

# POLITICAL PROFILES



## The Eisenhower Years

**EDITOR:**

Eleanora W. Schoenebaum, Ph.D., Columbia University

**ASSOCIATE EDITOR:**

Michael L. Levine, Ph.D., Rutgers University



**Facts On File, Inc.**

119 West 57th Street, New York, N.Y. 10019

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**RANKIN, J(AMES) LEE**  
 b. July 8, 1907; Hartington, Neb.  
 Solicitor General, 1957-61.

J. Lee Rankin earned his LL.B. degree at the University of Nebraska in 1930 and started law practice in Lincoln, Neb., that same year. He developed an interest in Republican politics in the late-1930s. Rankin managed New York Gov. Thomas E. Dewey's 1948 presidential campaign in Nebraska and chaired Dwight D. Eisenhower's Nebraska election committee. Eisenhower appointed Rankin assistant attorney general in charge of legal counseling under Rankin's friend and fellow Nebraskan, Attorney General Herbert Brownell [ *q.v.*].

Rankin was chief adviser to Brownell in the formation of legal policy from 1953 to 1956. In December 1953 he testified as an *amicus curiae* before the Supreme Court in *Brown v. Board of Education*. Rankin supported the demands of black plaintiffs that public school segregation be declared unconstitutional on the grounds it violated the equal protection clause of the 14th Amendment. School segregation was outlawed the following year. Rankin also helped draft legal opinions on the questions of U.S. agricultural trade with the Soviet Union and on presidential succession. Eisenhower announced Rankin's appointment as Solicitor General in August 1956. Because of his role in the Administration's court fight for school desegregation and close identification with civil rights, it was thought Southern senators might block confirmation, but Rankin's nomination was approved in May 1957.

As Solicitor General, Rankin had charge of all government briefs and arguments in cases brought before the Supreme Court. It was he who decided which cases the government would appeal; only the Attorney General could overrule his decisions. During the 1956-57 Supreme Court term, Rankin argued for the government in cases arising from congressional investigations of alleged Communist activities. He argued unsuccessfully that the Court should sustain the conviction of United Automobile Work-

ers organizer John T. Watkins for contempt of Congress in refusing to divulge the names of persons linked with Communist activities. Later that year he argued, again unsuccessfully, to uphold the conviction of Julius Shields under the 1940 Smith Act.

During 1957 and 1958 Rankin became embroiled in the dispute over state vs. federal ownership of tidelands oil. In December 1957 President Eisenhower reaffirmed his support of the 1953 Submerged Lands Act, which gave states jurisdiction to the three-mile offshore limit, and said he hoped the Court would rule Texas's ownership of claims beyond that point. Rankin supported the opposing view, maintaining that the federal government was entitled to oil revenues from drilling beyond the three-mile limit. Two days after Eisenhower's statement, Attorney General William P. Rogers [ *q.v.* ] silenced Rankin and gave assurances that the final Justice Department brief would not conflict with the President's position.

Rankin pressed for immediate implementation of court-ordered integration of Little Rock, Ark., high schools in 1957 and 1958. In August 1957 he said delaying desegregation on the basis of segregationist community sentiment would breed disrespect for law and lead to violence. The Supreme Court upheld this view and ordered the immediate integration of Little Rock's Central High School. The following year Rankin joined NAACP attorney Thurgood Marshall [ *q.v.* ] in urging immediate integration of Little Rock's remaining high schools. The Court again upheld the Solicitor General. In March 1960 he challenged a 1957 Alabama law that had redrawn the boundaries of Tuskegee, Ala., to exclude black voters. The Supreme Court voided the Alabama law in 1961.

When the Democratic administration took over in 1961, Rankin entered private law practice in New York City. In 1963 and 1964 he served as general counsel to the President's Commission to Investigate the Assassination of President Kennedy. Rankin served as New York City corporation counsel from 1966 to 1972 and then returned to private law practice. [See JOHNSON Volume] [MJS]

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