1945-1964



# Chronology Of Legislation On Civil Rights

**Note:** In addition to the bills listed below, other proposals considered by Congress between 1945 and 1964 had an important bearing on civil rights. Foremost among these were aid-to-education bills, where anti-segregation amendments played a key role in the legislative process. These amendments are considered in detail in the section on Education. Bills to curb the power of the Supreme Court, generated principally by the Court's civil rights decisions, are discussed in the section on the Judicial Branch. Finally, recurrent battles over Senate and House rules -- notably the Senate cloture rule and the 21-day rule in the House -- were spearheaded by proponents of civil rights legislation.

## 1945

**Poll Tax.** The House Judiciary Committee pigeonholed a bill (HR 7) outlawing the payment of a poll tax as a prerequisite for voting in a federal election. A resolution making the measure a special order of business was blocked by the House Rules Committee. Through use of discharge procedures, the bill finally was brought to the House floor and was passed June 12 on a 251-105 roll-call vote (D 118-86; R 131-19; Ind. 2-0). The Senate Judiciary Committee reported HR 7 Oct. 5, and the Senate considered the bill in 1946 (see below).

**FEPC.** A bill (HR 2232) to establish a permanent Fair Employment Practice Commission, to replace the committee set up by executive order in 1941, was reported by the House Labor Committee Feb. 20, but the measure was blocked by the Rules Committee, despite an appeal from President Truman. The legislation also had been endorsed by the 1944 Republican platform. A companion bill (S 101) was reported by the Senate Education and Labor Committee May 24.

Meanwhile, battles raged in both chambers over providing funds for the President's Fair Employment Practice Committee. In considering the fiscal 1946 National War Agencies appropriation bill, the House did not include funds for this Committee. However, the Senate -- after a four-day filibuster -- added a $250,000 appropriation (less than half of the budget request) to the bill by a 42-26 roll call June 30. As finally enacted, the bill carried $250,000 for FEPC, with a mandate to liquidate by June 30, 1946, unless FEPC legislation was enacted. (The authorizing legislation never was enacted, and the Committee died.)

## 1946

**Poll Tax.** Senate action on HR 7 was blocked when a motion to invoke cloture, or limit debate, failed of the necessary two-thirds majority July 31. The vote on the cloture motion was 39-33 (D 23-26; R 15-7; Ind 1-0). Earlier Sen. Wayne Morse (R Ore.) had tried to attach the bill as a rider to the tidelands bill, but his amendment was tabled.

**FEPC.** Following an 18-day filibuster on a bill (S 101) to establish a permanent FEPC with broad investigatory powers and recourse to the courts for enforcement, the Senate Feb. 9 rejected a cloture motion on a 48-36 roll call (D 22-28; R 25-8; Ind 1-0). A two-thirds majority was required to limit debate. The measure was displaced by other legislation and not brought up again in the 79th Congress.

Meanwhile the House FEPC bill (HR 2232) remained pigeonholed in the Rules Committee. Beginning in May 1946, its supporters attempted to bring it to the floor under Calendar Wednesday procedures, but after 10 votes on parliamentary moves designed to delay consideration, the fight was given up.

**Equal Rights.** The Senate July 19 by a 38-35 roll call (D 15-24; R 23-10; Ind 0-1) failed to provide the necessary two-thirds majority to pass a resolution (S J Res 61) proposing a constitutional amendment to ban any law denying or abridging equality of rights because of sex.

**School Lunch.** During House debate on a bill (HR 3370) providing permanent authorization for the school lunch program, an amendment was adopted, on a 259-109 roll call Feb. 21, barring funds to states or schools practicing discrimination. The aim of the amendment was lost when conferees rewrote it to bar funds to any state maintaining separate school systems for minority races if it did not make a just and equitable distribution of school lunch grants -- in effect, a restatement of the existing "separate but equal" doctrine.

**Executive Action.** President Truman Dec. 5 appointed a 15-member Committee on Civil Rights to "determine whether and in what respects current law-enforcement measures and the authority and means possessed by federal, state and local governments may be strengthened and improved to safeguard the civil rights of the people."

## 1947

**Poll Tax.** The House July 21 suspended its rules and passed an anti-poll tax bill (HR 29) on a 290-112 roll call (D 73-98; R 216-14; Ind 1-0), after a debate punctuated by parliamentary maneuvers on the part of Southern Representatives to hold off a vote on the measure. The bill was not reported in the Senate until 1948.

**FEPC.** A Senate Labor and Public Welfare subcommittee reported an FEPC bill (S 984) to the full Committee without recommendation, but the full Committee did not act on the measure until 1948.

**Civil Rights Report.** On Oct. 29, five days after the National Assn. for the Advancement of Colored People had appealed to the United Nations for "elemental justice" against the treatment it said had been visited on Negroes in the U.S., President Truman's Committee on Civil Rights released a report, entitled "To Secure These Rights," calling for "greater leadership" by the Federal Government in the civil rights field. Major recommendations included: strengthening the civil rights section of the Justice Department; a federal anti-lynching act; abolition of the poll tax; a ban on discrimination in the armed forces; and general elimination of segregation and discrimination in schools, housing, health services,

transportation and employment (through establishment of a permanent FEPC). The committee said federal grants should be conditioned on non-segregation and non-discrimination.

Other committee recommendations included: local self-government and suffrage for the District of Columbia; naturalization laws to permit citizenship without regard to race or national origin; and a requirement that all groups attempting to influence public opinion regularly make public statement of purposes, officers, sources of income and disbursements. The committee also proposed a federal law on loyalty obligations of federal employees, with standards and procedures that would protect their civil rights.

**1948 Truman Message.** President Truman Feb. 2 sent to Congress a special message based on the recommendations of his Committee on Civil Rights. In this first Presidential request for a comprehensive program of civil rights legislation, Truman asked Congress to:

Establish a permanent Commission on Civil Rights, a Joint Congressional Committee on Civil Rights and a Civil Rights Division in the Justice Department.

Strengthen existing civil rights statutes.

Provide federal protection against lynching.

Protect more adequately the right to vote.

Set up a permanent Fair Employment Practices Commission.

Prohibit discrimination in interstate transportation facilities.

The message also requested D.C. home rule and suffrage, Alaska-Hawaii statehood, equalization of opportunities for residents of the U.S. to become naturalized citizens and settlement of claims on Japanese-Americans evacuated from the West Coast during World War II.

The message had explosive political repercussions. In the House a group of 74 Democrats was organized to "cooperate" with Governors of Southern states against the Truman program. The issue led to the Dixiecrat revolt at the Democratic convention in July when a strong civil rights plank was included in the platform (see below). Nonetheless, Truman again requested action in his message to the extra session of Congress July 27.

**Poll Tax.** HR 29, passed by the House in 1947, was reported by the Senate Rules and Administration Committee April 28, but the issue did not come to the Senate floor until July 29, during the special session. A cloture petition was filed on a motion to consider the bill, but Sen. Vandenberg (R Mich.), the Senate's president pro tempore, ruled that cloture was not applicable to a motion to consider a bill. An appeal from this ruling never reached a vote. Debate hinged on the complicated parliamentary situation and on the constitutionality of outlawing the poll tax by statute, rather than by constitutional amendment. The bill was dropped Aug. 4, when the Senate on a 69-16 roll call voted to adjourn, thus ending the legislative day. This had the effect of terminating consideration of anti-poll tax legislation.

**FEPC.** S 984 (see 1947 action, above) was reported in the Senate Feb. 5, but Republican leaders never brought the bill to the floor. There was no House action.

**Anti-Lynching.** The House and Senate Judiciary Committees reported bills (HR 5673, S 2860) to impose heavy penalties on lynching, but the measures never came to a vote in either chamber.

**Federal Grant Restrictions.** President Truman's message had not included his Civil Rights Committee's

## *Parliamentary Terms*

Following are explanations of some parliamentary procedures that often figure in Congressional consideration of civil rights legislation:

**Discharge Petition.** In the House, if a committee does not report a bill within 30 days after the bill was referred to it, any Member may file a discharge motion. This motion, treated as a petition, needs the signatures of a majority of House Members. After the required signatures have been obtained, there is a delay of seven days. Then, on the second and fourth Monday of each month, except during the last six days of a session, any Member who has signed the petition may be recognized to move that the committee be discharged. If the motion is carried, consideration of the bill becomes a matter of high privilege.

If a resolution to consider a bill (rule) is held up in the Rules Committee for more than seven legislative days, any Member may enter a motion to discharge the Committee. The motion is handled like any other discharge petition in the House.

**Calendar Wednesday.** In the House on Wednesdays, committees may be called in the order in which they appear in Rule 10 of the House Manual, for the purpose of bringing up any of their bills from the House or Union Calendars, except bills which are privileged. Calendar Wednesday is not observed during the last two weeks of a session and may be dispensed with at other times by a two-thirds vote. It usually is dispensed with, but sometimes is used to bring to the floor legislation blocked by the Rules Committee.

**21-day Rule.** The 21-day rule, which was adopted by the House at the beginning of the 81st Congress in 1949, was designed to curb the power of the House Rules Committee to block floor consideration of measures that had been reported by legislative committees. It stipulated that any bill that had been pending in the Rules Committee for 21 calendar days could be called up on the floor by the chairman of the legislative committee that had reported it. The rule was rescinded in 1951 but reinstated in 1965, the new form giving only the Speaker authority to invoke the rule.

**Cloture.** This is the process by which debate can be limited in the Senate, other than by unanimous consent. The first Senate cloture rule (Rule 22), in effect from 1917 to 1949, required the vote of two-thirds of the Senators present and voting to cut off debate. In 1949 the imposition of cloture was made more difficult by raising the necessary number of votes to two-thirds of the entire Senate membership (64 of the 96 Senators). This rule remained in effect for 10 years. Cloture was invoked only four times under the 1917 rule and never under the 1949 rule. But in 1959, the rule was amended to its pre-1949 form by permitting two-thirds of Senators present and voting to invoke cloture. Cloture was then invoked in 1962 (on the communications satellite bill) and in 1964 (on that year's Civil Rights Act).

recommendation that federal grants be denied states and institutions practicing discrimination. However, in February 1948 the House subcommittee handling appropriations for vocational education and public health recommended refusal of funds to states and educational institutions that practiced discrimination. The full Appropriations Committee rejected the anti-discrimination proviso, and an effort to reinsert it on the House floor failed March 8, on a 40-119 standing vote.

**Military Segregation.** During consideration of the Selective Service Act of 1948, battles over segregation raged in both chambers. The Senate June 9 by voice vote rejected an amendment to permit draftees or enlistees a choice of serving in racially segregated units, after earlier tabling, on a 67-7 roll call June 7, another amendment barring segregation in the armed forces. Similar amendments were offered and rejected in the House. Both chambers adopted amendments barring payment of a poll tax by military personnel -- the Senate on a 37-35 roll call June 7 and the House on a 106-35 standing vote June 17 -- and this provision appeared in the bill finally enacted. The Senate June 7 tabled, 61-7, an amendment making lynching of servicemen a federal offense.

Congress' failure to include an anti-segregation proviso in the draft bill led some civil rights organizations to threaten a civil disobedience program against discrimination and segregation in the armed services, but the program was abandoned after President Truman July 26 issued an executive order (No. 9981) calling for a progressive breakdown of segregation barriers in the military services, to be completed by June 30, 1954.

**Southern Educational Compact.** A House-approved measure (H J Res 334) giving the consent of Congress to a regional educational compact entered into by the Governors of 14 Southern states was pigeonholed by the Senate May 13. Under the compact, which was approved by the Southern Governors' Conference Feb. 8, the states concerned agreed to pool their resources to establish and maintain regional educational institutions in "professional, technological, scientific, literary and other fields." A beginning was to be made by taking over Meharry Medical College for Negroes in Nashville, Tenn., and making it a regional center for medical, dental and nursing education.

While the compact did not mention race, it was attacked as an evasion of Supreme Court decisions requiring states to give equal educational opportunities. It also was denounced as an attempt to obtain Congressional approval of segregated schools. Proponents said the compact represented the best efforts of Southern states to comply with Court decisions by making it possible to provide better facilities than the states could afford separately.

H J Res 334 was reported by the House Judiciary Committee in March and passed by the House May 4, on a 236-45 roll-call vote. A companion bill (S J Res 191) was reported by the Senate Judiciary Committee April 13. But when the measure reached the Senate floor, fear that the whole civil rights issue would come up, combined with the belief that the compact could be carried out legally without Congressional approval, provided sufficient votes, 38-37, to recommit the bill to the Senate Judiciary Committee May 13, thus killing action.

The compact was put into effect without the consent of Congress but the first open attempt to use it in support of segregation was thwarted by the courts in 1950.

**Federal Employees Order.** President Truman July 26 issued an executive order (No. 9980) barring discrimination in the hiring or treatment of federal employees. The order created a Fair Employment Board in the Civil Service Commission to review complaints.

### PARTY PLATFORMS

**Democrats.** As presented to the national convention by its resolutions committee, the 1948 Democratic platform carried a mild civil rights plank designed to conciliate the South. However, a revolt by Northern and Western delegates led to the adoption, by a vote of 651½ to 582½, of a floor amendment that commended President Truman for his "courageous stand on the issue of civil rights" and called on Congress to support the President in guaranteeing these rights: "full and equal political participation"; equal employment opportunity; security of person; and "equal treatment in the service and defense" of the nation. This action led to a Southern bolt from the convention and formation of the States' Rights party, which won the electoral vote of four Southern states in the November election.

**Republicans.** The 1948 Republican platform called for anti-lynching legislation; federal laws to maintain the "right of equal opportunity to work and advance in life"; and abolition of the poll tax as a requisite to voting. The GOP also went on record in opposition to "the idea of racial segregation in the armed services of the United States."

Both parties supported a constitutional amendment providing equal rights for women.

**1949** Despite President Truman's surprise victory in the 1948 election and the return of Congressional control to his own party, his civil rights program made little headway in Congress in 1949. Senate Majority Leader Lucas (D Ill.) announced in May that the Administration would not seek a vote on any civil rights or social welfare legislation during the session. Actions taken:

**Poll Tax.** The House Administration Committee June 24 reported an anti-poll tax bill (HR 3199) barring payment of a poll tax in both primary and general elections for national offices. After a considerable floor fight centering on the issue of simple legislation vs. constitutional amendment, the House July 26 passed the bill on a 273-116 roll call (D 151-92; R 121-24; Ind 1-0). HR 3199 was the first measure to reach the House floor under the 21-day rule adopted at the beginning of the 1949 session.

Passage of HR 3199 marked the fifth time in seven years that the House had approved anti-poll tax legislation, each time by a better than two-to-one margin. The House passed anti-poll tax bills in 1942, 1943, 1945 and 1947, but the measures never came to a Senate vote.

In the Senate, a Judiciary subcommittee May 23 approved an anti-poll tax proposal in the form of a proposed constitutional amendment (S J Res 34), but the full Committee did not approve it.

**FEPC.** The House Education and Labor Committee reported a compulsory FEPC bill (HR 4453) Aug. 2, and the Senate Labor and Public Welfare Committee Oct. 17

reported a similar bill (S 1728) without recommendation. There was no floor action on either bill in 1949.

**Anti-Lynching.** An anti-lynching bill (S 91) was reported by the Senate Judiciary Committee June 6, but the measure did not reach the floor. A House subcommittee held hearings on anti-lynching legislation, but no bill was reported.

**Housing.** During consideration of the Housing Act of 1949, both Senate and House rejected amendments to ban segregation and discrimination in public housing projects. The Senate rejected one such amendment on a 31-49 roll call April 21, and the House rejected a similar amendment on a 130-168 teller vote June 29.

**Military Housing.** An effort in the House to recommit the Military Housing Act of 1949 to conference because it did not contain a non-segregation clause was rejected on a 52-289 roll call July 27.

**Taft-Hartley.** During consideration of an unsuccessful Taft-Hartley repeal bill, the House April 29 rejected by voice vote an amendment making it an unfair labor practice for a union or employer to discriminate because of race, creed or color.

**Coast Guard Women's Reserve.** A bill to establish a women's reserve in the Coast Guard was recommitted after the House April 4 adopted an amendment, on a 193-153 roll call (D 98-109; R 94-44; Ind 1-0), barring segregation or discrimination because of race, creed or color.

**District of Columbia.** During consideration of D.C. home rule legislation, the Senate May 31 rejected on a 27-49 roll call amendments that would have required a majority referendum for adoption of anti-segregation ordinances in the District.

The House rejected an amendment to the D.C. appropriation bill that would have withheld funds from institutions practicing segregation.

## 1950

**FEPC.** FEPC legislation finally reached the House floor in 1950, despite the continued refusal of the Rules Committee to clear the measure. House FEPC leaders originally intended to bring the bill (HR 4453) to the floor under the 21-day rule, adopted in 1949 as a means of bypassing the Rules Committee. This led to an unsuccessful attempt by opponents of FEPC to repeal the rule. Failure of the rule change effort was a great victory for FEPC supporters, but their triumph was short-lived. Thwarted by House Speaker Sam Rayburn (D Texas), who said the "atmosphere" of the House was not right for consideration of FEPC, as well as by Southern delaying tactics, they were unable to bring up the bill under the 21-day rule, and in the end they resorted to Calendar Wednesday procedures to get the measure to the floor.

As reported by the House Education and Labor Committee, HR 4453 provided for a compulsory FEPC with broad powers and recourse to the courts for enforcement. However, when the measure reached the floor, Rep. Samuel K. McConnell Jr. (R Pa.) offered a substitute amendment providing for a voluntary FEPC without any enforcement powers. Southern Democrats were joined by 104 Republicans in pushing through the substitute, which was adopted on a 222-178 roll call (D 118-128; R 104-49; Ind 0-1). Thus watered down, the bill was passed Feb. 23, on a 240-177 roll call (D 116-134; R 124-42; Ind 0-1).

In the Senate, Administration forces failed to force a vote on S 1728, providing for a compulsory FEPC, when moves to invoke cloture on a motion to consider the bill were twice defeated -- May 19 on a 52-32 roll call (D 19-26; R 33-6) and July 12 on a 55-33 roll call (D 22-27; R 33-6). Shortly after the first cloture vote, President Truman May 25 rejected any suggestion of a voluntary FEPC, for which there was some hope of Senate acceptance, and turned down new compromise moves. Senate Republicans, led by Minority Leader Wherry (R Neb.), made sport of the Democratic failure on the cloture votes, as well as on the civil rights split within the Democratic party. Majority Leader Lucas (D Ill.) blamed failure of the move to consider FEPC on the GOP-sponsored cloture rule adopted in 1949. (Under the 1949 rule, 64 "yeas" were required to invoke cloture, but even under the old rule, requiring two-thirds of those present and voting, cloture would have failed on FEPC.)

**Equal Rights.** The Senate Jan. 25 passed S J Res 25, a proposed constitutional amendment to guarantee equal rights for women, by a 63-19 roll-call vote -- eight votes more than the two-thirds majority required for approval. Previously the Senate had amended S J Res 25 to safeguard benefits or exemptions conferred on women by state or federal law. The amendment was agreed to on a 51-31 roll call. There was no House action.

**Housing.** During consideration of the Housing Act of 1950, the House rejected an amendment banning discrimination by reason of race, creed, color or national origin in insured housing units. The amendment was rejected by a 101-134 standing vote and a 111-139 teller vote.

**Railway Labor.** During consideration of the Railway Labor Act Amendments of 1950, the Senate Dec. 11 tabled, on a 64-17 roll call, an amendment that would have denied the provisions of the act to labor organizations that segregated or excluded minorities. In the House, a motion to recommit the bill with instructions to insert an anti-discrimination and states rights amendment was rejected on a 61-284 roll call, Jan. 1, 1951.

**Appropriations.** The House by voice vote rejected amendments to the omnibus fiscal 1951 appropriations bill that would have barred use of appropriations to finance programs that discriminated against persons on account of race or creed.

**Draft Extension.** During consideration of the Selective Service Extension Act of 1950, the House rejected amendments to ban discrimination and segregation in the armed forces after Chairman Carl Vinson (D Ga.) of the House Armed Services Committee said progress already was being made under President Truman's 1948 executive order to break down segregation barriers. The Senate June 21, on a 42-29 roll call, eliminated a provision inserted by its Armed Services Committee that would have given inductees and volunteers a choice of serving in racially segregated units. It also rejected, 27-45, an amendment that would have required segregation if a majority of men from 36 states preferred it.

**1951** The 1951 civil rights fight in Congress focused on unsuccessful efforts to change the Senate cloture rule. Senate Majority Leader McFarland (D Ariz.) Oct. 10 rejected proposals that the Senate remain in session for a showdown on civil rights legislation. Other action:

**Draft.** During consideration of the Universal Military Training and Service Act, the House struck out a provision inserted by its Armed Services Committee that would have given draftees a choice of serving in racially segregated or integrated units. The action came on 138-123 and 178-126 teller votes.

**Veterans' Hospital.** The House June 6, on a 223-117 roll call, killed a bill for the construction of a veterans' hospital for Negroes in Virginia after two Negro Representatives opposed the measure as "class legislation."

**Executive Action.** In a Dec. 3 executive order (No. 10308), President Truman established a Committee on Government Contract Compliance to promote compliance with non-discrimination clauses included in Government contracts.

**1952** The only Congressional action on civil rights in 1952 was approval by Senate committees of FEPC legislation and of a proposal to relax the Senate cloture rule. Neither was debated on the floor. Organization pressure on Congress culminated in the 1952 Leadership Conference on Civil Rights, sponsored mainly by the CIO, AFL, National Assn. for the Advancement of Colored People and Americans for Democratic Action. The Conference, meeting Feb. 18-19 in Washington, petitioned Congress to pass FEPC and other civil rights measures.

**FEPC.** The bill (S 3368) approved by the Senate Labor and Public Welfare Committee June 24 would have created an Equality of Opportunity in Employment Commission with enforcement powers.

### PARTY PLATFORMS

**Republicans.** The GOP platform left civil rights as the "primary responsibility of each state" but pledged: appointment without discrimination of qualified persons to responsible positions in Government; federal action to eliminate lynching; federal action to eliminate the poll tax as a voting prerequisite; elimination of segregation in the District of Columbia; and federal legislation "to further just and equitable treatment in the area of discriminatory employment practices," without duplicating state efforts.

**Democrats.** The Democratic platform pledged federal legislation to secure: the right to equal employment opportunity; the right to security of person; and the right to "full and equal participation in the nation's political life, free from arbitrary restraints." It also supported "legislation to perfect existing civil rights statutes and to strengthen the administrative machinery for the protection of civil rights."

**1953** **Eisenhower Message.** President Eisenhower, in his first State of the Union message Feb. 2, said much of the answer to civil rights problems lay "in the power of fact, fully publicized; of persuasion, honestly pressed; and of conscience, justly aroused." Without calling for federal legislation in the civil rights sphere, he proposed "to use whatever authority exists in the office of the President to end segregation in the District of Columbia, including the Federal Government, and any segregation in the armed forces."

**Executive Action.** Mr. Eisenhower Aug. 13 created a new Government Contract Committee to promote compliance with the anti-discrimination clause in Government contracts. This action, in Executive Order 10479, abolished the Government Contract Compliance Committee established in 1951.

**Equal Rights.** A proposed constitutional amendment to guarantee equal rights for women (S J Res 49) was passed by the Senate July 16 on a 73-11 roll call, after adoption -- on a 58-25 roll call -- of a floor amendment to insure that the bill would not erase any special protection already enjoyed by women. There was no House action on the measure.

**1954** In 1954 the focus of the civil rights fight shifted to the Supreme Court, which made a historic decision in the civil rights field with its May 17 school desegregation ruling. (Brown v. Board of Education of Topeka, Kan.). In addition to the school decision, the Court May 24 refused to consider an appeal from a lower court ruling requiring admission of Negroes to a San Francisco housing project.

Congress and the Executive Branch took these actions:

**Housing.** During consideration of the Omnibus Housing Act of 1954, the House by non-record votes rejected anti-discrimination and anti-segregation amendments. No such amendments were offered in the Senate, but a move to delete the public housing feature of the bill in view of the Supreme Court's anti-segregation decisions was rejected by voice vote June 3.

**FEPC.** The Senate Labor and Public Welfare Committee April 28 reported a bill (S 692) to prohibit discrimination in employment, but the measure never reached the floor.

**Transportation.** A bill (HR 7304) to prohibit segregation or discrimination in interstate transportation was reported by the House Interstate and Foreign Commerce Committee July 23, but was not cleared by the Rules Committee.

**Taft-Hartley.** Anti-discrimination amendments were offered to the Taft-Hartley revision bill in the Senate, but the Senate recommitted the bill without voting on them.

**18-Year-Old Vote.** A proposed constitutional amendment (S J Res 53) to permit 18-year-old citizens to vote was rejected by the Senate May 21, by a 34-24 roll-call vote -- five votes short of the two-thirds majority necessary for adoption of a proposed constitutional amendment. The measure had been requested by President Eisenhower in his 1954 State of the Union Message and had been reported by the Senate Judiciary Committee March 15.

**Executive Action.** The Secretary of Defense Jan. 12 ordered an end to segregation in military post schools by Sept. 1, 1955.

**1955** President Eisenhower spoke in his 1955 State of the Union Message of "historic progress in eliminating...demeaning practices based on race or color." But civil rights measures made virtually no progress in Congress in 1955. In the House, scene of most of the session's civil rights controversy, Negro Rep. Adam Clayton Powell Jr. (D N.Y.) offered amendments to ban racial segregation in public housing, public schools and the National Guard. All were rejected. President Eisenhower, referring to Powell's amendments, twice told news conferences that he opposed "extraneous" anti-segregation riders on major legislation.

**National Guard.** Powell's strongest bid against racial discrimination was a plan to end the segregation then customary in the National Guard units of 21 states. During consideration of one version of the armed forces reserve bill, the House May 18 agreed, by a 126-87 standing vote, to a Powell amendment that would have prevented enlistments in or personnel transfers to segregated Guard units. Because final passage of the reserve bill was jeopardized by the Powell amendment, the House dropped that bill and eventually passed another one that did not mention the National Guard. Despite a plea from President Eisenhower, Powell offered another anti-segregation amendment to the second bill. The amendment, which would have denied draft immunity to young National Guard volunteers if they joined segregated Guard units, was rejected on a 105-156 standing vote July 1. Mr. Eisenhower, in his appeal to Powell, had said that "no legislation, however meritorious, containing such a (non-segregation) provision has ever passed the Senate." Rejecting the President's plea. Powell said the Senate had in fact done so, in the Draft Act of 1940.

**Housing.** The House July 29 rejected Powell's anti-discrimination amendment to the 1955 housing bill by 113-168 standing and 112-158 teller votes.

**GI Voting.** Congress in 1955 enacted legislation (HR 4048 -- PL 84-296) to encourage the states to permit absentee voting by servicemen and federal employees and other citizens outside the United States. The measure included a provision repealing a 1942 law that exempted servicemen during wartime from registering and paying a poll tax under state laws. An amendment to remove the repeal clause -- and thus retain the wartime exemption -- was offered in the Senate and adopted by voice vote July 20. However, the amendment was dropped in conference, and the Senate Aug. 1 rejected, 22-56, a motion to return the bill to conference with instructions to reinstate the exemption.

**Government Employment.** President Eisenhower Jan. 18 by Executive Order 10590 established the President's Committee on Government Employment Policy to fight discrimination in federal employment. The Committee replaced the Fair Employment Practices Board established by President Truman in 1948.

**Travel.** The Interstate Commerce Commission Nov. 25 issued an order banning segregation of passengers on trains and buses in interstate travel. The order also applied to railway terminals but did not include bus terminals. Carriers were given until Jan. 10, 1956, to cease all such segregation.

**1956** **Administration Requests.** In his 1956 State of the Union Message, President Eisenhower made his first civil rights request, asking Congress to create a bipartisan Commission on Civil Rights to investigate charges that "in some localities...Negro citizens are being deprived of their right to vote and are likewise being subjected to unwarranted economic pressure." On April 9 the Administration submitted to Congress a draft civil rights program that called for:

Creation of a six-member, bipartisan commission to investigate civil rights grievances.

Creation of a Civil Rights Division in the Justice Department, to be headed by an additional Assistant Attorney General.

Authority for the Federal Government to use civil procedures for the protection of civil rights.

Broader statutes to protect voting rights, including civil remedies for enforcement.

**House Action.** The House Judiciary Committee May 21 reported a bill (HR 627 -- H Rept 2187) to carry out the Eisenhower Administration's civil rights recommendations. The action came on the Committee's third attempt to report a bill, and as reported the measure omitted earlier Committee provisions calling for a Joint Congressional Committee on Civil Rights and banning discrimination and segregation in interstate transportation. Following many delays and parliamentary maneuvers, the Rules Committee June 27 granted an open rule on the bill.

HR 627 was passed by the House July 23 in substantially the form reported by the Judiciary Committee. Passage came on a 279-126 roll call (D 111-102; R 168-24), after a week of debate and parliamentary maneuvering. Just before debate began, 83 Southern Representatives July 13 presented a "Civil Rights Manifesto," urging defeat of the bill. Earlier, on March 12, 82 Representatives and 19 Senators from 11 Southern states presented a "Declaration of Constitutional Principles" to Congress criticizing the Supreme Court's 1954 school decision.

**Senate.** Parliamentary maneuvers prevented the House-passed bill from reaching the Senate floor before adjournment of the 84th Congress. Earlier in the session a Senate Judiciary subcommittee had approved four civil rights bills, but the full Committee, though it held hearings on civil rights legislation, reported none.

## PARTY PLATFORMS

**Democrats.** The civil rights plank adopted by the Democratic convention in August recognized as law Supreme Court decisions outlawing segregation but rejected "all proposals for the use of force" in carrying them out. It also pledged to "continue efforts" to eliminate illegal discrimination in voting, education and employment and to provide full legal security for individuals. The convention rejected a stronger civil rights plank that would have inserted a pledge to "carry out" the Supreme Court decisions and called for federal legislation to secure and protect civil rights.

**Republicans.** The Republican platform's civil rights plank said the GOP "accepts the decision of the U.S. Supreme Court that racial discrimination in publicly supported schools must be progressively eliminated. We concur in the conclusion of the Supreme Court that its

decision directing school desegregation should be accomplished with 'all deliberate speed' locally through federal district courts." The platform also supported enactment of President Eisenhower's 1956 civil rights program.

**1957** The Civil Rights Act passed by Congress in 1957 was a modified version of the Eisenhower Administration's 1956 proposal for civil rights legislation.

The primary feature of the 1957 Act was a provision designed to enforce the right to vote by empowering the Federal Government, through the Attorney General, to seek court injunctions against obstruction or deprivation of voting rights. The other highlights of the bill were the creation of an executive Commission on Civil Rights and the establishment of a Civil Rights Division in the Department of Justice, to be headed by an Assistant Attorney General.

The bill originally proposed by the Administration would have provided much broader powers for the Attorney General by allowing him to file civil suits for injunctions against deprivation of any civil right. This became famous as Part III of the bill but ultimately was rejected. Congress also restricted the courts, in punishing those who flouted or disobeyed the voting rights laws, by requiring jury trials under certain conditions.

The focus of the 1957 civil rights debate was the jury trial issue, which was finally resolved after several attempts at compromise. But it was the elimination of Part III from the bill that presaged future Congressional action. (For detailed explanation of action on jury trials and Part III, see next page.)

The modifications of the bill represented success for Southern Congressmen who, aware that they did not have the votes to prevent some bill from being passed, adopted a strategy designed to modify the legislation as far as possible. They fought its provisions on legal grounds and succeeded in persuading enough of their colleagues that major changes were necessary.

The moderate tone in Southern debate was generally considered to be another factor in their successful incisions into the bill. Despite threats of a filibuster, Southern Senate leaders avoided a general filibuster because they felt it could not succeed and might result in a stronger bill or a tightening of the rules against filibusters. Sen. Strom Thurmond (D S.C.), with no support from his colleagues, carried on a one-man delaying action to prevent final passage of the bill by the Senate. His marathon speech, lasting 24 hours and 18 minutes Aug. 28-29, set a new record by a single person.

One factor cited as having added impetus to passage of a civil rights bill in 1957 after so many years of inaction was the Negro vote in the 1956 elections. An examination of 1956 election results in large Northern industrial cities convinced many observers in both the Democratic and Republican parties that the Negro vote had reached substantial proportions and that the traditional Northern Negro vote for the Democratic party was swinging toward Republicans. Neither party in Congress felt that this trend could be ignored.

**Eisenhower Program.** In his Jan. 10, 1957, State of the Union address, President Eisenhower said:

"Last year the Administration recommended to the Congress a four-point program to reinforce civil rights. That program included:

"(1) Creation of a bipartisan commission to investigate asserted violations of civil rights and to make recommendations;

"(2) Creation of a Civil Rights Division in the Department of Justice in charge of an Assistant Attorney General;

"(3) Enactment by the Congress of new laws to aid in the enforcement of voting rights; and

"(4) Amendment of the laws so as to permit the Federal Government to seek from the civil courts preventive relief in civil rights cases.

"I urge that the Congress enact this legislation."

**Congressional Action.** Following is an outline of the events marking the civil rights bill's passage through Congress in 1957:

### HOUSE

COMMITTEE ACTION -- The House Judiciary Subcommittee No. 5 held hearings Feb. 4-26, 1957, on civil rights and Feb. 27 approved a bill embodying the President's program.

The full Judiciary Committee April 1 reported the bill (HR 6127), after making only minor changes in the Administration's bill.

FLOOR ACTION -- The bill was sent to the House floor by the Rules Committee May 21. It was passed without change by the House June 18 by a roll-call vote of 286-126 (D 118-107; R 168-19). Attempts to add a "jury trial amendment" were unsuccessful. (See below)

### SENATE

COMMITTEE ACTION -- Early attempts by Chairman Thomas C. Hennings Jr. (D Mo.) of the Senate Judiciary Constitutional Rights Subcommittee to speed action on civil rights bills were defeated Jan. 30, 1957, by a coalition of the Subcommittee's Southern Democrats and Republicans. The Subcommittee held hearings intermittently throughout Febuary and March and March 29 sent a bill to the full Judiciary Committee. In June, when the House-passed bill reached the Senate, the Judiciary Committee still had not reported a bill.

JUDICIARY COMMITTEE BYPASSED -- Sen. Paul H. Douglas (D Ill.) and Senate Minority Leader William F. Knowland (R Calif.) devised a plan to bypass the Senate Committee by placing the House-passed bill immediately on the Senate calendar where it could be called up for consideration by majority vote at any time. Thus, Knowland June 20 objected to referring the bill to committee and Sen. Richard B. Russell (D Ga.) raised a point of order against the objection. A roll-call vote of 39-45 (D 34-11; R 5-34) rejected the point of order.

FLOOR ACTION -- As Knowland announced his intention to move July 8 that the Senate "proceed to the consideration of HR 6127," Southern Senators continued to voice complete opposition to the bill while behind-the-scenes talk of possible compromise began. Knowland's motion was agreed to July 16 after eight days of debate.

After a 52-38 vote to strike Part III from the bill and a 51-42 vote to attach a broad jury trial amendment (see below), the Senate passed the bill Aug. 7 by a roll-call vote of 72-18.

**Final 1957 Action.** Motions in the House to send the bill to formal conference to iron out differences between

# Provisions of Civil Rights Act of 1957

As signed by the President, HR 6127, the Civil Rights Act of 1957:

TITLE I

Created an executive Commission on Civil Rights composed of six members, not more than three from the same political party, to be appointed by the President with the advice and consent of the Senate.

Established rules of procedure for the Commission.

Authorized the Commission to receive in executive session any testimony that might defame or incriminate anyone.

Provided that penalties for unauthorized persons who released information from executive hearings of the Commission would apply only to persons whose services were paid for by the Government.

Barred the Commission from issuing subpenas for witnesses who were found, resided or transacted business outside the state in which the hearing would be held.

Placed the pay for Commissioners at $50 per day -- plus $12 per day for expenses away from home.

Empowered the Commission to investigate allegations that U.S. citizens were being deprived of their right to vote and have that vote counted by reason of color, race, religion, or national origin; to study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution; to appraise the laws and policies of the Federal Government with respect to equal protection of the laws.

Directed the Commission to submit interim reports to the President and Congress and a final report of its activities, findings and recommendations not later than two years following enactment of the bill.

Authorized the President, with the advice and consent of the Senate, to appoint a full-time staff director of the Commission whose pay would not exceed $22,500 a year.

Barred the Commission from accepting or utilizing the services of voluntary or uncompensated personnel.

TITLE II

Authorized the President to appoint, with the advice and consent of the Senate, one additional Assistant Attorney General in the Department of Justice.

TITLE III

Extended the jurisdiction of the district courts to include any civil action begun to recover damages or secure equitable relief under any act of Congress providing for the protection of civil rights, including the right to vote.

Repealed a statute of 1866 giving the President power to employ troops to enforce or to prevent violation of civil rights legislation.

TITLE IV

Prohibited attempts to intimidate or prevent persons from voting in general or primary elections for federal offices.

Empowered the Attorney General to seek an injunction when an individual was deprived or about to be deprived of his right to vote.

Gave the district courts jurisdiction over such proceedings, without requiring that administrative remedies be exhausted.

Provided that any person cited for contempt should be defended by counsel and allowed to compel witnesses to appear.

TITLE V

Provided that in all criminal contempt cases arising from the provisions of the Civil Rights Act of 1957, the accused, upon conviction, would be punished by fine or imprisonment or both.

Placed the maximum fine for an individual under those provisions at $1,000 or six months in jail.

Allowed the judge to decide whether a defendant in a criminal contempt case involving voting rights would be tried with or without a jury.

Provided that in the event a criminal contempt case was tried before a judge without a jury and the sentence upon conviction was more than $300 or more than 45 days in jail, the defendant could demand and receive a jury trial.

Stated that the section would not apply to contempts committed in the presence of the court or so near as to interfere directly with the administration of justice, nor to the behavior or misconduct of any officer of the court in respect to the process of the court.

Provided that any U.S. citizen over 21 who had resided for one year within a judicial district would be competent to serve as a grand or petit juror unless: (1) he had been convicted of a crime punishable by imprisonment for more than one year and his civil rights not restored; (2) he was unable to read, write, speak and understand the English language; (3) he was incapable, either physically or mentally, to give efficient jury service.

Senate and House versions of the bill or to concur in the Senate's amendments were both defeated. Instead, House and Senate leaders held informal negotiations and conferences over a two-week period and drew up a compromise jury trial amendment. The House Aug. 27 agreed to the new jury trial amendment and to the Senate's amendment striking Part III. The Senate agreed to the compromise Aug. 29 after Thurmond concluded his filibuster. The President signed the bill into law Sept. 9 (PL 85-315).

### ISSUES IN THE 1957 DEBATE

PART III -- Section 121 of Part III of the Administration's 1957 civil rights bill would have empowered the Attorney General to initiate suits seeking court injunctions against anyone who deprived or was about to deprive

any persons of any civil right. If the suit were successful, the court would issue an order against such an action. Anyone who disobeyed the court order would be subject to civil or criminal contempt proceedings. (For explanation of contempt proceedings, see box.)

The breadth of this provision, virtually ignored in the House, came under strong Southern fire in the Senate. It was argued that under Part III the Federal Government would be able to force on local areas integration in schools and housing. Southerners also said that the vague wording of Part III might later be construed to permit federal intervention in all types of unforeseen circumstances.

RUSSELL-EISENHOWER EXCHANGE

Sen. Richard B. Russell (D Ga.) July 2 said the Administration's civil rights bill was so "cunningly contrived" that it could be questioned whether the President himself understood its full scope.

At his July 3 news conference, when asked if he were willing to have the bill rewritten to apply only to voting rights, Mr. Eisenhower said: "Well, I would not want to answer this in detail, because I was reading part of the bill this morning and...there were certain phrases I didn't completely understand.... I would want to talk to the Attorney General and see exactly what they do mean."

The President emphasized that he was not a lawyer and had not drawn up the language in the bill. "I know what the objective was that I was seeking," he said, "which was to prevent anybody illegally from interfering with any individual's right to vote...."

The President and Russell July 10 held a 50-minute discussion of the bill. Russell said Mr. Eisenhower was still "very determined" that the bill be enacted.

In a July 16 statement, the President said: "I would hope that the Senate...will keep the measure an effective piece of legislation to carry out these four objectives": protection of the right of citizens to vote; provision of a "reasonable program of assistance in efforts to protect other constitutional rights of our citizens"; establishment of the "bipartisan Presidential commission"; and authorization of an additional Attorney General.

FEDERAL TROOPS

Southerners struck a goldmine of opposition to Part III when they raised the point that it would be added to a section of the civil rights laws that was enforceable by an 1866 statute (42 USC 1993) empowering the President to use armed forces to "aid in the execution of judicial process...and enforce the due execution of the provisions" covered by the statute. They drew the image of schools being integrated at bayonet-point throughout the South.

Knowland and Hubert H. Humphrey (D Minn.) offered an amendment to add language to Part III which would repeal the federal troops statute. The Knowland-Humphrey amendment was accepted July 22 by a 90-0 vote. However, Russell said that Part III would make the civil rights bill "a force bill of the rawest kind" even without the federal troops statute behind it.

PART III ELIMINATED

After two moves to modify Part III were defeated, the section was eliminated from the bill July 24 by a 52-38 vote (D 34-13; R 18-25). Some votes against the section were cast out of apprehension over its possible ramifications, others because inclusion of Part III had developed into the major roadblock to passage of the bill.

Pending House action on the Senate's amendments to the bill, President Eisenhower Aug. 21 told a press conference he was not insisting on the restoration of any portion of Part III removed by the Senate.

JURY TRIALS -- House debate on the civil rights bill focused on the "jury trial" issue. The key question was whether those tried for criminal contempt actions arising from the new legislation should have a trial by jury.

In House debate Southern Democrats and a few Republicans contended that authorizing federal judges to try, without juries, persons accused of violating court orders in voting rights cases would deny the constitutional guarantee of trial by jury. Backers of the bill replied that the Constitution did not guarantee jury trials in contempt cases. But implicit in the arguments was the question of whether Southern juries would convict in civil rights contempt cases or whether the effect of such an amendment would be to nullify the provisions of the bill which empowered the Government to help enforce civil rights by bringing suits.

## *Contempt and Jury Trials*

Contempt of court proceedings are the sole methods of enforcement of the 1957, 1960 and 1964 Civil Rights Acts. Such contempt proceedings may be either civil or criminal or both. Definitions:

A civil contempt proceeding is one by which a court attempts to enforce compliance with an order it has issued by imposing a penalty -- ordinarily a jail term -- that lasts only until compliance. The individual "has the key in his pocket" because he can purge the contempt and be released at anytime by agreeing to comply. A civil contempt case is always decided by the court alone, without a jury.

A criminal contempt proceeding, on the other hand, is one in which the court punishes an individual because, in effect, he has breached public order by challenging the authority of the court. Ordinarily, a criminal contempt case to which the United States is a party -- that is, in which the United States brought the original suit that resulted in the order the defendant flouted -- is decided by the court alone, without a jury. The postwar Civil Rights Acts, however, included expanded jury trial rights for defendants in criminal contempt cases. The 1957 Act stipulated that a judge in a voting rights case could decide whether to call a jury or not, but that if he tried a case without a jury, the maximum penalty would be a fine of $300 and a jail term of 45 days. If a judge were to impose greater penalties, the defendant could demand a retrial with a jury.

The 1960 and 1964 Acts left intact the 1957 provisions on jury trials in voting cases. But the 1964 Act significantly widened the rights of defendants to jury trials in other types of civil rights contempt cases, such as those involving private and public accommodations, school desegregation, equal employment opportunities and the like. Sentences in such cases were limited to six months in prison or a $1,000 fine. And any defendant was entitled to a jury trial on demand in these cases.

Five attempts to attach a "jury trial amendment" were defeated in the House. Such an amendment was opposed by Attorney General Herbert Brownell Jr. Brownell's stand was backed by the President. A group of 83 Democratic supporters of the President's proposals May 29 issued a joint statement condemning "crippling amendments" and said the bill "will be defeated or crippled only if a deal is worked out between Southern Members and some Republican Members."

The Senate Aug. 2 accepted an amendment to Part IV of the bill, under which the Attorney General could bring civil suits to enforce voting rights, to guarantee jury trials in all criminal contempt cases, not just those arising out of the civil rights bill. The amendment upheld the right of a judge to rule without a jury in case of civil contempt.

The Senate's jury trial amendment, accepted by a 51-42 roll-call vote (D 39-9; R 12-33), was sponsored by Joseph C. O'Mahoney (D Wyo.), and co-sponsored by Estes Kefauver (D Tenn.) and Frank Church (D Idaho).

President Eisenhower Aug. 2 said the Senate's adoption of the amendment made the bill "largely ineffective." At his Aug. 7 press conference, he refused to say whether he would veto the Senate version of the bill if the House accepted it.

While the Senate was debating the jury trial issue, 11 law school deans and 34 law school professors July 27 issued a statement that the absence of a jury trial provision in the civil rights bill would not violate due process of law. The statement said the Senate debate was creating an "erroneous impression" of the necessity for jury trials in contempt cases. It said such an amendment might "hamper and delay the Department of Justice and the courts in carrying out their constitutional duty to protect voting rights."

COMPROMISE AMENDMENT

Two weeks of discussions and proposals followed Senate passage of the amended bill Aug. 7. House Republicans Aug. 21 offered an amendment to limit the jury trial amendment to voting rights cases and give judges discretion over whether there should be a jury trial in criminal contempt cases. However, the judge could impose no stronger penalty than 90 days in jail and a $300 fine if he tried such a case without a jury.

After another day of bipartisan negotiations, House and Senate leaders agreed on the compromise amendment that was finally accepted by the House and Senate: that in criminal contempt cases arising out of the voting rights section of the 1957 bill, the defendant could have a new trial, by jury, when the penalty imposed by the judge was more than $300 or 45 days imprisonment. The Senate bill with the substitute compromise amendment was agreed to by the House Aug. 27 and the Senate Aug. 29.

## *Federal Hospital Grants*

Although the focus of activity in 1957 was on general civil rights legislation, civil rights proponents continued their efforts to attach anti-segregation riders to other measures. During House consideration of the Labor-Health, Education and Welfare appropriation bill, Reps. Thomas M. Pelly (R Wash.) and Adam Clayton Powell (D N.Y.) offered amendments to prohibit use of hospital construction funds for hospitals that segregate patients. Pelly's amendment was ruled out of order and Powell's was defeated, by a 70-123 standing vote April 3.

**1958** **Commission Funds.** The General Government appropriation bill for fiscal 1959 carried $750,000 for the Civil Rights Commission as the group's first regular appropriation. The funds were added to the bill by the House as a committee amendment on a 273-98 (D 116-82; R 157-16) roll call. Previously the Commission had been operating on an allocation of $200,000 from the President's Emergency Fund.

**Appointments.** President Eisenhower's nominations of the six members of the new Civil Rights Commission were confirmed by the Senate March 4 by voice vote and without debate. The members: Chairman John A. Hannah (R), John S. Battle (D), Doyle Elam Carlton (D), Rev. Theodore M. Hesburgh (Ind.), Robert G. Storey (D) and J. Ernest Wilkins (R). The nomination of Gordon M. Tiffany as staff director was confirmed by a 67-13 (D 30-13; R 37-0) roll call May 14. However, the Senate waited until Aug. 18 before voting 56-20 (D 20-18; R 36-2) to confirm W. Wilson White as Assistant Attorney General in charge of the Justice Department's Civil Rights Division -- a job he had held since Dec. 5, 1957.

**1959** Action on civil rights bills in 1959 set the stage for the lengthy consideration and final passage of the Civil Rights Act of 1960. Bills of all types were introduced early in the 1959 session, but the only substantive action taken during the year was the extension of the Civil Rights Commission for two more years (see below).

The events that did occur in 1959 revealed the three-way split in Congressional sentiment on civil rights that was to determine the character of the 1960 bill. Southerners held to their traditional opposition to any civil rights legislation while Northerners split between "moderate" legislation, as proposed by the Administration and backed by House and Senate leaders, and "stronger" legislation, backed by a majority of Northern Democrats and about one-third of the Northern Republicans. The provision that separated the moderates from the liberals in 1959 (more divisions were to come in 1960) was Part III. The Administration did not ask for Part III in 1959 and opposed its addition by Congress.

**Administration Proposals.** President Eisenhower Feb. 5 submitted a seven-point program requesting:

An anti-mob bill, making interference with a federal court school desegregation order a federal crime.

An anti-bombing bill, making it a federal crime to cross state lines to avoid prosecution for bombing a school or church.

A bill to give the Justice Department the right to inspect voting records and requiring the preservation of those records.

Extension of the life of the Civil Rights Commission.

A bill to give statutory authority to the President's Committee on Government Contracts.

A bill authorizing limited technical and financial aid to areas faced with school desegregation problems.

Provision of emergency schooling for children of armed forces personnel in the event public schools were closed by integration disputes.

**Other Proposals.** Senate Majority Leader Johnson (D Texas) Jan. 20 introduced a bill (S 499) featuring: an anti-bombing provision; extension of the Civil Rights Commission; a grant of subpena powers to the Justice Department in investigations of voting rights cases; and establishment of a Federal Community Relations Service to assist in the conciliation of disputes over segregation and integration.

A bipartisan bloc of Members in both chambers, including House Judiciary Committee Chairman Celler (D N.Y.) and Sens. Douglas (D Ill.) and Javits (R N.Y.), sponsored several bills that went beyond the other measures in providing: authority for the Federal Government to develop and enforce, through the courts, school desegregation plans; and Part III powers for the Justice Department.

**Committee Action.** In hearings on both sides of Capitol Hill, Administration and Republican witnesses generally opposed any proposals that went beyond the President's recommendations. Attorney General William P. Rogers held to the Administration position that Part III "might do more harm than good at this time."

Advocates of "strong" legislation, including the Americans for Democratic Action and the National Assn. for the Advancement of Colored People, continued to press for Part III.

**House.** The House Judiciary Subcommittee No. 5 June 17 approved an amended version of the Celler bill that contained, in essence, the Administration proposals plus Part III.

What emerged from the House Judiciary Committee Aug. 20 was a clean bill (HR 8601), deleting both Part III and the Administration's provisions for aid to areas desegregating schools and for establishment of the Commission on Equal Job Opportunity.

At the end of the 1959 session the House bill was still in the Rules Committee, and Celler had taken steps to bring pressure on the Rules Committee by filing a motion to discharge the bill from its jurisdiction.

**Senate.** Some leaders in the Senate conceded that trying to work a bill through the Senate Judiciary Committee, which had never reported a civil rights bill, was only a formality, that they had no hope that the Committee would act favorably.

But the Senate Judiciary Constitutional Rights Subcommittee held hearings intermittently from March 18 to May 8 and reported to the full Committee a two-part bill (S 2391) July 15. This would have required preservation of voting records and extended the Civil Rights Commission.

The full Committee began consideration of the bill Aug. 3 and was still considering it when Congress adjourned Sept. 15. While the bill was bottled up in the Judiciary Committee, several Senators threatened to bring up civil rights legislation on the floor by offering it as an amendment to other types of bills. To mollify this group and end the lengthy 1959 session, Majority Leader Johnson and Minority Leader Everett McKinley Dirksen (R Ill.) Sept. 14 announced that they planned to bring civil rights legislation up for debate about Feb. 15, 1960.

**Commission Extension.** With the Civil Rights Commission scheduled to go out of existence 60 days after filing its report Sept. 8 and the Senate Judiciary Committee sitting on extension legislation, Senate leaders turned to the Senate Appropriations Committee, which obliged by attaching a rider to the House-passed Mutual Security Program appropriation bill. The rider extended the Commission for two years, to Nov. 8, 1961, and appropriated $500,000 to it. The Senate Sept. 14, and the House in the early morning hours of Sept. 15, approved the rider. Most of the debate on the rider consisted of Southern denunciation of the Commission's report.

**Other Action.** During consideration of the first housing bill of 1959, subsequently vetoed by President Eisenhower, the House rejected two attempts to add anti-discrimination requirements to the bill. The House first rejected, on a 48-138 standing vote May 20, an amendment by Adam Clayton Powell (D N.Y.) that would have added a new title requiring written assurances that all housing covered by the bill be available on a non-discrimination basis. The following day the House also rejected, on a 115-205 teller vote, an amendment specifying that there should be no discrimination in selecting occupants of public housing units.

The Senate Judiciary Constitutional Amendments Subcommittee Sept. 2 approved a proposed constitutional amendment (S J Res 126) to abolish the poll tax and other property qualifications for voting in federal elections. S J Res 126 was offered by Sen. Holland (D Fla.) and 66 co-sponsors, including the Senate's majority and minority leaders. Like its predecessors, S J Res 126 would have affected only federal elections and would not have removed restrictions against paupers and other persons supported at public expense or by charitable institutions. There was no further action on it in 1959.

## 1960

Passage of the Civil Rights Act of 1960 was a direct outgrowth of the 1957 Act. With a bipartisan majority prevailing over both those who wanted more federal intervention to protect constitutional rights and those who wanted none at all, Congress inched forward in 1960 with amendments to the earlier Act's voting rights provisions. The chief provision authorized judges to appoint referees to help Negroes register and vote. The 1960 Act also provided criminal penalties for bombings and bomb threats, and for mob action designed to obstruct court orders -- neither of these limited to racial incidents.

As in 1957, the bill enacted in 1960 was based on Administration proposals. A marriage of convenience between Republicans and Northern Democrats had to take place to pass any bill at all. The 1960 bill was first whittled down by the House; the Senate made a few more incisions; the House then approved the Senate version.

It was clear throughout the lengthy 1960 battle that the "moderate" civil rights group under the leadership of Senate Majority Leader Johnson (D Texas), Minority Leader Dirksen (R Ill.), House Speaker Rayburn (D Texas) and House Minority Leader Halleck (R Ind.) was in control. But this did not prevent attacks from both sides: Leaders of the "liberal" group tried to strengthen the bill but failed to unite a sufficient number behind alternative provisions; Southerners, working as a more organized unit, filibustered and moved to kill those

## Registration Statistics

Voting registration statistics for 1960 published in the Civil Rights Commission report are shown below. They show the number of whites and non-whites of voting age and the percentage of voting-age persons actually registered. In some cases, the Commission's statistics were incomplete, or not available (NA) and are so indicated. (For 1964 figures, see p. 70 below)

| State | Voting-Age Whites Number | Registered | % | Voting-Age Non-Whites Number | Registered | % |
|---|---|---|---|---|---|---|
| Ala. | 1,353,058 | 860,073 | 63.6% | 481,320 | 66,009 | 13.7% |
| Ark. | 850,643 | 517,897 | 60.9 | 192,626 | 72,604 | 37.7 |
| Del. | 233,250 | 211,867 | 90.8 | 33,999 | 18,814 | 55.3 |
| Fla. | 2,617,438 | 1,819,342 | 69.5 | 470,261 | 183,197 | 39.0 |
| Ga. | ——— Incomplete ——— | | | | | |
| La. | 1,289,216 | 993,118 | 77.0 | 514,589 | 159,033 | 30.9 |
| Md. | 1,561,161 | 1,146,211 | 73.4 | 283,906 | 168,199 | 59.2 |
| Miss. | 748,266 | NA | NA | 422,256 | 25,921 | 6.1 |
| N.C. | 2,005,955 | 1,861,430 | 92.8 | 550,929 | 210,450 | 38.2 |
| S.C. | ——— Incomplete ——— | | | | | |
| Tenn. | | | | | | |
| 63 counties | 1,114,272 | 930,198 | 83.5 | 235,199 | 150,869 | 64.1 |
| State | 1,779,018 | NA | NA | 313,873 | NA | NA |
| Texas | | | | | | |
| 213 counties | 3,880,461 | 1,973,217 | 50.9 | 517,048 | 174,387 | 33.7 |
| State | 4,884,765 | NA | NA | 649,512 | NA | NA |
| Va. | 1,876,167 | 866,794 | 46.2 | 436,720 | 100,499 | 23.0 |

provisions most distasteful to them and to broaden others so as to dilute their effect on the South.

A summing up shows that the South was the much more successful of the two minority groups. Two Administration provisions were removed from the bill; all of the remaining ones were modified. Observers generally agreed that Southern success was due in part to expert organization, in part to help given them by Republicans. The Southern Democrat-Republican coalition was effective in committees as well as in maneuvering and voting on the floors of both chambers. Southerners argued throughout that the bill victimized the South in order to provide political dividends in the North; however, many Southerners conceded that the final bill was one they could "live with."

During the August session following the Presidential nominating conventions, at which strong civil rights planks were adopted by both parties, President Eisenhower urged enactment of two provisions that had been dropped from the original Administration bill. However, Northern and Southern Democrats in the Senate joined in voting for a motion to table the two provisions, claiming they were offered in a move to block passage of other Democratic measures. The Aug. 9 tabling motion carried 54-28 (D 52-4; R 2-24) and threats to force further voting on civil rights in August never materialized.

**Summary of 1960 Action.** Soon after Congress reconvened Jan. 6, 1960, pressure increased on the House Rules Committee to release the bill reported to it by the Judiciary Committee Aug. 20, 1959. As the petition to discharge the Committee of the bill slowly gained more signatures, partisan statements were exchanged on the House floor. Republican leaders charged that a Democratic Congress was holding up the bill; Northern Democrats charged Republicans with cooperating with Southern Democrats by not signing the petition and by holding the bill in the Rules Committee.

Jan. 26 -- Attorney General Rogers announced the Administration intended to add to its 1959 bill a plan for court-appointed referees to help Negroes register and vote.

Feb. 15 -- Majority Leader Johnson, as promised, began Senate debate on civil rights. Because no bill had been reported by the Senate Judiciary Committee, Johnson called up from the calendar a minor, House-passed bill (HR 8315) and invited Senators to offer civil rights amendments to it.

Feb. 18 -- The House Rules Committee granted the House bill (HR 8601) a rule covering debate on the bill. At that point, the discharge petition reportedly had received 211 signatures (over two-thirds from Democrats) and was within eight names of the 219 needed to put the petition on the House calendar.

Feb. 29 -- Southern speeches in the Senate against civil rights developed into a full-blown filibuster which lasted until March 8. During that time, the Senate met around-the-clock with only two breaks.

March 8 -- A bipartisan group of Senate liberals offered a petition to invoke cloture to end the filibuster. Johnson and Dirksen opposed the cloture move, Dirksen saying he preferred to wait for the House to pass its own bill, Johnson saying cloture should not be invoked until it was clear that two-thirds of the Senators (the number needed to invoke cloture) were agreed on the principal elements of a civil rights bill. Cloture proponents argued that they should not have to wait to vote on provisions until two-thirds had informally decided on what should be included and predicted that the House measure would be a "truncated bill."

March 10 -- The cloture move was rejected by a roll-call vote of 42-53 (D 30-33; R 12-20). With four of the 99 Senators absent (there was one vacancy), this was 22 votes shy of the necessary two-thirds of the Senators present and voting (64 in this case).

The House adopted the rule for debate on its civil rights bill by a 314-93 roll-call vote and began action on HR 8601.

March 24 -- The House passed HR 8601 by a 311-109 vote (D 179-94; R 132-15).

The Senate, which had accomplished little in the interim, abandoned its own bills and referred the House-passed bill to the Senate Judiciary Committee with instructions that the bill be reported back to the Senate no later than midnight March 29.

March 28-9 -- The Senate Judiciary Committee held hearings on the House-passed bill, with Administration and Southern spokesmen testifying. Following the hearings, the Committee voted amendments to every section of the bill.

March 30 -- The Senate began consideration of the House bill as amended and reported (S Rept 1205) by the Judiciary Committee. It quickly agreed to all but one of the Committee's amendments. The amendment on which action bogged down was to the referee plan.

April 8 -- The Senate passed HR 8601, by a vote of 71-18.

April 19 -- The House Rules Committee cleared the bill for House concurrence in the Senate's amendments.

April 21 -- The House, by a 288-95 (D 165-83; R 123-12) roll-call vote, agreed to the Senate's amendments to HR 8601, thus sending the bill to the President for his signature.

May 6 -- The President signed the bill into law (PL 86-449).

LATER ACTION

June 22 -- The Senate tabled, 58-29 (D 35-19; R 23-10), an amendment to the Independent Offices appropriation to prohibit use of funds in the bill for construction of airport terminal buildings that would contain segregated facilities.

July 12 -- The Democratic nominating convention in Los Angeles adopted, by voice vote, the strongest civil rights platform in the party's history after Southerners representing nine states presented a minority report.

July 27 -- The Republican nominating convention in Chicago adopted a civil rights plank almost as strong as the Democrats' after Vice President Richard M. Nixon prevailed on the platform committee.

Aug. 8 -- President Eisenhower called on the reconvened Congress to enact two provisions, originally in the Administration bill, to establish a Commission on Equal Job Opportunity and to provide federal funds to aid areas desegregating their schools. They had been rejected in the House and Senate.

Aug. 9 -- The Senate tabled on a 54-28 roll call a bill (S 3823) incorporating the two provisions. All but four Democrats voted in favor and all but two Republicans voted against.

ISSUES IN THE 1960 DEBATE

**Voting Rights.** The most difficult issue in the 1960 debate was the question of what kind of provision to add to the 1957 Civil Rights Act to further help Negroes register and vote. This developed into a three-sided controversy over proposals for federal registrars, as recommended by the Civil Rights Commission in its 1959 report; court-appointed voting referees, as recommended by the Eisenhower Administration; or federal enrollment officers, a compromise proposal originally proposed by Sen. Hennings Jr. (D Mo.). Congress finally enacted a modified version of the Administration plan.

REGISTRARS v. REFEREES

Under the registrar proposal, the Civil Rights Commission would investigate charges that state registrars had refused to register qualified voters because of their race, color, religion or national origin. Valid cases would be certified to the President, who would designate a federal officer or employee in the district to register voters until state officials were ready to resume the task on a non-discriminatory basis.

The basic idea of the Administration's referee plan, which was announced by Attorney General Rogers Jan. 26, was to place responsibility for guaranteeing voting rights in the courts.

The process would begin with a civil suit brought in a federal court by the Justice Department under the 1957 Act. The suit would seek an injunction against persons who had denied, or were about to deny, anyone his right to vote in a primary or general federal election because of race, color, religion or national origin. If this suit were successful, the Attorney General would ask the courts to make a separate finding, on the basis of another court proceeding, that there was a pattern or practice of such discrimination.

## *Poll Tax Ban*

The Senate in 1960 for the first time approved a proposal, in the form of a constitutional amendment, to abolish the poll tax as a qualification for voting in federal elections. However, the House Judiciary Committee deleted the poll tax ban from the three-part package of constitutional amendments in which it was included (S J Res 39), lest it jeopardize approval of an amendment for District of Columbia suffrage.

The poll tax amendment was introduced in 1959 as S J Res 126 by Sen. Holland (D Fla.), perennial sponsor of anti-poll tax amendments, and 66 co-sponsors. It was offered as a floor amendment to S J Res 39 and approved by the Senate on a 70-18 (D 43-12; R 27-6) roll call Feb. 2, a two-thirds majority being required (59 "yeas"). Previously the Senate tabled, 50-37 (D 32-22; R 18-15), a substitute sponsored by Sen. Javits (R N.Y.) that would have eliminated the poll tax by direct statute. The House had approved the statutory approach five times between 1942 and 1949, but the measures had died each time in the Senate.

As in other years, the issue was whether or not the poll tax was a constitutional "qualification" for voting that the states could properly set. Both the advocates of a constitutional amendment and those who favored direct statutory action also feared a victory for the opposing method might set a precedent that would be followed in other civil rights legislation.

The House Judiciary Committee subsequently deleted the poll tax ban from S J Res 39 after Committee Chairman Celler (D N.Y.) announced he would join Holland in the fight to repeal the poll tax by constitutional amendment in the next Congress. (See 1962, below)

If the court made such a finding, Negroes in that area could turn to the court and ask to be registered. They would be heard either by the judge or by voting referees appointed by the judge, who would determine whether the Negroes were qualified under state voting laws. If the Negro were heard by the referee, the hearings would be *ex parte* (without cross-examination by opponents) and the referee would report to the court which Negroes he found qualified to vote. If the referee's report were not challenged by state officials within 10 days, the court would issue the Negroes certificates stating that they were qualified to vote in state as well as federal elections and those Negroes' names would be entered in a court decree, which would be served on state officials.

The court could authorize the referee or other persons to see that the qualified Negroes were allowed to vote and their ballots were counted. Any official who refused to comply with the court decree -- whether by refusing to register the qualified Negro, by refusing to let him vote or by refusing to count his ballot -- would be subject to contempt of court proceedings.

As offered on the House floor March 14, the Administration referee proposal was revised to require applicants to prove that they had attempted to register through regular channels since the court had made its "pattern or practice of discrimination" finding. The revised version also eliminated that part of the original proposal that

# Provisions of Civil Rights Act of 1960

TITLE I

Provided that persons who obstructed or interfered with any order issued by a federal court, or attempted to do so, by threats or force, could be punished by a fine of up to $1,000, imprisonment of up to one year, or both. Such acts could also be prevented by private suits seeking court injunctions against them.

TITLE II

Made it a federal crime to cross state lines to avoid prosecution or punishment for, or giving evidence on, the bombing or burning of any building, facility or vehicle, or an attempt to do so. Penalties could be a fine of up to $5,000, or imprisonment of up to five years, or both.

Made it a federal crime to transport or possess explosives with the knowledge or intent that they would be used to blow up any vehicle or building. Allowed the presumption, after any bombing occurred, that the explosives used were transported across state lines (therefore allowing the FBI to investigate any bombing case), but stipulated that this would have to be proved before the person could be convicted. Penalties could be imprisonment of up to one year and/or $1,000 fine; if personal injury resulted, 10 years and/or $10,000 fine; if death resulted, life imprisonment or a death penalty if recommended by a jury.

Made it a federal crime to use interstate facilities, such as telephones, to threaten a bombing or give a false bomb-scare, punishable by imprisonment of up to one year or a fine of up to $1,000, or both.

TITLE III

Required that voting records and registration papers for all federal elections, including primaries, must be preserved for 22 months. Penalties for failing to comply or for stealing, destroying or multilating the records could be a fine of up to $1,000, and/or imprisonment for one year.

Directed that the records, upon written application, be turned over to the Attorney General "or his representative" at the office of the records' custodian.

Unless directed otherwise by a court, the Justice Department representative must not disclose the content of the records except to Congress, a government agency, or in a court proceeding.

TITLE IV

Empowered the Civil Rights Commission, which was extended for two years in 1959, to administer oaths and take sworn statements.

TITLE V

Stated that arrangements might be made to provide for the education of children of members of the armed forces when the schools those children regularly attended had been closed to avoid integration and the U.S. Commissioner of Education had decided that no other educational agency would provide for their schooling. Amended the laws on aid to impacted school districts (PL 81-815, PL 81-874) to this effect.

TITLE VI

Provided that after the Attorney General won a civil suit brought under the 1957 Civil Rights Act to protect Negroes' right to vote, he could then ask the court to hold another adversary proceeding and make a separate finding that there was a "pattern or practice" of depriving Negroes of the right to vote in the area involved in the suit.

If a court found such a "pattern or practice," any Negro living in that area could apply to the court to issue an order declaring him qualified to vote if he proved (1) he was qualified to vote under state law; (2) he had tried to register after the "pattern or practice" finding; and (3) he had not been allowed to register or had been found unqualified by someone acting under color of law. The court would have to hear the Negro's application within 10 days and its order would be effective for as long a period as that for which he would have been qualified to vote if registered under state law.

State officials would be notified of the order, and they would then be bound to permit the person to vote. Disobedience would be subject to contempt proceedings.

To carry out these provisions, the court may appoint one or more voting referees, who must be qualified voters in the judicial district. The referees would receive the applications, take evidence, and report their findings to the court. The referee must take the Negro's application and proof in an *ex parte* proceeding (without cross-examination by opponents) and the court may set the time and place for the referee's hearing.

The court may fix a time limit of up to 10 days, in which state officials may challenge the referee's report. Challenges on points of law must be accompanied by a memorandum and on points of fact by a verified copy of a public record or an affidavit by those with personal knowledge of the controverting evidence. Either the court or the referee may decide the challenges in accordance with court-directed procedures. Hearings on issues of fact could be held only when the affidavits show there is a real issue of fact.

If a Negro has applied for a court certificate 20 or more days before the election, his application is challenged, and the case is not decided by election day, the court must allow him to vote provisionally, provided he is "entitled to vote under state law," and impound his ballot pending a decision on his application. If he applies within 20 days before the election, the court has the option of whether or not to let him vote.

The court would not be limited in its powers to enforce its decree that these Negroes be allowed to vote and their votes be counted and may authorize the referee to take action to enforce it.

The referees would have the powers conferred on court masters by rule 53(c) of the Federal Rules of Civil Procedure. (Rule 53(c) gives masters the right to subpena records, administer oaths and cross-examine witnesses.)

In any suit instituted under these provisions, the state would be held responsible for the actions of its officials and, in the event state officials resign and are not replaced, the state itself could be sued.

would have authorized referees to oversee the actual counting of ballots.

ENROLLMENT OFFICERS PLAN

The basic idea of the Hennings proposal was that after the Attorney General brought a suit under the 1957 Act and the judge hearing the case found a pattern or practice of discrimination (without, as in the referee plan, involving a separate case), the Attorney General would so notify the President. The President would then appoint federal enrollment officers for that area to register all Negroes found qualified under state voting laws. If a Negro's qualification were challenged on election day, he could vote provisionally until the case was decided; if he were prevented from voting on or before election day, the Justice Department would ask for a temporary court injunction.

The Hennings plan was destined to become identified as a Democratic bill and never became the instrument of compromise he intended.

HOUSE ACTION

In the House, which acted first, the three-cornered nature of the controversy almost led to the rejection of the entire voting provision. But Northern Democrats finally threw their support from the enrollment officers to the referee plan, thus assuring passage. Before doing so, however, they pressed successfully for the adoption of a strengthening amendment sponsored by Rep. O'Hara (D Mich.). The O'Hara amendment provided for the provisional acceptance of ballots cast by persons who had applied for registration to a voting referee 20 or more days before the election and whose application had been challenged and was still pending. In cases where the application had been filed less than 20 days before the election, the applicant could be permitted to vote at the discretion of the court. The amendment also restored some measure of the referee's power to supervise voting and ballot counting.

After narrowly escaping an amendment that would have limited its effect to federal elections, the voting referee provision was formally adopted by the House March 23 on a 295-124 roll-call vote.

SENATE ACTION

The Senate also approved the referees plan, but with two substantive changes, both designed to temper Southern objections. All other amendments were rejected. They included efforts by the pro-civil rights "liberal bloc" to strengthen the plan and amendments by the 18-member Southern bloc to weaken it.

The first of these changes, sponsored by Sen. Estes Kefauver (D Tenn.) and adopted by the Senate Judiciary Committee by a 7-6 vote, deleted the language that required a Negro's appearance before a voting referee to be *ex parte* (without cross-examination by opponents) and added a provision to make the hearings public and to permit the appearance of the registrar or his counsel.

By a 69-22 (D 38-19; R 31-3) vote, the Senate April 1 accepted a substitute for the Kefauver amendment. The substitute restored the House language requiring that hearings before the referee be held *ex parte* and permitted the court to set the times and places of the hearings.

## *1960 Platforms*

**Democrats.** The Democratic convention July 12, 1960 adopted the strongest civil rights plank in the history of the party. It proposed legislation to: eliminate literacy tests and poll taxes where they still existed as voting requirements; require school districts still segregated to submit plans for at least first-step desegregation by 1963 and provide technical and financial assistance to school systems going through desegregation; authorize the Attorney General to file suits seeking court injunctions against deprivation of any civil right; establish a federal Fair Employment Practices Commission; and strengthen and make permanent the Civil Rights Commission. The platform also pledged executive action to assure equal employment opportunities and end racial segregation in areas of federal activity, as well as to end discrimination in federal housing programs.

**Republicans.** The GOP platform, adopted July 27, proposed legislation to: make a sixth-grade education conclusive evidence of literacy for voting purposes; authorize the Attorney General to bring action for school desegregation; provide federal aid and technical assistance for schools attempting to desegregate; establish a permanent Commission on Equal Job Opportunity; and end "discriminatory membership practices of some labor union locals, unless such practices are eradicated promptly by the labor unions themselves." The platform also carried pledges to bar discrimination in federally assisted housing, oppose use of federal funds to build segregated community facilities, prohibit segregation in public transportation and "other Government authorized services." The GOP also pledged its "best efforts" to change the Senate cloture rule.

The other Senate amendment dealt with the provisional voting concept contained in the House-approved O'Hara amendment. This amendment, offered by Sen. Dirksen (R Ill.) and accepted April 7 by a 79-12 (D 52-8; R 27-4) vote, added to the section, stating that courts shall alow the Negro to vote provisionally, the words, "provided, however, that such applicant shall be qualified to vote under state law." Senators were split on the amendment's effects, and the liberal bloc divided in the voting, part of its membership casting the 12 negative votes.

**Court Orders, Bombings.** Two sections of the Administration bill were substantially broadened before final enactment. One Administration proposal would have made it a federal crime to obstruct the carrying out of court orders for school desegregation; the other would have permitted the Federal Government to prosecute instances of bombings of schools and churches. The final bill made the court order provision apply to obstruction of any kind of court order and the bombing provision apply to bombing or burning of any kind of building or vehicle. The result was that the provisions were more general in nature and less obviously directed at racial incidents in the South.

**Desegregation, Job Aid.** Two sections of the Administration bill -- those most vehemently opposed by

Southerners -- were scrapped entirely. There was substantial evidence that this action was not unexpected or entirely opposed by the Congressional leaders, and President Eisenhower throughout the 1960 action made no call for restoration of the provisions in the final bill.

The two provisions would have: (1) established a permanent Commission on Equal Job Opportunity Under Government Contracts to investigate and try to eliminate racial discrimination in companies working under Government contracts; and (2) provided federal technical assistance to school agencies going through a desegregation process; a prologue to this provision endorsed the Supreme Court's 1954 school desegregation decision and said state and local governments "are now obligated to take steps toward the elimination of segregation in their public schools."

Southerners gained votes against the proposed Commission by arguing that it would establish a precedent for a Federal Fair Employment Practices Commission and that the provision constituted an endorsement of Vice President Nixon, who headed the existing Government Contracts Committee.

Both provisions were deleted from the Administration bill by the House Judiciary Committee in 1959, and efforts to restore them on the House floor in 1960 were ruled out of order on grounds that they were not germane to the civil rights bill.

The provisions were rejected by the Senate Judiciary Committee and by the Senate itself, where the Commission provision was tabled on a 48-38 (D 27-27; R 21-11) roll call April 1. The desegregation assistance amendment was tabled on a 61-30 (D 37-20; R 24-10) vote April 4.

**Part III, School Desegregation.** Also rejected were amendments that provided for Part III or, more narrowly, for permission for the Attorney General at least to enter private suits for school desegregation. Part III was rejected by the House Judiciary Committee in 1959, and efforts to add it on the House floor in 1960 were ruled out of order as not germane. The Senate twice voted to reject Part III. The first vote came March 10, when the Senate tabled a Part III amendment by a roll call, 55-38 (D 34-28; R 21-10). The second vote on Part III took place April 4, when the Senate tabled, 56-34 (D 33-23; R 23-11), amendments to add Part III and to allow the Attorney General to enter private suits for school desegregation.

**1961** The Kennedy Administration took office faced with the difficult problem of what to do with its own civil rights promises. The 1960 Democratic platform contained the most far-reaching pledges for legislative and executive civil rights action ever made by a major U.S. political party. But with a Congress narrowly divided on most of the President's "priority" welfare programs, Administration strategists decided not to irritate Southern Democrats by pressing for civil rights bills. In exchange, they hoped, Southerners would support other Administration measures.

The only civil rights legislation that received Administration support and was enacted by Congress in 1961 extended the Civil Rights Commission for two years. Other civil rights proposals, offered in the Senate as amendments to various bills, and an attempt to curb Senate filibusters received no White House support and were defeated.

The Administration was vigorous, however, in trying to promote racial equality through executive action in the fields of voting rights, discrimination by Government contractors and Government agencies and in transportation facilities.

Meanwhile, the Civil Rights Commission, buttressed by two Kennedy appointees, Spottswood Robinson III and Erwin N. Griswold, issued a five-volume report calling for a wide-ranging program of federal civil rights action (see p. 15).

EXECUTIVE ACTIONS

**Employment.** President Kennedy March 6 issued Executive Order No. 10925 establishing the President's Committee on Equal Employment Opportunity to combat racial discrimination in the employment policies of Government agencies and private firms holding Government contracts. The Committee, headed by Vice President Johnson, replaced the earlier Committee on Government Employment Policy and the Committee on Government Contracts, headed by Vice President Nixon. Whereas the old Contract Committee had to wait for complaints to be filed, the new agency was authorized to make investigations on its own responsibility and had the resources of the Labor Department to aid it in enforcement. The order required regular compliance reports from contractors, and these were to include reports on unions with which the contractors dealt. The Committee was authorized to hold hearings and publicize the names of non-complying unions or companies. It also was authorized to cancel contracts of companies that continued to discriminate or bar them from future contracts. The Committee subsequently won agreements with several large Government contractors, including a broad anti-discrimination agreement from Lockheed Aircraft Corp., which the President called a "milestone" in civil rights.

**Transportation.** Attorney General Robert F. Kennedy May 29, 1961 petitioned the Interstate Commerce Commission to issue regulations banning segregation in bus terminals. He said "confusion" about existing rules had given rise to "unrest and civil disorder." The Commission Sept. 22 issued a new set of regulations prohibiting discrimination in interstate buses and terminals. The regulations were flouted in some Southern areas, and the Department then set out to enforce them.

The Department also moved against discrimination in airport facilities, bringing suits against some airports on the grounds that the Federal Airport Act barred any "unjust discrimination" in the operation of interstate air transport. (Meanwhile, the Senate July 31 tabled, 54-33 (D 37-19; R 17-14), an amendment to the Independent Offices appropriation that would have prohibited payment of obligated funds for construction of airport terminal buildings containing racially segregated facilities. The action came after Sen. Mike Mansfield (D Mont.) explained that the Federal Aviation Agency no longer helped construct terminals with segregated facilities, but that the funds involved in the amendment were an obligation of the Government pledged before FAA changed its policy.)

**Voting.** The Justice Department under the Kennedy Administration also more vigorously enforced the voting rights provisions of the 1957 and 1960 Civil Rights Acts. The Department under President Eisenhower filed nine suits between 1957 and Jan. 19, 1961. During the first

10 months of the Kennedy Administration the Department filed 14 suits.

**Housing.** President Kennedy did not make good on his 1960 campaign promise to issue "the long-delayed executive order putting an end to racial discrimination in federally assisted housing." Candidate Kennedy had said the President could do this "by a stroke of his pen," but the order was not issued for fear it would jeopardize enactment of key Kennedy legislation, including the 1961 housing bill and a measure to elevate the Housing and Home Finance Agency to Cabinet status. (See 1962)

**Education.** The Justice Department under the Kennedy Administration took a direct hand in school desegregation by acting as a "friend of the court" in New Orleans and being rebuffed in its attempt to act as a plaintiff in Prince Edward County, Va., where schools had been closed to avoid integration. The Department also was credited with some behind-the-scenes work to achieve smooth transition to desegregated schools in other Southern areas.

**General Legislation.** Candidate Kennedy Sept. 1, 1960 announced he had asked Sen. Joseph S. Clark (D Pa.) and Rep. Emanuel Celler (D N.Y.) to draw up civil rights legislation "embodying our platform commitments for introduction at the beginning of the next session." "We will seek enactment of this bill early in that Congress," he said. However, when the Clark-Celler bills were introduced in 1961, White House Press Secretary Pierre Salinger said they "are not Administration-backed bills. The President does not consider it necessary at this time to enact new civil rights legislation."

**Commission Extension.** Following the procedure it had used in 1959, the Senate Aug. 30 voted 70-19 (D 41-18; R 29-1) to attach a two-year extension, until Nov. 30, 1963, of the Civil Rights Commission to the House-passed State-Justice-Judiciary appropriation. The House Sept. 13 agreed to the two-year extension, 300-106 (D 161-82; R 139-24), and to an $888,000 appropriation for the Commission.

Before the Senate added the two-year extension to the bill, Senate liberals offered and lost four amendments: to make the Commission permanent, tabled, 56-36 (D 33-28; R 23-8); to extend its life for four years, tabled 48-42 (D 31-29; R 17-13); to authorize civil suits for injunctive relief (tabled, 47-42); and to authorize federal aid to school districts seeking to desegregate, tabled, 50-40 (D 34-26; R 16-14).

**1962** Despite increasing pressure, the Kennedy Administration in 1962 continued to sidestep demands for general civil rights legislation -- including the "Part III" authority so ardently sought by civil rights groups -- but gave its backing to two proposals in the voting rights field, already the subject of enactments in 1957 and 1960.

One of these proposals, a constitutional amendment outlawing the poll tax as a voting requirement in federal elections and primaries, won approval of both Senate and House. As a proposed constitutional amendment, it required a two-thirds majority of each chamber of Congress, as well as ratification by three fourths of the states.

The other proposal was an Administration-sponsored measure to make anyone with a sixth-grade education eligible to pass a literacy test for voting in federal elections. This bill died in a Senate filibuster, with liberal civil rights forces variously laying the blame on the conservative Southern Democratic-Republican coalition, on indifference of civil rights organizations, and on lack of aggressive leadership by the Administration.

A third civil rights measure, an FEPC bill, was reported in the House but did not reach the floor.

Meanwhile, the Executive Branch continued its earlier activities in the civil rights field and expanded the scope of its efforts in education and housing.

**Poll Tax.** The General Services Administration Sept. 14 submitted to the Governors of the 50 states a proposed constitutional amendment (S J Res 29) barring the requirement of a poll tax as a qualification for voting in federal elections and primaries. This action followed passage by both houses of Congress. Bills to ban the poll tax by statute, rather than by constitutional amendment, were approved five times between 1942 and 1949 by the House but died each time in the Senate, with filibusters in 1942, 1944 and 1946. Sen. Holland (D Fla.), sponsor of S J Res 29, introduced an anti-poll tax amendment in every Congress since 1949, but it never was reported by the Senate Judiciary Committee.

The Senate March 27 approved amendment on a 77-16 roll call, 15 votes more than the necessary two-thirds majority. Passage followed a 10-day "friendly filibuster," during which no attempt was made to invoke cloture. Debate on the proposal began March 14 when Majority Leader Mansfield (D Mont.) called up a minor measure with the avowed purpose of permitting Sen. Holland (D Fla.) to offer his poll tax proposal (S J Res 58) as a substitute for it. The Holland substitute was adopted by voice vote March 27 after the Senate tabled, 59-34, a proposal by Sen. Javits (R N.Y.) to outlaw the poll tax by statute.

The debate, as in earlier years, concerned both the substance and the proposed method of eliminating poll taxes. Language in Article 1, Section 2 and in the 17th Amendment to the Constitution set the "qualifications" for voters in federal elections as those "requisite" for electors of the most numerous branch of the state legislature. The issue thus was whether or not the poll tax was a "qualification" that states could properly set.

Also under debate was the issue of whether poll taxes should be outlawed by statute or by constitutional amendment. On the theory that poll taxes were not specifically designed to keep Negroes from voting, Holland and most of his supporters argued that there was no language in the Constitution that barred a poll tax and therefore it had to be achieved by amending the Constitution. To do otherwise, they said, would open the states' entire control over their election machinery to attack by federal legislation.

Many civil rights advocates, on the other hand, argued that to accept the constitutional amendment approach would be to concede that Congress had no other method of eliminating abuses in voting laws, and this would set a bad precedent for other civil rights proposals.

President Kennedy, in a letter to Holland, assured him of "my continued support for the principles set forth" in Holland's amendment. The President's brother, Attorney General Robert F. Kennedy, endorsed the constitutional amendment approach but also said Congress could outlaw the poll tax by statute without violating the Constitution.

The House Aug. 27 approved S J Res 29 by a roll-call vote of 295-86 (D 163-71; R 132-15), which was 41 more than the two-thirds of those present and voting necessary

to approve the amendment. Because the resolution had not yet received a rule for floor consideration from the House Rules Committee, House leaders called it up under suspension of the rules, a procedure which also requires a two-thirds majority for approval, and which allows only 40 minutes of debate and no amendments. Chairman of the House Judiciary Committee Celler urged approval on the grounds that it was the only proposal which could get through the Senate. Some liberal Republicans protested against the "gag procedure" under which the amendment was brought up in the House.

Although only 40 minutes of debate was allowed, Southerners tied up the House for almost four hours with two procedural roll calls and three quorum calls.

As passed by Congress, the amendment -- a variation of earlier Holland proposals -- provided: "The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any state by reason of failure to pay any poll tax or other tax."

The 24th Amendment was finally ratified by the required 38 states in 1964. Its only real effect was in the five states which still had a poll tax -- Alabama, Arkansas, Mississippi, Texas and Virginia.

**Equal Rights.** Sole action on equal rights was approval Aug. 30 by the Senate Judiciary Committee of a joint resolution (S J Res 142) for a constitutional amendment to guarantee that "equality of rights" shall not be denied or abridged "on account of sex."

**Literacy Tests.** A Senate filibuster spelled defeat for the Kennedy Administration's literacy test bill in 1962. The measure (S 2750) provided that anyone with a sixth-grade education could not be flunked on a literacy performance test required of those registering to vote in federal elections. It did not outlaw the giving of such tests, nor did it preclude a state from setting any other level of education as a requirement for registering to vote. The proposal originated in the 1960 GOP platform, and a similar recommendation appeared in the Civil Rights Commission's 1961 report. The Democratic party also was pledged to literacy test action.

The measure reached the Senate floor April 24, when it was offered by Majority Leader Mansfield and Minority Leader Dirksen (R Ill.) as an amendment to a minor House-passed bill. (They earlier had agreed to do this if S 2750 was not reported by the Judiciary Committee.) There followed a rather leisurely Southern filibuster, which the leadership made two unsuccessful efforts to break by invoking cloture. The first cloture motion, rejected May 9 by a 43-53 (D 30-30; R 13-23) vote, was followed immediately by rejection, 33-64 (D 23-38; R 10-26), of another motion to table (kill) the bill. Voting for the cloture motion were 13 Republicans and 30 Northern Democrats. Voting against it were 23 Republicans, 7 Northern Democrats and 23 Southern Democrats. The second cloture motion, May 14, was rejected by a 42-52 (D 31-30; R 11-22) roll call -- 21 votes short of the necessary two-thirds majority. No Senators changed their position from the first cloture vote. The following day the Senate voted 49-34 (D 30-22; R 19-12) to shelve the bill, and it did not come up again during the 1962 session. There was no House action. Debate, like that on the poll tax proposal, was largely concerned with the constitutionality of the measure.

**FEPC.** The House Education and Labor Committee Feb. 21 reported a bill (HR 10144 -- H Rept 1370) to prohibit discriminatory employment practices by employers, labor unions or employment agencies. The bill called for establishment of a five-member, bipartisan Equal Opportunity Commission, with authority to initiate charges as well as investigate them and oversee enforcement. The measure never reached the House floor.

EXECUTIVE ACTIONS

**Education.** The Kennedy Administration adopted a new policy of using discretionary authority granted by Congress to deal where possible with desegregated rather than segregated school systems. Acting under this policy, Health, Education and Welfare Secretary Abraham A. Ribicoff March 30 announced that only desegregated schools would qualify as "suitable" under regulations for one section of the program of federal aid to "impacted" school districts -- those bearing extra burdens because of federal installations in the area. Starting with the 1963-64 school year, he said, the Federal Government would be prepared to establish desegregated on-base schools for children of parents living and working on federal property, when only segregated public schools were available off the base. Ribicoff announced at the same time that the Justice Department was considering a suit to compel desegregation of school districts receiving aid under the impacted areas program.

HEW in 1962 also adopted a new policy of contracting only with desegregated universities for summer training institutes authorized under the 1958 National Defense Education Act.

In another move, the U.S. Office of Education announced plans to establish an information clearinghouse to help local school districts plan for desegregation.

**Hospitals.** The Justice Department May 8 sought to intervene in a suit brought by the National Assn. for the Advancement of Colored People against a provision in the Hill-Burton Act of 1946, which authorized federal grants for hospital construction where the hospitals maintained segregated facilities, on a separate but equal basis, for Negroes. If won, the suit would not cut off the money but would force desegregation of the hospitals.

**Housing.** President Kennedy Nov. 24 issued Executive Order 11063 barring racial discrimination in federally assisted housing. The action, fulfilling a 1960 campaign promise, had been delayed for almost two years in the fear that it might jeopardize other parts of the Kennedy program in Congress.

Early in 1962, Congress killed another Administration housing proposal -- elevation of the Housing and Home Finance Agency to a Cabinet-level Department of Urban Affairs and Housing -- after the President Jan. 24 announced that HHFA Administrator Robert C. Weaver, a Negro and an advocate of "open occupancy," was his choice for Secretary of the proposed Department. The statement brought criticism from Republicans, who claimed that in an election year the President was maneuvering to make them appear anti-Negro if they did not vote for the Cabinet department.

**Women in Government.** President Kennedy July 24 issued a memorandum barring discrimination against women in federal service. In the future, he said, appointments and promotions must be made "without regard to sex except in unusual situations." The order overruled an opinion by Attorney General Homer S. Cummings in 1934 that gave Government agencies the right to limit certain federal jobs to one sex or the other.

**1963** In 1963, the issue of Negro rights produced a national domestic crisis for the U.S. Discontented with the pace of their advances in all spheres of American life, and better organized than ever before, Negroes pressed for stepped-up activity on all fronts. Their drive resulted in a request by President Kennedy for new far-reaching legislation, and in Congressional action which paved the way for possible passage in 1964 of the Administration bill covering voting rights, school desegregation, employment, access to public accommodations, and use of federal funds without discrimination. The only legislation in this field enacted in 1963 gave the Civil Rights Commission a one-year extension.

The immediate impulse for the 1963 civil rights drive was a series of Negro demonstrations and boycotts which soon spread throughout the country, North and South. By the end of the year, demonstrations had taken place in 800 cities and towns, climaxed by a gigantic Aug. 28 "March on Washington for Jobs and Freedom" in which 200,000 persons participated. The peaceful Aug. 28 demonstration showed Negro groups united, and the Negro movement supported by whites, as never before.

The demonstrations in 1963 began with Negroes, but the year saw millions of white Americans -- most noticeably church groups and college students -- taking a new and deep interest in the lot of colored Americans. At the same time, however, many Northern whites, especially in low income groups, became hostile to the Negro rights drive which threatened existing de facto segregation in housing, employment and schools.

In light of the urgent Negro demand for action, and the possibility of heightened violence, the Kennedy Administration in June widened a relatively slim civil rights package which it had submitted to Congress earlier in the year, and moved civil rights legislation to the top of its priority list. On Feb. 28, President Kennedy had asked Congress for legislation dealing mainly with broadening the existing laws to protect Negroes' voting rights, and including provisions authorizing federal technical assistance to areas desegregating schools, and a four-year extension of the Civil Rights Commission, scheduled to go out of existence in late 1963.

On June 19, President Kennedy submitted a bill including all of the above requests, plus legislation to guarantee Negroes access to public accommodations, allow the Government to file suit to desegregate schools, allow federal programs to be cut off in any area where discrimination is practiced in their application, strengthen existing machinery to prevent employment discrimination by Government contractors, and establish a Community Relations Service to help local communities resolve racial disputes. The President's bill did not include a general section on fair employment practices, but the President's message expressed support for fair employment bills pending in Congress.

Before presenting the bill to Congress, President Kennedy, in a nationwide television address June 11, said "We are confronted primarily with a moral issue." "The fires of frustration and discord are burning in every city, North and South, where legal remedies are not at hand," he said. "Redress is sought in the streets, in demonstrations, parades and protests which create tensions and threaten violence -- and threaten lives."

The President then held a series of White House meetings with labor and religious leaders, with lawyers, and with representatives of women's organizations. In submitting the bill, Mr. Kennedy called on "all community leaders, Negro and white, to do their utmost to lessen tensions and exercise self-restraint."

The public accommodations provision was often described as the "symbolic heart" of the President's bill. A focal point of the 1963 Negro demonstrations had been exclusion of Negroes from lunch counters, restaurants, amusement parks, theaters, hotels and other places open to the general public. This was also one of the two provisions which at first was considered the most difficult to get through Congress (the other being the federal funds section). Republican civil rights supporters argued that the provision should rest on the 14th Amendment's guarantee that Negroes should not be denied equal protection of the laws by any state, rather than on Congress' power to regulate interstate commerce, as the Administration bill did. Also, Senate Minority Leader Everett McKinley Dirksen (R Ill.) indicated that he would support only a voluntary public accommodations provision. Republican support would be essential for getting the bill through Congress over the opposition of Southern and border-state Members; yet many Republicans had deep misgivings about sections of the bill.

In the Senate, the Judiciary Committee, under the effective control of anti-civil rights Sen. James O. Eastland (D Miss.), its chairman, held hearings but took no further action. The Senate Commerce Committee, to which the public accommodations section had been referred as a separate bill, Oct. 8 approved a bill (S 1732) incorporating the Administration's request. For reasons of strategy, it was not formally reported in 1963. Once a bill is reported, it may be called up, and the Senate leadership did not want to get into the civil rights issue, and the expected filibuster, until the House had passed the civil rights bill first. S 1732 was reported the following year, but was set aside in favor of the omnibus bill.

The critical groundwork for 1964 action was laid in the House, where civil rights supporters of both parties and Administration officials worked towards finding a bill which would receive the necessary bipartisan support on the floor to overcome Southern opposition.

The House Judiciary Subcommittee No. 5 held hearings from May 8 through Aug. 2. The liberal-oriented Subcommittee then proceeded to draft a bill that went far beyond the scope of the Administration's proposal. Fearing that this measure would never enlist the support of enough Republicans to get it through the House, and wishing to avoid opening the bill up to widespread amending on the House floor, the Administration decided to take the political risk of publicly asking for a milder bill. Attorney General Robert F. Kennedy appeared before the full Judiciary Committee Oct. 15-16 and asked for modification of provisions which he said were either legally unwise or would provoke unnecessary opposition to the bill. Kennedy was especially critical of the wide scope of the public accommodations section and the new Title III (based on the old controversial Title III) which would have given the Justice Department almost unlimited powers in filing suits to stop civil rights deprivations.

A new bill was hammered out in crucial negotiations between McCulloch, Halleck and other House Republicans and the Administration in late October. The Republicans insisted on eliminating the temporary voting registrar formula in favor of special three-judge federal courts; making the Civil Rights Commission permanent; adding authority for the Commission to investigate vote frauds; adding a fair employment section with court (rather than

# Civil Rights Groups and Leadership Conference

Old, established Negro civil rights organizations like the National Association for the Advancement of Colored People and the National Urban League found themselves competing in the 1960s with younger, more militant groups seeking to speak for American Negroes. Some of these newer groups, like the Student Non-Violent Coordinating Committee, eventually complemented the efforts of the older groups. But on the extremist wing stood the Black Muslims, who preached superiority of the Negro and called for segregation rather than integration.

A brief description of the major Negro civil rights groups follows:

National Association for the Advancement of Colored People (NAACP) -- founded in 1909 in New York City by Dr. W.E.B. DuBois, Mary White Ovington and others; headquarters in New York City with a Washington office headed by Clarence Mitchell; over 400,000 members; interracial in membership; leaders were Arthur B. Spingarn, president and Roy Wilkins, executive secretary; concentrated through the years mainly on legal and legislative matters but took part in demonstrations, boycotts and sit-ins in 1960s.

NAACP Legal Defense and Education Fund -- founded in 1938 as a tax-exempt (non-lobbying) organization not officially tied to the regular NAACP; headquarters in New York City; leaders were Dr. Allan Knight Chalmers, president; Thurgood Marshall, director-counsel until his appointment in 1962 as a federal judge; Jack Greenberg, Marshall's successor; maintained a full legal staff pressing litigation for Negro rights in the South.

National Urban League -- founded in 1910; headquarters in New York with a Washington bureau; over 100,000 members; interracial in membership; leaders were Henry Steeger, president and Whitney Young Jr., executive director; mainly interested in better housing, employment and educational opportunities and has participated very little in demonstrations, school boycotts and sit-ins.

Congress of Racial Equality (CORE) -- founded in 1941; headquarters in Chicago with a Washington chapter; over 83,000 members; interracial in membership; leaders were James Farmer, president and Floyd B. McKissick, national chairman; participated mainly in demonstrations, boycotts and sit-ins which it pioneered in the 1940s.

Southern Christian Leadership Conference -- founded in 1957 by Rev. Dr. Martin Luther King Jr. and a group of Negro ministers; headquarters in Atlanta, Ga., no Washington office; confines most of its activities to the South; small membership but many followers; interracial in membership; leaders were King, as president and Rev. Wyatt Tee Walker, staff director; concentrated on demonstrations, boycotts and sit-ins.

Southern Regional Council -- founded in 1942 by Dr. Gordon B. Hancock (of Virginia Union University) and Dr. P.B. Young (a Negro publisher); headquarters in Atlanta, no Washington office; confined to the South; small membership; interracial; led by Leslie C. Dunbar, executive director; a research and information service devoted to improving the Negro's economic status and educational opportunities in the South.

Student Non-Violent Coordinating Committee (Snick) -- founded in 1960; headquarters in Atlanta, no Washington office; small membership compared to CORE and the NAACP; interracial in membership; led by John Lewis, 26, its chairman; participated mainly in demonstrations, boycotts and sit-ins, mostly in the South.

Negro American Labor Council -- founded in 1960 by A. Philip Randolph, its president, who was also president of the Brotherhood of Sleeping Car Porters union (AFL-CIO); headquarters in New York, no Washington office; membership made up of Negro and white union members; interested in obtaining equal opportunities for Negroes within the labor movement.

Black Muslims -- founded in 1933; headquarters in Chicago and Detroit with a Washington mosque; membership secret and restricted to Negroes; leaders were Elijah Muhammad and Malcolm X (until his defection in 1964); stated goal was to take over several states and establish an all-black community; unlike the other groups it advocated total segregation instead of integration and took no interest in civil rights legislation.

## LEADERSHIP CONFERENCE

All major organizations backing civil rights legislation participated in the Leadership Conference on Civil Rights, formed in 1949 as a civil rights coordinating agency. The Conference mobilized support for the 1957 and 1960 Civil Rights Acts. The Leadership Conference started in 1949 with 20 participating groups and by 1963 had 79. It had a permanent Washington office, directed by Arnold Aronson, secretary of the Conference. Marvin Kaplan, on leave from the Industrial Union Department of the AFL-CIO, was the Conference's associate director.

Listed below are the organizations within the Leadership Conference which took an especially active role in 1963-64 in pressing for a new civil rights bill.

Civil Rights Groups -- All of those listed above except the Southern Regional Council and Black Muslims.

Labor Unions -- AFL-CIO, its Industrial Union Department and unions of autoworkers, electrical workers, butchers, steelworkers, clothing workers, retail and state and municipal employees, textile workers, newspapermen, rubberworkers, packinghouse men, transport service employees; and the National Alliance of Postal Employees (Ind.).

Church Groups -- National Council of Churches of Christ, eight other Protestant groups; National Catholic Conference for Interracial Justice; National (Jewish) Community Relations Advisory Council and six other Jewish groups; National Student Christian Federation.

Other Groups -- Americans for Democratic Action, American Civil Liberties Union, Japanese-American Citizens League, Women's International League for Peace and Freedom, American Veterans Committee, four Negro professional organizations.

administrative) enforcement of decisions; and a modified Title III. Administration officials agreed to the terms. The resulting legislation was approved by the Judiciary Committee Oct. 29. President Kennedy said the Committee's approval of the bipartisan measure had "significantly improved the prospects for enactment of effective civil rights legislation" while Attorney General Kennedy said that without Halleck's and McCulloch's "support and effort, the possibility of civil rights legislation in Congress would have been remote." The new bill, he said, was a "better bill than the Administration's in dealing with the problems facing the nation."

The bipartisan bill went beyond the Administration's earlier requests by authorizing Justice Department suits to desegregate public facilities; by permitting the Department to enter any civil rights suit pending in federal court; by requiring (rather than exhorting) Government agencies to seek compliance with a nondiscrimination policy in federal programs; by establishing an Equal Employment Opportunities Commission, covering most companies and labor unions; by requiring the Census Bureau to collect certain voting statistics by race; and by making reviewable a federal court action remanding a civil rights case to a state court.

The bill (HR 7152) was formally reported Nov. 20, but was not cleared for floor action by the House Rules Committee by year's end. When liberals threatened to take the bill from the Committee by use of a discharge petition, Chairman Howard W. Smith (D Va.) promised action in January 1964.

In his first address to Congress following President Kennedy's assassination Nov. 22, President Johnson Nov. 27 named civil rights as a priority item for Congressional action. "No memorial oration or eulogy could more eloquently honor President Kennedy's memory than the earliest possible passage of the civil rights bill for which he fought so long," Mr. Johnson said.

**Civil Rights Commission.** The U.S. Commission on Civil Rights in 1963 was given a one-year extension by Congress. Under the 1961 law, the Commission was scheduled to file its final report Sept. 30, 1963 and go out of existence 60 days later. With 1963 action unlikely on any of the omnibus bills containing provisions extending the Commission's life, the Senate Oct. 1 added the one-year rider to a minor House-passed bill (HR 3369). The House Oct. 7 concurred and cleared the bill for the President. The Commission's 1963 report, as before, aroused protests from Southern Members of Congress. (See report, p. 17).

**Senate Rules Change.** Senate liberals were once more unsuccessful in an attempt to relax Rule 22, governing the shutting off of filibusters. (The rule required the affirmative votes of two-thirds of those present and voting to shut off debate.) By a 53-42 vote, the Senate Jan. 31 refused to take up the constitutional question of whether the filibuster rule could be suspended at the beginning of a session so as to make it easier to shut off debate on the question of changing that rule permanently. The Kennedy Administration declined to endorse the rules change.

On Feb. 7, the Senate refused 54-42 to invoke cloture on debate on a pending motion to take up a resolution to change Rule 22.

**Pentagon Directive.** The Defense Department July 26, 1963, issued a directive ordering the military services to issue regulations to protect the civil rights of servicemen on base and off base, and holding base commanders responsible for combatting on-base and off-base discrimination. It allowed a commander, with the approval of the civilian secretary of his service, to order a segregated establishment "off-limits." The order aroused stormy protests in Congress, landing as it did in the midst of the summer's heated civil rights fight and aimed as it was at the nation's military establishment, preponderantly located in the South. Southern Congressmen said the directive was being used as a club to force integration in communities near military bases. Defense officials went out of their way to deny that they had embarked on a general civil rights crusade or were using the military as instruments of social change. Said one: "We are not trying to change the life of a town, but the way they treat servicemen." Passage the following year of the Civil Rights Act of 1964, which contained legislation which would bring about many changes to ease the life of Negroes seeking public accommodations -- servicemen or no -- eased much of the sting of the 1963 directive.

## 1964

Congress in 1964 passed the most far-reaching civil rights legislation since the Reconstruction era. The Civil Rights Act of 1964, signed into law by President Johnson July 2, contained new provisions to help guarantee Negroes the right to vote; guaranteed access to public accommodations such as hotels, motels, restaurants and places of amusement; authorized the Federal Government to sue to desegregate public facilities and schools; extended the life of the Civil Rights Commission for four years and gave it new powers; provided that federal funds could be cut off where programs were administered discriminatorily; required most companies and labor unions to grant equal employment opportunity; established a new Community Relations Service to help work out civil rights problems; required the Census Bureau to gather voting statistics by race; and authorized the Justice Department to enter into a pending civil rights case. (See provisions, below.)

History was also made in the Senate, which for the first time voted to end a filibuster over civil rights.

The bill was passed in both chambers, and the filibuster was broken, through bipartisan work. Because a number of Senate Republicans, including Minority Leader Everett McKinley Dirksen (R Ill.), found the House-passed public accommodations and fair employment sections too strong, negotiations were entered into among Senate leaders of both parties and the Justice Department. The result was a "clean bill" which put greater emphasis on attempts to work out the problems by local agencies, where they existed, before the Justice Department brought suit. Southerners complained that this simply made the bill still more "sectional" in character. They were, however, outnumbered. The new bill provided the formula for breaking the filibuster and passing the bill in the Senate.

To avoid any further legislative pitfalls, the House accepted the Senate bill as amended and sent it to the President.

(For a review of the degree of compliance with the various titles of the 1964 Act, as of March 31, 1965, see p. 75)