men by the thousands."

The United States is the world's most fertile breeding ground of press agents, publicity men, vice presidents in charge of information, and counsellors on public relations, who have no other purpose than to alter our mental worlds in the interests of their clients.¹¹

Whether government agencies should be interested in making public opinion is an unsettled question; but that government agencies do in fact seek to create and maintain a favorable public opinion is self-evident. It is true that an agency can passively wait for the periodic call from newspaper reporters in order to carry out the right-to-know policy which Mackie enunciated at the AASHO meeting. In fact, however, there are not enough capitol reporters to cover every state government story from raw data to final release.

¹⁰Zechariah Chafee, Jr., Government and Mass Communications, Vol. II (Chicago: University of Chicago Press, 1947), pp. 723, 748.

¹¹Herbert Brucker, Freedom of Information (New York: Macmillan Co., 1949), p. 133.

In the MSHD, at contract lettings almost monthly, one public information officer spends full time for two consecutive days organizing into useful form for reporters the data on the bidding on highway contracts. A highway building announcement is frequently the banner story for the day. If the agency passively waited for its news to be dug out by reporters, rather than actively serviced the newspaper reporters with news announcements, it is unlikely that the public would be as well informed as it now is. The MSHD issued 1,036 news releases in 1961, and serviced several hundred magazine inquiries. The agency filed more than 10,000 clippings on straight highway news issued by the department itself and used in Michigan newspapers.¹²

Does servicing the press with factual information prepared in news form involve "engineering the public's consent" as Edward L. Bernays claims:

Any person or organization depends on public approval and is therefore faced with the problem of engineering the public's consent to a program or goal. We expect our elected government officials to try to engineer our consent through the network of communications open to them for the measures they propose. We reject government authoritarianism or regimentation, but we are willing to be persuaded by the written or the spoken word. The engineering of consent is the very essence of the democratic process, the freedom to persuade and suggest. The freedoms of speech, press, petition and assembly, the freedoms that make the engineerings of consent possible, are among the most cherished guarantees of the Constitution of the United States. . . . In certain cases, democratic leaders must play

¹²Interview with Farrell, March 12, 1962.

their part in leading the public through the engineering of consent to socially constructive goals and values.¹³

Bernay's embellishment of public relations into the sine qua non of democratic government is an interesting hyperbole, deserving perhaps a separate thesis to analyze. Bernay's comments are included in this evaluation because he does say something of value about the infusion of public relations into public administration in the formation of public policy. Performed with integrity and respect for the democratic process, the skills of public relations can help democracy by helping to keep the electorate accurately informed.

In the case record of this thesis, one of the motives for the actions initiated by the agency was a fear that the electorate would not be accurately informed through the mechanism of legislative investigation.

The methods employed by these committees (i.e. legislative committees) are not the same if the object is fact finding as they are if the purpose is punitive exposure. . . . In punitive investigations, the "investigation" is frequently not unlike that of a public prosecutor . . . the questions are thrown at the respondent . . . the camera bulbs flash, the newsmen rush to their wires, and another name is made.¹⁴

Rather than risk this, the agency introduced an expert witness into the case (the FEPC) to divert the legislators'

¹³ Edward L. Bernays, Public Relations (Norman: University of Oklahoma Press, 1952), pp. 159-60.

¹⁴ James C. Charlesworth, Government Administration (New York: Harper & Bros., 1951), pp. 74-5.

move without frontal counterattack. Norman J. Powell speaks highly of this technique:

Defense should be in as positive terms as possible and issued by an agency other than the one attacked--preferably an individual or group with prestige . . . where the accusation is an isolated instance of criticism in a generally favorable community sentiment and comment, it is desirable to accompany silence on the accusation with action related to the charge brought.¹⁵

Powell also comments that "opinions showed sharp changes when objective events took place, not when speeches were made,"¹⁶ a remark which supports the "do things" lesson former Governor Williams reports learning from Paul Weber, his press secretary for eleven years.

In the flow of on-going events, the agency depended on staff judgments based on governmental and political experience. When a legislator accuses an executive of improper conduct, there is no time to make a survey of public opinion before answering. The assessment of what to do and when to do it must be made quickly. The reaction, therefore, is not based on science or scholarship, on a full public opinion survey of popular response to different courses of conduct, or on a digest of scholarly opinion in the field. This is not to say that public opinion surveys and scholarly research are valueless. It is to say that the day-to-day actions and reactions of an agency under attack depends on experiential rather than scholarly judgments.

¹⁵Norman J. Powell, Anatomy of Public Opinion (New York: Prentice-Hall, 1951), p. 465.

¹⁶Ibid., p. 466.

The public opinion judgements that entered into this case were based on the newspaper play of the relevant stories; on conversations with public and political officials friendly to Mackie; and on conversations with reporters.

The press undoubtedly influences government not because the people read the newspapers, but because government officials read newspapers and try to assess the people's reaction to the news item; and the government officials then react according to this assessment. "The immediate determinants of opinion are the channels of communication and what comes through them--the ideas, reports, news, and representations that constitute our world of verbal symbols," says Harwood L. Childs.¹⁷

It was in judging what would go through those channels with maximum effectiveness that made public relations so intrinsic a part of the agency's actions in the events following on the January situation.

Herbert M. Baus exaggerates this role as does Bernays, but he says something of value in this comment:

Most of the things of which public relations are made are not new. What is new is the system of thinking and conduct being assembled under the term, public relations. Just as medicine, for example, is a combination of chemistry, human understanding, biology, psychiatry, and a variety of other knowledges into a system of healing, public relations is a combination of philosophy,

¹⁷Harwood L. Childs, An Introduction to Public Opinion (New York: John Wiley & Sons, 1940), p. 67.

Sociology, economics, language, psychology, journalism, communication . . .¹⁸

The mixing of political considerations into the governmental actions in the January to April events reflected more than the political and governmental identities simultaneously worn by Mackie. Whether the chief administrator is himself in politics formally, he and his agency must be aware of political realities. "In a democratic government," White says "political parties are an essential agency for the formulation and expression of public opinion . . . in the American system, parties have always been closely associated with administration."¹⁹

When a series of events are examined in the detail of this thesis, it is easy for a distortion of proportion to be left on the reader. The issue did not overwhelm the agency. The day-to-day work of the agency continued to receive full attention and the actions involving the discrimination charge were merged into the routine.

The threat to the agency was a threat from the outside in the sense that it came from legislators, but it was not completely outside in the sense that it came from others operating in the same general government in the same city. It was not an attack by an American Medical Association on a Department of Health, Education and Welfare. The organizational behavior of the agency was not detoured, distracted

¹⁸Herbert M. Baus, Public Relations at Work (New York: Harper & Bros., 1948), p. 2.

¹⁹White, p. 13.

or impaired. The institutional behavior of top management was altered in that it became extremely cautious about any personnel questions involving Negroes and about relationships with Negro legislators. For example, a greater emphasis was placed on making memoranda about any contacts with Negro legislators, on any subject, however trivial. Job applications and promotional registers involving Negroes were reviewed with great care. Any employment difficulty with a Negro was given top priority handling.

Purists might say that some of these reactions were a kind of reverse discrimination, but top management in this instance at least was not impressed with philosophical distinctions. Keeping the initial attack from growing in dimensions--governmental or political--was the continuous focus of attention.

The agency had a number of choices open to it in reaction to the accusation. It could capitulate to the charge, promise to reform, and ask the initiating legislators to set up a watch-dog committee to police the agency. Since Mackie and his policy staff felt that the accusation of discrimination was not justified, this possibility was not seriously considered. It was brought up only as a theoretical possibility. Even as a theoretical possibility, it was judged deficient because of its probably effect on secondary administrative personnel, who might justly feel, if the agency capitulated, that they were being deserted by the chief executive. Another countermove would have been to

attack the initiating legislators, accusing them of a political smear designed to aid the opposition party in the coming election. This was dismissed as being too disruptive of party harmony on the eve of a general election. Another course would have been to do nothing, let the legislative investigation take place, and see what developed over time. This was dismissed by Mackie and his staff because it presented the danger that disgruntled former employes and complainers of all kinds would have a forum to make unwarranted charges, and constant press attention.

Another choice was for the agency itself to act affirmatively.

It did so, and this narrative tells the result.

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