

# IN THEIR OWN WORDS ON CIVIL RIGHTS

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## *Presidents, Congress, and Party Platforms*

### **SETTING THE STAGE**

*A driving principle in Mitchell's lobbying strategy was his conviction that for African Americans to succeed in getting Congress to pass civil rights legislation, the president had to provide leadership in the struggle. To provide the historical context for his mission, therefore, the Papers of Clarence Mitchell Jr. Project is providing herein this summary of a comprehensive study of defining statements by the presidents on issues that were important to the welfare of African Americans. The full study is being published on its website: <https://www.clarencemitchellpapers.org>.<sup>1</sup>*

### **THOMAS JEFFERSON**

"These people are to be free," Autobiography of 1820.<sup>2</sup>

### **ABRAHAM LINCOLN**

Social and Political Equality of the White and Black Races, upon Debating Douglas at Charleston, Illinois, on September 18, 1858.<sup>3</sup>

Verbatim Repeat of September 18, 1858, Speech at Columbus, Ohio, September 16, 1859.<sup>4</sup>

"The Only Perfect Preventive of Amalgamation," Speech at Springfield, Illinois, June 26, 1857.<sup>5</sup>

"Emancipated Blacks Should be Colonized," First Annual Message to Congress, December 3, 1861.<sup>6</sup>

### **DEMOCRATIC PLATFORM OF 1868**

"A Declaration of States' Rights."<sup>7</sup>

**REPUBLICAN PLATFORM OF 1868**

“A Declaration of Equal Suffrage to All Loyal Men at the South.”<sup>8</sup>

**FIFTEENTH AMENDMENT, 1869**

“The right of citizens of the United States to vote and hold office shall not be denied or abridged.”<sup>9</sup>

**WARREN HARDING**

“Belief in Race Equality Before the Law,” Campaign, October 10, 1920.<sup>10</sup>

*The following is a list of statements on civil rights by the presidents covered in volumes V and VI.*

**FRANKLIN D. ROOSEVELT**

**1932**

Response to Earl W. Wilkins regarding the “forgotten man,” *Atlanta Daily World*, September 18.<sup>11</sup>

**1933**

President’s Statement on the Seventieth Anniversary of the Emancipation Proclamation, September 22.<sup>12</sup>

Address to the Annual Conference of the Federal Council of the Churches of Christ in America over a nationwide hookup, December 5.<sup>13</sup>

**1934**

Annual Message to the Congress, January 3.<sup>14</sup>

The President’s News Conference of May 25 on the Costigan-Wagner Anti-lynching Bill.<sup>15</sup>

The President’s News Conference of October 31 on the Costigan-Wagner Anti-lynching Bill.<sup>16</sup>

**1935**

The President’s News Conference of April 24 on the Anti-lynching Bill.<sup>17</sup>

Letter on Negro Progress, December 26, to Cleveland G. Allen, New York City journalist.<sup>18</sup>

**1936**

President's Greeting on the 74th Anniversary of the Emancipation Proclamation, September 16.<sup>19</sup>

Address at the Dedication of the New Chemistry Building, Howard University, Washington, D.C., October 26.<sup>20</sup>

**1938**

President's Greeting to the NAACP, June 25—"Dear Mr. White."<sup>21</sup>

**1939**

President's Greeting to the NAACP, June 13.<sup>22</sup>

**1940**

Letter to Elder Solomon Lightfoot Michaux on the Anniversary Celebration of the Thirteenth Amendment, October 6.<sup>23</sup>

On the Issuing of a 13th Amendment Stamp, *New York Times*, October 21.<sup>24</sup>

**1941**

Memorandum Condemning Discrimination in Defense Work, June 12.<sup>25</sup>

Memorandum for William S. Knudsen and Sidney Hillman [co-directors, Office of Production Management], June 12.<sup>26</sup>

Executive Order 8802—Reaffirming Policy of Full Participation in the Defense Program By All Persons, Regardless of Race, Creed, Color, or National Origin, and Directing Certain Action in Furtherance of Said Policy, June 25.<sup>27</sup>

Executive Order 8823, Providing for an Additional Member of the Committee on Fair Employment Practice in the Office of Production Management, Established by Section 3 of Executive Order No. 8802 of June 25, 1941, July 18.<sup>28</sup>

Letter to Mark Etheridge, chairman, FEPC, September 3, 1941.<sup>29</sup>

**1942**

The President's News Conference of February 13 on the Poll Tax.<sup>30</sup>

**1943**

Executive Order 9346—Establishing a Committee on Fair Employment Practice, May 27.<sup>31</sup>

President's Proclamation 2588—Directing Detroit Race Rioters to Disperse, June 21.<sup>32</sup>

[Construction of Executive Order 9346] Letter to Attorney General Francis Biddle, November 5, 1943.<sup>33</sup>

**1944**

Appointment of a Committee to Investigate Discrimination in Railroad Employment, January 3.<sup>34</sup>

Excerpts from the Press Conference for the Negro Newspaper Publishers Association, February 5.<sup>35</sup>

**HARRY S. TRUMAN**

**1944**

Interview with Grace and Morris Milgram for *Commonsense* magazine in which he gave his personal views on social equality between the races.<sup>36</sup>

**1945**

At a White House meeting on May 25, Walter White vigorously protested the action of the American delegation in its siding with Great Britain and France against eventual independence of colonials and dependent peoples, as originally proposed by China and Russia.<sup>37</sup>

Letter to the Chairman, House Rules Committee [Adolph J. Sabath (D-Ill.)], Concerning the Committee on Fair Employment Practice, June 5.<sup>38</sup>

Special Message to the Congress Presenting a 21-Point Program for the Reconversion Period, September 6.<sup>39</sup>

Letter to Charles H. Houston, December 7.<sup>40</sup>

Executive Order 9664, Continuing the Work of the Fair Employment Practice Committee, December 18.<sup>41</sup>

**1946**

Conference with the executive committee of the Negro Newspaper Publishers Association, March 1.<sup>42</sup>

The President's Press Conference of April 11 on the poll tax; also, Statement by the President.<sup>43</sup>

Letter Accepting Resignation of the Chairman and Members of the Fair Employment Practice Committee, June 30.<sup>44</sup>

Letter to Charles G. Bolte, chairman, American Veterans Committee, Concerning Discrimination on Campus, August 28.<sup>45</sup>

Letter to Atty. Gen. Tom Clark, September 20, on the blinding of Isaac Woodard.<sup>46</sup>

Statement by the President Regarding the Signing of Executive Order 9808 Creating the President's Committee on Civil Rights, December 5.<sup>47</sup>

Executive Order 9808, Establishing the President's Committee on Civil Rights, December 5.<sup>48</sup>

**1947**

Annual Message to the Congress on the State of the Union, January 6.<sup>49</sup>

Remarks to Members of the President's Committee on Civil Rights, January 15.<sup>50</sup>

Address Before the National Association for the Advancement of Colored People, June 29.<sup>51</sup>

Statement Making Public a Report by the Civil Rights Committee, October 29.<sup>52</sup>

#### 1948

Annual Message to the Congress on the State of the Union, January 7.<sup>53</sup>

Special Message to Congress on Civil Rights, February 2.<sup>54</sup>

Letter responding to Walter White for his expression of appreciation for the Message on Civil Rights, February 4.<sup>55</sup>

Regarding Democratic Party Civil Rights Plank Adopted by the Convention on July 14.<sup>56</sup>

Democratic Party Platform of 1948, issued July 12.<sup>57</sup>

Executive Order 9980—Regulations Governing Fair Employment Practices Within the Federal Establishment, July 26.<sup>58</sup>

Executive Order 9981—Establishing the President's Committee on Equality of Treatment and Opportunity in the Armed Services, July 26.<sup>59</sup>

Letter to Ernest W. Roberts, August 18.<sup>60</sup>

Address to the Ministerial Alliance of Harlem, New York [*sic*], upon Receiving the Franklin Roosevelt Award, October 29.<sup>61</sup>

#### 1949

Proclamation 2824—National Freedom Day, January 25.<sup>62</sup>

Address at the Annual Meeting of the National Council of Negro Women, Inc., November 15.<sup>63</sup>

#### 1950

Remarks of the President to Members of the National Emergency Civil Rights Mobilization, January 17.<sup>64</sup>

President's Statement in Response to the Report of the Committee on Equality of Treatment and Opportunity in the Armed Services, May 22.<sup>65</sup>

#### 1951

Memorandum of Disapproval of Bill Requiring Segregation in Certain Schools on Federal Property, November 2.<sup>66</sup>

Statement by the President on Establishing the Committee on Government Contract Compliance, December 3.<sup>67</sup>

Statement by the President, explaining reasons for issuing EO 10308, December 3.<sup>68</sup>

Executive Order 10308—Improving the Means for Obtaining Compliance with the Nondiscrimination Provisions of Federal Contracts, December 3.<sup>69</sup>

#### 1952

President's Commencement Address at Howard University, June 13.<sup>70</sup>

**DWIGHT D. EISENHOWER**

**1948**

Testimony on Universal Military Training, Senate Committee on Armed Services, April 2.<sup>71</sup>

**1950**

“The Future of the Negro.”<sup>72</sup>

**1952**

Address at the American Legion National Convention, Abilene, Kansas, Post 39, August 25.<sup>73</sup>

Comment regarding eliminating “every vestige of segregation in the District of Columbia,” Cleveland, Ohio, September 8.<sup>74</sup>

Assertion that “we seek in America a true equality of opportunity for all men,” Wheeling, West Virginia, September 24.<sup>75</sup>

Civil Rights Speech in Harlem, New York, October 25.<sup>76</sup>

Address in Chicago Denouncing Fair Deal Misrule, October 31.<sup>77</sup>

**1953**

Annual Message to the Congress on the State of the Union, February 2.<sup>78</sup>

The President’s News Conference of March 15, regarding ending segregation of schools on military posts.<sup>79</sup>

The President’s News Conference of March 19, Statement by James C. Hagerty, press secretary to the president, the White House, regarding segregation of schools on army posts.<sup>80</sup>

The President’s News Conference of April 23, regarding extending the Contract Compliance Committee.<sup>81</sup>

Remarks at the United Negro College Fund Luncheon, May 19.<sup>82</sup>

The President’s News Conference of May 28, regarding extending the Contract Compliance Committee.<sup>83</sup>

Letter to James Byrnes, governor of South Carolina, August 14.<sup>84</sup>

The President’s News Conference of September 30, regarding ending segregation of school on military posts.<sup>85</sup>

Statement by the president on the elimination of segregation in civilian facilities at naval installations, November 11.<sup>86</sup>

The President’s News Conference of December 16, regarding whether civil rights will be discussed at the White House Legislative Conference.<sup>87</sup>

**1954**

State of the Union Message, January 7.<sup>88</sup>

The President’s News Conference of February 17, regarding his ability to distinguish between aid to Indochina and support of colonialism.<sup>89</sup>

The President's News Conference of March 3, regarding his opinion of the Ives Equal Employment Opportunity Bill.<sup>90</sup>

The President's News Conference of April 29, regarding, first, his campaign promise that he would discuss with state Governors the question of fair employment practice, and, second, findings by the Fair Employment Board on discrimination at the Bureau of Printing and Engraving.<sup>91</sup>

The President's News Conference of June 2, regarding the visit of the Emperor of Ethiopia.<sup>92</sup>

### 1955

Annual Message to the Congress on the State of the Union, January 6, urging that the principle of self-government be extended and the right of suffrage granted to the citizens of the District of Columbia; and heralding the "historic progress in eliminating . . . demeaning practices."<sup>93</sup>

Executive Order 10590 Creating the President's Committee on Government Employment Policy, January 18.<sup>94</sup>

The President's News Conference of January 19, regarding whether the government would continue to permit Naval vessels to visit ports where crews suffered segregation.<sup>95</sup>

The President's News Conference of June 8, asserting that it was entirely erroneous to try to attach anti-segregation Powell Amendment to the National Reserve Training Program bill because it is so vital to the security of the United States.<sup>96</sup>

The President's News Conference of July 6, reiterating his belief, in relation to the school construction bill, that the antisegregation amendment "was extraneous, yes, for the simple reason that we need the schools."<sup>97</sup>

### 1956

Annual Message to Congress on the State of the Union, January 5, in which he expressed pride in the advances the nation was making in the elimination of segregation; in the progress that was being made among contractors providing government services and requirements; in the progress that was being made voluntarily in the District of Columbia in ending discrimination and segregation; but his unhappiness with the persistence of the denial of the right to vote in some localities; while also stating that he had recommended that the United States Commission on Civil Rights investigate those problems; and noting that the stature of America's leadership in the free world had increased because the country had made more progress in civil rights than ever before.<sup>98</sup>

The President's News Conference of February 8, regarding violence at the University of Alabama, and home rule in the District of Columbia.<sup>99</sup>

Cabinet Meeting, March 9, regarding giving conditional approval to the Civil Rights Bill.<sup>100</sup>

The President's News Conference of September 5, on enforcing *Brown v. Board of Education*.<sup>101</sup>

The President's News Conference of September 11, regarding state-federal responsibility in segregation disputes.<sup>102</sup>

The President's News Conference of October 6, regarding *Brown v. Board of Education*.<sup>103</sup>

The President's News Conference of October 11, regarding whether he had endorsed the *Brown v. Board of Education* decision.<sup>104</sup>

Address at International Airport, Miami, Florida, October 29.<sup>105</sup>

Address in Convention Hall, Philadelphia, Pennsylvania, November 1, that "there can be only one law, or there will be no peace."<sup>106</sup>

## 1957

Annual Message to the Congress on the State of the Union, January 10, asserting that high priority should be given to the school construction bill because it would benefit children of all races throughout the country, and reaffirming his administration's recommendation to Congress of a four-part civil rights bill.<sup>107</sup>

Annual Budget Message to Congress for Fiscal Year 1958, January 16, when he again recommends that Congress enact suitable home rule legislation for the District of Columbia; enactment of legislation admitting Hawaii and Alaska to the Union as states; and expressing support for amendments to the Constitution to ensure equal rights for women, and a proposed constitutional amendment lowering the voting age in federal elections.<sup>108</sup>

The President's News Conference of February 6, asserting that the timing of when Senate leaders would move to pass civil rights legislation was entirely up to them, and, regarding whether he would make a speech on civil rights in the South, he had expressed himself on the subject often in the South and the North, so he did not know what another speech would do.<sup>109</sup>

The President's News Conference of March 7, on the question of whether he would support proposals in Congress to amend his civil rights bill in order to provide a jury trial in related injunction cases under the contentious Part III. This provision, devised in the wake of the Emmett Till murder in 1955, would give the attorney general the authority to seek injunctions or other remedies for violations of civil rights. Eisenhower demurred, however, asserting that he would have to be guided by his lawyers because he did not know about the legal technicalities.<sup>110</sup>

The President's News Conference of March 15, reasserting his view that "the civil rights bill is a very moderate thing;" and that, regarding the jury trial amendment to the 1957 civil rights bill, reporters should direct their questions to the attorney general because he is not a lawyer.<sup>111</sup>

The President's News Conference of March 27, stating that he did not know enough about efforts to include a jury trial amendment in the 1957 civil rights bill to state whether he would veto it if the Senate approved it.<sup>112</sup>

The President's News Conference of May 15, regarding discrimination in the Civil Air Patrol, asserting that "we hurt ourselves when, in military organizations, we try to discriminate among Americans in recruiting them."<sup>113</sup>

The President's News Conference of May 22, asserting that congressional leaders were doing their best to obtain action on his domestic program in Congress, particularly on federal aid to school construction and civil rights.<sup>114</sup>

The President's News Conference of June 5, regarding efforts of opponents of the civil rights bill to adopt crippling amendments, including the jury trial amendment, about which Chief Justice Taft had said in 1908 that "if we tried to put a jury trial between a court order and the enforcement of that order, that we are really welcoming anarchy."<sup>115</sup>

The President's News Conference of June 19, declining to comment, until the Justice Department had studied the opinions, on whether the Supreme Court "had gone too far in handing down far-reaching decisions on individual rights."<sup>116</sup>

The President's News Conference of June 26, disagreeing with the assumption that Supreme Court justices do not have means of defending themselves against intemperate attacks because of decisions they make defending the rights of the individual regarding the apparent contradiction between his states' rights position and the civil rights bill.<sup>117</sup>

The President's News Conference of July 3, asserting, first, that he did not know of any provision in the Constitution for submitting the civil rights program to a referendum, as Sen. Richard Russell (D-Ga.) had suggested, and next, that the objections from Senator Russell to a provision in the civil rights bill to give the attorney general authority to obtain preventive relief in cases involving voting rights violations because of race in federal elections were "incomprehensible."<sup>118</sup>

Statement on the Objectives of the Civil Rights Bill, July 16.<sup>119</sup>

The President's News Conference of July 17, regarding the prospect of using powers that would be granted under the proposed Part III of the civil rights bill, asserting that he could not "imagine any set of circumstances that would ever induce me to send federal troops into a federal court and into any area to enforce the orders of the federal court, because I believe that commonsense of America will never require it."<sup>120</sup>

Personal letter to Captain E. E. "Swede" Hazlett, July 22, regarding the "heavier responsibilities" of *Brown v. Board of Education*.<sup>121</sup>

The President's News Conference of July 31, reasserting his position on civil rights given in his statement of July 16, to the effect that he supported the bill as it was, and remained opposed to the amendment to grant jury trials in criminal contempt cases as advocated by southern opponents.<sup>122</sup>

Statement by the President on the Civil Rights Bill, August 2.<sup>123</sup>

The President's News Conference of August 7, reaffirming his statement of August 2 regarding his opposition to the jury trial amendment; explaining that he

would not indicate whether he would sign a particular bill until it was before him; asserting that on the matter of discrimination based on sex, “it’s hard for a mere man to believe that woman doesn’t have equal rights;” regarding passage of the jury trial amendment, there were implications in section 4 as written that would be most damaging to the entire federal judiciary.<sup>124</sup>

The President’s News Conference of August 21, asserting “that I felt the Senate version of the bill as it applied to the voting rights, in which I am so specifically and particularly concerned was not strong enough, and I would like to see it stronger”; that the compromise Republican leaders were making to the bill would still make it acceptable to everybody and quiet alarm that others might have over excessive punishment; that he was not insisting on restoring any part of Part III to the civil rights bill in the compromise he wanted.<sup>125</sup>

The President’s News Conference of September 3, regarding the school desegregation crisis in Little Rock, Arkansas, repeating first his opinion that “you cannot change people’s hearts merely by laws,” while also asserting that a roadblock seemed to have been thrown up in the way of implementing the Supreme Court’s school desegregation decision.<sup>126</sup>

Telegram to the Governor of Arkansas in Response to His Request for Assurance Regarding His Action at Little Rock, September 5.<sup>127</sup>

Telegram to the Governor of Arkansas in Response to His Request for a Meeting, September 11.<sup>128</sup>

Statement by the President Following a Meeting with the Governor of Arkansas, September 14.<sup>129</sup>

Statement by the President on the Developments at Little Rock, September 21.<sup>130</sup>

Statement by the President Regarding Occurrences at Central High School in Little Rock, September 23, denouncing the violent rejection of the federal court’s integration order; asserting that it could not be flouted by any extremist mob; and that he will use the full powers of the United States to prevent any obstruction of the law.<sup>131</sup>

Radio and Television Address to the American People on the Situation in Little Rock, September 24, about the serious situation that had arisen at Little Rock.<sup>132</sup>

Telegram to Senator Russell of Georgia Regarding the Use of Federal Troops at Little Rock, September 28.<sup>133</sup>

Statement by the President Regarding Continued Federal Surveillance at Little Rock, October 1.<sup>134</sup>

The President’s News Conference of October 3, regarding the range of issues involved in the stand-off in the Little Rock situation with Arkansas Gov. Orval Faubus.<sup>135</sup>

The President’s News Conference of October 9, regarding the views of Rep. Brooks Hays that the situation in Little Rock was stabilizing; that despite Little Rock, integration took place elsewhere in Arkansas without any disturbance.<sup>136</sup>

The President's News Conference of October 30, that regarding the request by Rep. Clayton Powell Jr. of Harlem for a meeting, pending business had prevented it; that he personally believed that despite his appeal to the clergy to resolve the problem in Little Rock, there would be no lasting solution without patience, tolerance, and consideration; and that regarding the delay in making appointments to the Civil Rights Commission, his administration had been working to find people of a national character for appointments as members.<sup>137</sup>

Statement by the President: Equal Opportunity Day, November 18.<sup>138</sup>

## 1958

In remarks at Republican National Committee Breakfast, January 31, 1958, Eisenhower listed among the "host of big changes" that had improved American life and government in the past five years, the "genuine improvement in civil rights and the lot of minorities."<sup>139</sup>

The President's News Conference of March 26, regarding whether he was following or leading on civil rights, he did not believe that all of such problems could be solved by law; that in sending federal troops to Little Rock, he did so not in the province of segregation or desegregation, but to fulfill his job of supporting a federal court that had issued a proper order under the Constitution.<sup>140</sup>

Remarks at Meeting of Negro Leaders Sponsored by the National Newspaper Publishers Association, May 12.<sup>141</sup>

The President's News Conference of May 14, explaining that he did not send federal troops into Little Rock because of a statement by a governor over segregation, but to enforce a court order because there was no citizen whose basic rights were not involved in any successful defiance of that court order.<sup>142</sup>

Address at the Sesquicentennial Commencement of Mount St. Mary's College, Emmitsburg, Maryland, June 2, where he said that "the racial problems that each of us must take to heart, if we believe in the Constitution," were among the crusades that need to be waged.<sup>143</sup>

The President's News Conference of July 2, expressing his own idea on civil rights following his meeting with African American leaders that the true cure for America's racial difficulties lay with each citizen according to the Constitution and legal procedures.<sup>144</sup>

The President's News Conference of December 10, 1958, on whether he favored new spending legislation to obtain the enforcement of integration orders, explained on the overall question that that was something that was being done all the time, but at the same time he favored continuing the Civil Rights Commission.<sup>145</sup>

## 1959

Annual Message to the Congress on the State of the Union, January 9, announcing that he will recommend to Congress enactment of legislation to ensure

freedom from discrimination in voting, in public education, and in access to jobs; and asserting the international impact of the denial of equality of opportunity in civil rights areas on America's image.<sup>146</sup>

Remarks and Discussion at the National Press Club, January 14, asserting that he believed in the voting rights law, and he would like to see the Civil Rights Commission extended, but that state-supported activity should be operated according to standards and concepts of the Constitution.<sup>147</sup>

The President's News Conference, January 14, asserting the federal government's responses to the closing of schools in Virginia, of building public schools, and spending on educational programs in federally impacted areas.<sup>148</sup>

The President's News Conference, January 28, asserting that if the Chief Justice of the Supreme Court felt, as was being reported, that he was failing to take forceful action to implement the Court's school desegregation order, as a personal friend he was capable of telling him so himself.<sup>149</sup>

The President's News Conference, February 4, welcoming efforts by students in Virginia to get their schools opened; stressing his belief in legislative proposals on integration of education that are moderate and decent; and advising that the problems of discrimination and segregation in housing and urban development should be kept separate.<sup>150</sup>

Special Message to the Congress on Civil Rights, February 5.<sup>151</sup>

Remarks at the National Conference on Civil Rights, June 9, expressing belief that the problem of civil rights was an emotional one, which required courage to address, and that the foundation for doing so derived from concepts of moral law, rather than statutory law.<sup>152</sup>

The President's News Conference of July 22, reiterating the administration's recognition of its responsibility to see that all citizens had an equal opportunity in both economic and political fields, that the proposed voting bill was the most important of all legislation proposed; that civil rights progress was going to be made not entirely by law, but by education and understanding.<sup>153</sup>

The President's News Conference, August 12, asserting that one of the things he would like to see Congress do before it adjourned was to enact a sound civil rights bill.<sup>154</sup>

The President's News Conference, August 25, reiterating his desire for Congress to pass the civil rights program he had submitted.<sup>155</sup>

The President's News Conference, September 17, expressing the hope that Congress will act in 1960 on the seven-point civil rights program his administration had introduced at the very beginning of the current session.<sup>156</sup>

The President's News Conference, December 2, asserting that he had not yet conferred with the attorney general on whether the administration would introduce civil rights legislation on federal voting registrars and Part III provisions, but that he wanted all parts of the bill earlier submitted to be considered.<sup>157</sup>

**1960**

Annual Message to the Congress on the State of the Union, January 7, asserting that fulfilling hopes and plans for a better world depended on recognition that provincial and racial prejudices must be combatted; reiterating that in the last session he had recommended legislation for eliminating several practices of discrimination against basic rights and that despite constitutional guarantees and much progress in recent years, racial bias still deprived some citizens of their basic rights.<sup>158</sup>

The President's News Conference of January 13, asserting that he had no objections to the recommendation of the Civil Rights Commission that Congress enact a law providing for federal registrars, but he would prefer that Congress act on the administration's bill that was previously proposed.<sup>159</sup>

Annual Budget Message to the Congress: Fiscal Year 1961, January 18, urging Congress to enact the remaining six points of his civil rights program he recommended a year ago, including extending the life of the Civil Rights Commission for an additional two years.<sup>160</sup>

The President's News Conference of January 26, asserting that the way to obtain the thoughts of the attorney general on the latest proposals relating to the Civil Rights Commission was to go directly to him, and that he had an alternative to registrars that would make voting rights protections more secure.<sup>161</sup>

The President's News Conference of February 3, expressing support for the passage by the Senate of the poll tax constitutional amendment on January 17, and giving the right to vote to residents of the District of Columbia.<sup>162</sup>

The President's News Conference of March 16, regarding the nonviolent demonstrations in the South, saying he was deeply sympathetic to the efforts of any group to enjoy equal rights guaranteed by the Constitution, and that he did not believe any form of violence furthered civil rights protests.<sup>163</sup>

The President's News Conference of March 30, regarding lunch counter segregation, asserting that eventually the conscience of America would give to everyone "equal economic and political rights, regardless of such inconsequential differences as race."<sup>164</sup>

Statement upon signing the Civil Rights Act of 1960 (H.R. 8601) into Law (PL 86-449), May 6.<sup>165</sup>

**1961**

Annual Message to the Congress on the State of the Union, January 12, affirming that the first federal civil rights legislation in "85" years was enacted by Congress on the administration's recommendation in 1957 and 1960, and noting the creation of a new Civil Rights Division of the Department of Justice, which is already enforcing constitutional rights in such areas as voting, and elimination of Jim Crow laws, and the administration's pioneering work in ensuring equality of opportunity in federal employment and federal contracts, in conducting surveys on

discrimination through the Commission on Civil Rights, and abolishing segregation in the armed forces, in veterans' hospitals, and in the District of Columbia.<sup>166</sup>

Annual Budget Message to the Congress: Fiscal Year 1962, January 16, noting that expenditures to meet the federal share of financing governmental operations in the District of Columbia will increase substantially in 1962, and urging the states to ratify the pending constitutional amendment to permit residents of the District of Columbia to vote for president and vice president, as well as restoration of home rule to the District.<sup>167</sup>

## NOTES

1. This initial section is provided by a record of compiled statements that begins with "President Truman Said." It has been rearranged chronologically up to the Franklin D. Roosevelt entries. See Papers of Harry S. Truman, Official File, HSTL.

2. *Writings of Thomas Jefferson*, 1853, vol. 1, 49.

3. Nicolay and Hay, *Complete Works of Abraham Lincoln*, vol. 4, 89.

4. Nicolay and Hay, *Complete Works of Abraham Lincoln*, vol. 5, 143–44.

5. *Ibid.*

6. James D. Richardson, ed., *A Compilation of the Messages and Papers of the Presidents, 1789–1902*, (New York: Bureau of National Literature, 1902), vol. 6, 54.

7. Excerpt of the Democratic Party Platform of 1868, in "President Truman Said," Papers of Harry S. Truman, Official Files, HSTL.

8. Excerpt of the Republican National Platform of 1868, in "President Truman Said," Papers of Harry S. Truman, Official Files, HSTL, taken from *Congressional Globe*, February 25, 26, 27, 1869.

9. Joint Resolution No. 8, *Congressional Globe*, 2/25, 26, 27, 1869.

10. Harding's Campaign, October 10, 1920. Zangrando, *NAACP Crusade against Lynching*, 56, 57.

11. Earl William Wilkins, *Atlanta Daily World*, 9/18/32, 1A, ProQuest Historical Newspapers.

12. Roosevelt, "Statement on the Seventieth Anniversary of the Emancipation Proclamation," 9/22/33, Peters and Woolley, The American Presidency Project, <https://www.presidency.ucsb.edu/node/208956>.

13. The reference was to the lynching of two white men in San Jose, California, that drew the approval of Gov. James Rolph, and the resulting verbal reprimand by Roosevelt. NAACP, *Annual Report*, 1933, 22.

14. *Public Papers and Addresses of Franklin D. Roosevelt*, 1/3/34, 12–13.

15. *Complete Presidential Press Conferences of Franklin D. Roosevelt*, vol. 3, 5/25/34, 374.

16. *Complete Presidential Press Conferences of Franklin D. Roosevelt*, vol. 5, 4/24/35, 243; Weiss, *Farewell to the Party of Lincoln*, 113.

17. *Complete Presidential Press Conferences of Franklin D. Roosevelt*, vol. 5, 4/24/35, 244.

18. Cleveland G. Allen (1887–1953) was a New York City journalist. Cleveland G. Allen Papers, 1915–1953, Manuscripts, Archives, and Rare Books Division, New York Public Library, New York City. Also, see alternate source at Roosevelt, "Letter on Negro Progress," 12/26/35, Peters and Woolley, The American Presidency Project, <https://www.presidency.ucsb.edu/node/208370>.

19. Rev. Richard Robert Wright Jr. (1878–1967) was a bishop of the African Methodist Episcopal Church. *Who Was Who in America, 1961–1968*, 1071–72.

Roosevelt, "Greeting on the Seventy-Fourth Anniversary of the Emancipation Proclamation," 9/16/36, Peters and Woolley, The American Presidency Project, <https://www.presidency.ucsb.edu/node/209078>.

20. Roosevelt, "Address at the Dedication of the New Chemistry Building, Howard University, Washington, D.C.," 10/26/36, Peters and Woolley, The American Presidency Project, <https://www.presidency.ucsb.edu/node/208355>.

21. Roosevelt, letter to Walter F. White (1884–1955), then NAACP executive secretary, extending his “Greeting to the NAACP,” 6/25/38, for the Twenty-Ninth Annual Conference of the NAACP, Peters and Woolley, The American Presidency Project, <https://www.presidency.ucsb.edu/node/208981>.

22. Roosevelt, “Greeting to the N.A.A.C.P.,” 6/13/39, Peters and Woolley, The American Presidency Project, <https://www.presidency.ucsb.edu/node/209686>.

23. Roosevelt’s personal letter to Elder Lightfoot Solomon Michaux, leader of the Radio Church of God and president of the National Memorial to the Progress of the Colored Race in America, in “President Praises Negroes at Fair,” *New York Times*, 10/21/40, 20.

Elder Solomon Lightfoot Michaux (1884–1968), known as the “Happy Am I Preacher,” was an evangelist who established the Church of God movement in Washington, D.C., where his radio broadcasts supported President Roosevelt and the New Deal. He was also known for his mass baptisms, first in the Potomac River, and later in huge tanks of water (allegedly from the River Jordan) in the infield of the old Griffith Stadium. In 1942, he constructed the first federally subsidized housing for African Americans, a 595-unit housing development called Mayfair Mansions on the site of the old Benning Race Track in Northeast Washington, D.C. The National Memorial to the Progress of the Colored Race in America was another of Elder Michaux’s projects, consisting of two large tracts of land in Jamestown, Virginia.

Meanwhile, Booker Taliaferro Washington (1856–1915), president of Tuskegee Institute in Macon County, Alabama, whom Roosevelt mentions in his letter, was, for a time at the beginning of the twentieth century, the most influential Black man in the United States. His book *Up from Slavery* (first published 1901) was one of three published autobiographies.

See Janette Hoston Harris, “Elder Solomon Lightfoot Michaux,” in *Dictionary of American Negro Biography*, ed. Rayford W. Logan and Michael R. Winston (New York, 1982), 432–33; Roosevelt, “Greeting on the Anniversary Celebration of the Thirteenth Amendment,” 10/6/40, Peters and Woolley, The American Presidency Project, <https://www.presidency.ucsb.edu/node/209206>.

24. *New York Times*, 10/21/40, 20; also quoted in Mitch Kachun, “A beacon to oppressed peoples everywhere’: Major Richard R. Wright Sr., National Freedom Day, and the Rhetoric of Freedom in the 1940s,” *Pennsylvania Magazine of History and Biography* 128 (July 2004): 289.

25. Franklin D. Roosevelt, “Memorandum Condemning Discrimination in Defense Work,” 6/12/41, Peters and Woolley, The American Presidency Project, <https://www.presidency.usb.edu/node/209656>. The memorandum was addressed to William S. Knudsen (1879–1948) and Sidney Hillman (1887–1946), members of the staff of the Office of Production Management.

26. *Minorities in Defense, FEPC, U.S.*, ODM, Division of Labor (Washington, D.C.: Government Printing Office, 1941). See also vol. I, lv, and Watson, *Lion in the Lobby*, 124.

27. Roosevelt, “Executive Order 8802—Reaffirming Policy of Full Participation in the Defense Program by All Persons, Regardless of Race, Creed, Color, or National Origin, and Directing Certain Action in Furtherance of Said Policy,” 6/25/41, Peters and Woolley, The American Presidency Project, <https://www.presidency.usb.edu/node/209704>.

28. EO 8823, Providing for an Additional Member of the Committee on Fair Employment Practice in the Office of Production Management, Established by Section 3 of Executive Order No. 8802 of June 25, 1941. *Minorities in Defense, FEPC, U.S.*, ODM, Division of Labor (Washington, D.C.: Government Printing Office, 1941).

29. *Minorities in Defense, FEPC, U.S.*, 1941.

30. “Excerpts from the Press Conference,” 2/13/42, Peters and Woolley, The American Presidency Project, <https://www.presidency.ucsb.edu/node/210347>.

The issue was whether or not the federal government was paying the poll tax, levied by some southern states, for tenant farmers. To this question, Roosevelt answered, no, while at the same time supporting the program under which the Farm Security Administration provided loans to the farmers so that they themselves could pay the tax in order to be able to vote. *New York Times*, 2/14/42, 1, 32.

See also headnote “The Struggle to Abolish the Poll Tax,” vol. III, ccxxix–ccliv.

31. Franklin D. Roosevelt, “Executive Order 9346—Establishing a Committee on Fair Employment Practice,” 5/27/43, Peters and Woolley, The American Presidency Project, <https://www.presidency.ucsb.edu/node/210091>.

32. Roosevelt, "Proclamation 2588—Directing Detroit Race Rioters to Disperse," 6/21/43, Woolley and Peters, The American Presidency Project, <https://www.presidency.usb.edu/node/210136>.

33. Franklin D. Roosevelt to Attorney General Francis Biddle, 11/5/43, in *Hearings*, 3/23/44, 534.

34. Roosevelt, "Appointment of a Committee to Investigate Discrimination in Railroad Employment," 1/3/44, Peters and Woolley, The American Presidency Project, <https://www.presidency.usb.edu/node/210665>.

35. Roosevelt, "Excerpts from the Press Conference for the Negro Newspaper Publishers Association," 2/5/44, Peters and Woolley, The American Presidency Project, <https://www.presidency.usb.edu/node/210399>.

36. *Commonsense* 13 (October 1944): 351, interview, "President Truman Said," in Papers of Harry S. Truman, Official File, HSTL.

37. NAACP Press Release, 5/25/45; Transcript of Telephone Call from Mr. White, Washington, D.C., 1:45 p.m., Re: Appointment with President Truman, 11:45 a.m., 5/25, both in NAACP II: A-632, DLC; Gardner, *Harry Truman and Civil Rights*, 12.

38. Truman, *Public Papers of the Presidents (PPP)*, 6/5/45, 104–5.

39. Truman, *PPP*, 9/6/1945, 282.

40. Truman to Charles H. Houston, 12/7/45, Harry S. Truman Papers, Official File, HSTL.

41. Immediate Release, no. 420, 12/20/45, Harry S. Truman Papers, Civil Rights—FEPC, HSTL.

42. "Conference with executive committee of Negro Newspaper Publishers Association, March 1, 1946, Civil Rights—F.E.P.C.," Files of Eben A. Ayers, box 5, HSTL.

43. Truman, The President's News Conference of 4/11/46, *PPP*, 192–93; Statement by the President, President's Secretary's Files, HSTL.

See also Minutes, 4/8/46, and Report of the Secretary for the May 1946 Meeting of the Board, EC; headnote "The Struggle to Abolish the Poll Tax," vol. III, ccxxix–ccliv.

44. Malcolm Ross, chairman, FEPC. Text: "Note: The Committee, in its letter of June 28, recommended that the President continue to urge upon the Congress the passage of legislation which would guarantee equal job opportunity to all workers without discrimination because of race, color, religious belief, or national origin; that the Federal Government take steps not only to promulgate its policy more widely, but to enforce it as well; and that the appropriate Government agencies be instructed to include statistics on employment and unemployment by race and by sex."

45. Truman, *PPP*, (letter dated 8/28/46) 9/4/46, 423.

In his letter to Truman, Bolte expressed the American Veterans Committee's welcome of the president's declaration that the purpose of the commission was to "re-examine the system of higher education in terms of objectives, methods and facilities in the light of the social role it has to play." Bolte said his committee was assured that Truman shared their "conviction that the role of American education must include the championship of freedom and of the right of every American to participate fully in all of the benefits of our democracy." In order to play that role, Bolte said, higher education institutions needed to reexamine their "selective quota system of admission under which the chance to learn, and thereby become a more useful citizen, is denied certain minorities." However, Bolte said, discrimination against minority groups was "by no means confined to the college campus. New and ominous signs of intolerance are appearing every day throughout our country, and it is to this disturbing trend that we call your attention." Stories of such intolerance, which fill the press, he said, included "unprovoked violence and the denial of civil liberties." Bolte to Truman, 8/12/46, Papers of Harry S. Truman, Official File of the Harry S. Truman Papers, HSTL.

The American Veterans Committee, Inc., was created prior to the end of World War II by a group of soldiers and early discharges as a politically liberal organization to seek peace and reform for the benefit of veterans. Tyler, "The American Veterans Committee," *American Quarterly* 18 (Autumn 1966): 420.

46. Truman to Atty. Gen. Tom C. Clark.

Truman met with the delegation led by Walter White on 9/19/46 following an upsurge of racial violence. Report of the Secretary for the September 1946 Meeting of the Board, with Monthly Report of Legal Department for July and August, EC; Report of the Secretary for the October 1946 Meeting of the Board, with Monthly Report of the Legal Department for September; Monthly Report of the Legal

Department for November 1946; Report of the Secretary for the December 1946 Meeting of the Board, all in EC; Gardner, *Truman and Civil Rights*, 16–18. See also White, *Man Called White*, 331.

Gardner provides the text of the Department of Justice news release, 9/20/46, announcing that charges had been filed against Lynwood Lanier Shull, Batesburg, South Carolina, Chief of Police. He was charged with beating and torturing Isaac Woodard Jr., the African American veteran from the Bronx, who was brutally blinded in both eyes. Shull was charged with violating a federal civil rights statute, which prohibited police and other public officials from depriving anyone of their civil rights. Gardner, *Harry Truman and Civil Rights*, 17–18.

47. Truman's statement upon issuing EO 9808, 12/5/46, Harry S. Truman Papers, Civil Rights—FEPC, HSTL. See also Gardner, *Harry Truman and Civil Rights*, 20.

48. Truman, "Executive Order 9808—Establishing the President's Committee on Civil Rights," 12/5/46, Peters and Woolley, The American Presidency Project, <https://www.presidency.ucsb.edu/node/231504>.

49. Truman, "Annual Message to the Congress on the State of the Union," 1/6/47, Peters and Woolley, The American Presidency Project, <https://www.presidency.ucsb.edu/node/232364>.

50. Truman, "Remarks to Members of the President's Committee on Civil Rights," 1/15/47, Peters and Woolley, The American Presidency Project, <https://www.presidency.ucsb.edu/node/232184>.

51. Truman, "Address Before the National Association for the Advancement of Colored People," 6/29/47, Peters and Woolley, The American Presidency Project, <https://www.presidency.ucsb.edu/node/231974>.

52. Truman, "Statement by the President Making Public a Report by the Civil Rights Committee," 10/29/47, Peters and Woolley, The American Presidency Project, <https://www.presidency.ucsb.edu/node/232478>.

53. Truman, "Annual Message to the Congress on the State of the Union," 1/7/48, Peters and Woolley, The American Presidency Project, <https://www.presidency.ucsb.edu/node/232897>; McCullough, *Truman*, 586.

54. Truman, "Special Message to the Congress on Civil Rights," 2/2/48, Peters and Woolley, The American Presidency Project, <https://www.presidency.ucsb.edu/node/232898>; McCullough, *Truman*, 586–87.

55. Truman to White, 2/4/48. In his telegram of 2/2/48 to Truman, White said words were "inadequate to express our full appreciation for your message to the Congress today recommending legislation necessary to insure full civil justice to all Americans. It is clear, concise, and courageous. It marks the course which must be followed by the Congress and the people of the United States to put our own house in order and make democracy a living reality." Both in Papers of Harry S. Truman, President's Personal Files, HSTL.

56. Truman, *Memoirs by Harry S. Truman*, vol. 2, 182; Gardner, *Harry Truman and Civil Rights*, 98–99.

57. [Democratic National Committee:] "1948 Democratic Party Platform," 7/12/48, Peters and Woolley, The American Presidency Project, <https://www.presidency.ucsb.edu/node/273225>.

58. Truman, "Executive Order 9980—Regulations Governing Fair Employment Practices Within the Federal Establishment," 7/26/48, Peters and Woolley, The American Presidency Project, <https://www.presidency.ucsb.edu/node/278504>.

59. Truman, "Executive Order 9981—Establishing the President's Committee on Equality of Treatment and Opportunity in the Armed Services," 7/26/48, Peters and Woolley, The American Presidency Project, <https://www.presidency.ucsb.edu/node/231614>.

60. The letter to Truman was written from the Hotel Temple Square, Salt Lake City, Utah.

On 7/25/46, two Black married couples were tied to a tree near Moore's Ford in Walton County, Georgia, and shot dead. One of them, Roger Malcolm, had just been bailed out of jail after being arrested on suspicion of stabbing a white man. Although investigations were launched, no one was ever brought to trial for the four murders. See Wexler, *Fire in a Canebrake*, *passim*.

On February 12, 1946, Isaac Woodard Jr. (1919–92), a returning U.S. Army veteran who had served in the Pacific theater, was beaten and blinded by police in Batesburg, S.C., after he reportedly violated Jim Crow travel laws on a Greyhound bus. In the ensuing trial, the town's chief of police, Linwood L.

Shull (1902–97), although admitting that he beat and blinded Woodard, was found not guilty by an all-white jury after they had deliberated about a half hour. Sullivan, *Lift Every Voice*, 319–20, 330–31.

“Colored Firemen Killed or Wounded,” *The Papers of Clarence Mitchell Jr.*, vol. IV, 483–84.

Ferrell, *Off the Record*, 146–47. This was Truman’s response to a letter from his former army comrade Ernest W. Roberts (1893–1966) of Independence, Missouri, who asked the president to “go easy” on civil rights or he would lose the southern vote in the upcoming presidential election. See also McCullough, *Truman*, 587–89.

61. Formally, the Interdenominational Ministerial Alliance of Greater New York. *New York Times*, 10/30/48, 1; Truman, “Address in Harlem, New York, Upon Receiving the Franklin Roosevelt Award,” 10/29/48, Peters and Woolley, The American Presidency Project, <https://www.presidency.ucsb.edu/node/233997>.

Truman noted “One of the great things that the Civil Rights Committee did was to get every American to think seriously about the principles that made this country great.” For his part, he cited the Justice Department’s contribution to the Supreme Court ruling in *Shelley v. Kraemer* 334 US 1 (1948).

62. Truman, “Proclamation 2824—National Freedom Day,” 1/25/49, Peters and Woolley, The American Presidency Project, <https://www.presidency.ucsb.edu/node/287284>; “Truman Sets Feb. 1 as ‘Freedom Day,’” *New York Times*, 7/1/48, 1.

63. Truman, *PPP*, 11/15/49, 564–66.

64. Truman, “Remarks to a Delegation from the National Emergency Civil Rights Mobilization Conference,” 1/17/50, Peters and Woolley, The American Presidency Project, <https://www.presidency.ucsb.edu/node/230705>.

The National Emergency Civil Rights Mobilization (NECRM) conference was held in Washington on January 15–17, 1950, where over four thousand members of fifty-eight national organizations met in Washington to lobby their lawmakers to support both President Truman’s civil rights program, including a permanent FEPC. Led by Roy Wilkins, acting NAACP executive secretary, who organized the NECRM, a delegation met with President Truman. As Wilkins began reading a statement, Truman interrupted him to declare that he “was firmly in their camp and *he* could count noses.” Jonas, *Freedom’s Sword*, 157. See also vol. III, lxxviii–lxxxvi, 151, 153n1.

Truman told the delegation that Scott W. Lucas (1892–1968) (D-Ill.), Senate majority leader, and Vice President Alben W. Barkley had assured him that every effort was being made to get a vote on pending civil rights measures in the Congress. Prior to his election in 1948 as vice president, Barkley had been a longtime member of both the House and the Senate. See vol. IV, 852.

65. The chairman of the Committee on Equality of Treatment in the Armed Forces was Charles Fahy, formerly a federal judge. See vol. IV, 692, and MacGregor, *Integration of the Armed Forces*, 314.

Truman, “Statement by the President in Response to the Report of the Committee on Equality of Treatment and Opportunity in the Armed Services,” 5/22/50, Peters and Woolley, The American Presidency Project, <https://www.presidency.ucsb.edu/node/230658>.

66. Truman, “Memorandum of Disapproval of Bill Requiring Segregation in Certain Schools on Federal Property,” 11/2/51, Peters and Woolley, The American Presidency Project, <https://www.presidency.ucsb.edu/node/231240>.

67. Truman, *PPP*, 12/3/52, 640–41.

68. Statement by the President, providing the reasons for his issuing EO 10308. Harry S. Truman, Official File, HSTL.

69. In the order, Truman noted that when General Matthew B. Ridgway (1895–1993) succeeded General Douglas MacArthur as Supreme United Nations and United States Commander in Korea, he ordered the progressive integration of all troops in his command.

Truman, “Executive Order 10308—Improving the Means for Obtaining Compliance With the Non-discrimination Provisions of Federal Contracts,” 12/3/51, Peters and Woolley, The American Presidency Project, <https://www.presidency.ucsb.edu/node/279099>.

70. Truman, “Commencement Address at Howard University,” 6/13/52, Peters and Woolley, The American Presidency Project, <https://www.presidency.ucsb.edu/node/230964>.

71. Eisenhower, 4/2/48, *Hearings*, 995–96.

72. Eisenhower, “The Future of the Negro,” *Negro Digest* 8 (February 1950): 3–4.

73. *New York Times*, 8/26/52, 12.  
 74. *Congressional Quarterly (CQ) Weekly Report*, 1/9/53, 57.  
 75. *New York Times*, 9/25/52, 21.

76. See for further reference Eisenhower, 4/2/48, *Hearings*, 995–96.

Eisenhower mentioned that Gen. George S. Patton Jr., who led the Third Army in a successful sweep across France during World War II in 1944, reported to him that African Americans who served under his command were “brave men” who “upheld their part” in battle (<http://www.biography.com>). Eisenhower’s speech in Harlem, *New York Times*, 10/26/52, 78. See also Watson, *Lion in the Lobby*, 221.

77. “Eisenhower in Chicago Denouncing Fair Deal Misrule,” *New York Times*, 10/31/52, 10.

78. *CQ Weekly Report*, 2/6/53, 180.

79. Eisenhower, *PPP*, 3/15/53, 108. For background, see “Ike Orders Probe of Segregated Schools,” *Washington Post*, 3/20/53, 1; and Watson, *Lion in the Lobby*, 243.

80. Eisenhower, *PPP*, 3/19/53; Statement by James C. Hagerty, press secretary to the president, regarding the President’s News Conference of March 19, 1953, announcing policy on segregation in schools on army posts. NAACP IX: 68, DLC.

81. Eisenhower, *PPP*, 4/23/53, 205. For background, see Watson, *Lion in the Lobby*, 227–28.

82. Eisenhower, *PPP*, 5/19/53, 81.

83. *Ibid.*

84. Eisenhower to Gov. James Byrnes of South Carolina, 8/14/53, DDE Diary Series, box 3, DDEL. For the historical context of Eisenhower’s letter to Byrnes, see Watson, *Lion in the Lobby*, 227–29.

85. Eisenhower, *PPP*, 9/30/53, 198–99. For earlier background, see “Ike Orders Probe of Segregated Schools,” *Washington Post*, 3/20/53, 1; and Watson, *Lion in the Lobby*, 243.

86. Eisenhower, *PPP*, 11/11/53, 765–66.

87. Eisenhower, *PPP*, 12/16/53, 842.

88. *CQ Weekly Report*, 2/8/54, 40; Eisenhower, *PPP*, 4/29/54, 435.

89. Eisenhower, *PPP*, 2/17/54, 277.

90. Eisenhower, *PPP*, 3/3/54, 293.

This was a continuation of the battle that began in 1951 over the FEPC bill (S 3368) cosponsored by Senators Hubert H. Humphrey (D-Minn.) and Irving Ives (R-N.Y.). Watson, *Lion in the Lobby*, 203–4. The battle continued in 1953 over a new bill with enforcement powers (S 692) sponsored by Ives, which was being considered by a subcommittee of the Labor and Public Welfare Committee, of which he was chairman. Eisenhower, however, was opposed to FEPC. Report, 4/30/53, vol. IV, 350.

91. Eisenhower, *PPP*, 4/29/54, 432, 435.

92. Eisenhower, *PPP*, 6/2/54, 531.

93. Eisenhower, *PPP*, 1/6/55, 23, 28.

94. EO 10590, issued 1/18/55, <http://www.archives.gov/federal-register/executive-orders/1955.html>.

95. Eisenhower, *PPP*, 1/19/55, 198. This question was related to the visit by the carrier U.S.S. *Midway* to Cape Town, South Africa. Watson, *Lion in the Lobby*, 239, 274.

96. Eisenhower, *PPP*, 6/8/55, 580–81. Peters and Woolley, The American Presidency Project, <https://www.presidency.ucsb.edu/node/232915>.

97. Eisenhower, *PPP*, 7/6/55, 678.

98. Eisenhower, *PPP*, 1/5/1956, 25; *CQ Almanac*, 1956, 51.

99. Eisenhower, *PPP*, 2/8/56, 233–34.

100. Eisenhower asserted that Attorney General Herbert Brownell Jr. should “put forward” the civil rights bill, but with an accompanying statement of understanding that for the past sixty years Americans had lived under “another system,” that is, of segregation that the Supreme Court had established under *Plessy v. Ferguson*, 163 U.S. 537 (1896).

Eisenhower’s Response to Statement of Attorney General Herbert Brownell, Whitman Files, Cabinet Series, box 6, Cabinet Meeting of 9 March 1956, DDEL; Anderson, *Eisenhower, Brownell and the Congress*, 34–36.

101. Regarding violent responses to enforcing the Supreme Court’s school desegregation decision in the South, Eisenhower said that in terms of keeping order, the federal government could not move into a state until its assistance in that regard was requested. Eisenhower, *PPP*, 9/5/56, 734–35, 736–37.

102. Eisenhower, *PPP*, 9/11/56, 738–39.

103. Responding to a request for his reaction to Democrats charging that he was running for re-election on their party's record, Eisenhower noted that prior to the Supreme Court's *Brown v. Board of Education* school desegregation decision, the Department of Defense and the Department of Health, Education and Welfare "had moved to eliminate segregation in schools on army posts." For this overall struggle, see Watson, *Lion in the Lobby*, 241–50.

Eisenhower, *PPP*, 10/11/56, 850–52.

104. Response to a question relating to the 9/5/56 news conference. Eisenhower, *PPP*, 10/11/56, 884.

105. Eisenhower, "Address at the International Airport, Miami, Florida," 10/29/56, Peters and Woolley, The American Presidency Project, <https://www.presidency.ucsb.edu/node/233734>; see also Watson, *Lion in the Lobby*, 356.

106. Eisenhower, *PPP*, 11/1/56, 1072. (This speech, given on the eve of national elections, pertained to unsettled conditions in Hungary and Egypt; nevertheless, the NAACP saw a direct connection between Eisenhower's pronouncement on the rule of law in international affairs and racial violence in Mississippi—thus, it was juxtaposed to the 8/12/55 declaration on the *Brown v. Board of Education* Supreme Court decision by Sen. James O. Eastland of Mississippi: "You are not required to obey any court which passes out such a ruling. In fact, you are obligated to defy it." "Chickens have come home to roost" brochure, MP.)

107. Eisenhower, *PPP*, 1/10/57, 23; *CQ Weekly Report*, 1/11/57, 35.

108. Eisenhower, *PPP*, 1/16/58, 57.

109. Eisenhower, *PPP*, 2/6/57, 127–28, 131.

110. Eisenhower, *PPP*, 3/3/57, 175–76. For background on the battle over Part III, see Watson, *Lion in the Lobby*. See also, in appendix 1, vol. VI, 4/16/57, and reports there on the subject.

111. Eisenhower, *PPP*, 3/15/57, 357.

112. Eisenhower, *PPP*, 3/27/57, 215.

113. Eisenhower, *PPP*, 5/15/57, 358–59.

114. Eisenhower, *PPP*, 5/22/57, 404–5.

115. Eisenhower, *PPP*, 6/5/57, 433.

116. Eisenhower, *PPP*, 6/19/57, 469, 472–73.

The reference to the Supreme Court's reach on individual rights was to three blockbuster decisions it handed down on 6/17/57 in the cases of John T. Watkins, a midwestern labor leader, whose conviction for contempt of Congress it reversed (*Watkins v. United States*, 354 U.S. 178); as well as the similar case of Paul M. Sweezy, a Marxist scholar, who was convicted of contempt for failing to answer questions posed by the attorney general of New Hampshire pursuant to legislative authority to investigate subversive activities (*Paul M. Sweezy v. State of New Hampshire* (354 U.S. 234)); fourteen Communist Party leaders, who had been convicted of conspiring to advocate and teach the duty and necessity of overthrowing the Government of the United States, and to organize the Communist Party (*Yates v. United States*, 354 U.S. 298); and John Stewart Service, an ex-Foreign Service officer, who had been dismissed from his government job as a security risk (*Service v. Dulles*, 354 U.S. 363). *New York Times*, 6/17/57, 1, 22, 28. See also Watson, *Lion in the Lobby*, 380–81.

117. Eisenhower, *PPP*, 6/26/57, 502–3; for speech at Williamsburg, Virginia, that is referred to at 505–6, see Eisenhower, *PPP*, 6/24/57, 486–97.

118. Eisenhower, *PPP*, 7/3/57, 515, 520–21; see also Watson, *Lion in the Lobby*, 382–83, 385–87.

119. Eisenhower, "Statement by the President on the Objectives of the Civil Rights Bill," 7/16/57, Peters and Woolley, The American Presidency Project, <https://www.presidency.ucsb.edu/node/233358>.

On 7/16/57, the Senate made the civil rights bill the pending business. Watson, *Lion in the Lobby*, 392.

120. Eisenhower, *PPP*, 7/17/57, 546–47, 555–56.

121. Personal letter from the President to Captain E. E. "Swede" Hazlett, Whitman File, DDE Diary Series, box 25, July 1957, DDE Dictation, 22 July 1957, DDEL.

122. Eisenhower, *PPP*, 7/31/57, 573–74; Watson, *Lion in the Lobby*, 368–69, 367–69, 631–32.

123. Dwight D. Eisenhower, "Statement by the President on the Civil Rights Bill," 8/2/57, Peters and Woolley, The American Presidency Project, <https://www.presidency.ucsb.edu/node/233429>.

William F. Knowland of California, as Senate minority leader, was a champion in the fight for the enactment of the 1957 Civil Rights Act. See, among other reports, 5/9/57 in vol. V, and Watson, *Lion in the Lobby*, 364, 378–79, 399.

Part IV of the civil rights bill gave the attorney general authority to seek injunctions in court to protect Fifteenth Amendment rights. See report 4/4/57, this volume. See also, in appendix 1, vol. VI, 4/2/57 and 4/30/57; Watson, *Lion in the Lobby*, 365.

124. Eisenhower, *PPP*, 8/7/57, 589–90, 592, 594, 601.
125. Eisenhower, *PPP*, 8/21/57, 618–19, 625.
126. Eisenhower, *PPP*, 9/3/57, 640–41.
127. Eisenhower, *PPP*, 9/5/57, 659–60.
128. Eisenhower, *PPP*, 9/11/57, 673–74.
129. Eisenhower, *PPP*, 9/14/57, 674.
130. Eisenhower, *PPP*, 9/21/57, 678.
131. Eisenhower, *PPP*, 9/23/57, 689.
132. Eisenhower, *PPP*, 9/24/57, 689–94.
133. Eisenhower, *PPP*, 9/28/57, 695–96.
134. Eisenhower, *PPP*, 10/1/57, 701–2.
135. Eisenhower, *PPP*, 10/3/57, 704–13.
136. Eisenhower, *PPP*, 10/9/57, 726, 727–28.
137. Eisenhower, *PPP*, 10/30/57, 779, 780–82, 783.
138. Eisenhower, *PPP*, 11/18/57, 823.
139. Eisenhower, *PPP*, 1/31/58, 137.
140. Eisenhower, *PPP*, 3/26/58, 237–38.
141. Eisenhower, *PPP*, 5/12/58, 391–94; *CQ Weekly Report*, 5/16/58, 622.
142. Eisenhower, *PPP*, 5/14/58, 397.
143. Eisenhower, *PPP*, 6/2/58, 447.
144. Eisenhower, *PPP*, 7/2/58, 514.
145. Eisenhower, *PPP*, 12/10/58, 854.
146. Eisenhower, *PPP*, 1/9/59, 6.
147. Eisenhower, *PPP*, 1/14/59, 22–23; *CQ Weekly Report*, 1/16/59, 86–87.
148. Eisenhower, *PPP*, 1/21/59, 122.
149. Eisenhower, *PPP*, 1/28/59, 133–34.
150. Eisenhower, *PPP*, 2/4/59, 156–57, 157–58, 161–62.
151. Eisenhower, *PPP*, 2/5/59, 164–67; Eisenhower, “Special Message to the Congress on Civil Rights,” 2/5/59, Peters and Woolley, The American Presidency Project, <https://www.presidency.ucsb.edu/node/234513>.
152. Eisenhower, *PPP*, 6/9/59, 447–50.
153. Eisenhower, *PPP*, 7/22/59, 539.
154. Eisenhower, *PPP*, 8/12/59, 578.
155. Eisenhower, *PPP*, 8/25/59, 598.
156. Eisenhower, *PPP*, 9/17/59, 673.
157. Eisenhower, *PPP*, 12/2/59, 793.
158. Eisenhower, *PPP*, 1/7/60, 14.
159. Eisenhower, *PPP*, 1/13/60, 26–27.
160. Eisenhower, *PPP*, 1/18/60, 125.
161. Eisenhower, *PPP*, 1/26/60, 125–26, 132.
162. Eisenhower, *PPP*, 2/3/60, 151.
163. Eisenhower, *PPP*, 3/16/60, 294.
164. Eisenhower, *PPP*, 3/30/60, 320.
165. Eisenhower, *PPP*, 5/6/60, 398; *CQ Weekly Report*, 5/13/60, 860.
166. Eisenhower, *PPP*, 1/12/60, 926–27.
167. Eisenhower, *PPP*, 1/16/61, 1021.

# FOREWORD

## *The NAACP's Lobbying Role*

*In volume III, we traced the founding of the NAACP Washington Bureau and the beginning of its mission in leading the struggle for the passage of civil rights laws. As director of the bureau from 1950 to 1978, Clarence Mitchell Jr. was required by law to register as a lobbyist. J. Francis Pohlhaus, bureau counsel, who also was a registered lobbyist, defined that role specifically as it related to the NAACP's mission, accordingly:*

Memorandum

April 18, 1955

To: Clarence Mitchell

From: J. Francis Pohlhaus

RE: Lobbying Act

As you know, the Lobbying Act requires organizations as well as individuals to file reports if they fall within its terms.

The most recent Supreme Court decision on the Act, U.S. v. Harris, 347 U.S. 612, set out three requirements a person (including an organization) must meet to fall within the terms of the Act:

1. The person must have solicited, collected or received contributions.
2. One of the main purposes of such person or one of the main purposes of such contributions must have been to influence the passage or defeat of legislation by Congress.
3. The intended method of accomplishing this purpose must have been through direct communication with members of Congress.

Whether the Association itself falls within the classification defined by the Supreme Court is doubtful. It could be argued that the legislative work is only a part of its main operation. The latest edition of Congressional Quarterly reports the United States Chamber of Commerce has filed a memorandum stating it is not covered. Its traditional position has been that its legislative action is not one of its principal functions.

It would appear that the Washington Bureau, if considered as an entity, would clearly fall under the filing requirements.

I would suggest, therefore, that the Bureau file a report, pro-rating the expenses of the office in such a manner as to indicate the amount of time spent on direct contact with members of Congress. In this manner we would comply with the intention of Congress to require publicity on the amount of money spent on direct contact with its members.<sup>1</sup>

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*Pohlhaus, furthermore, explained how the NAACP Washington Bureau lobbied Congress for the passage of civil rights laws.*

December 8, 1958  
[January 6, 1956<sup>2</sup>]

Mr. Charlie L. Ayers  
Box 46  
Drew University  
Madison, New Jersey

Dear Mr. Ayers:

This is in response to your letter of December 12, 1955. I regret the delay in answering, but the necessity of preparing material for the opening of Congress prevented earlier consideration of your communication.

1. As the role of lobbying, I believe its chief function is, or should be, to let the members of Congress know the feeling of groups of people on legislation. In many instances the only way to do this is through representatives, who by personal contact with Congress can make known the attitude of the citizenry on given subjects.

I believe that lobbying plays a very important part in the legislative process. Few major pieces of legislation are passed without some votes being influenced by the activities of persons and groups outside Congress. So long as these influences are honestly presented and represent a true picture of the wishes of groups of citizens, they have a wholesome effect.

In the field of civil rights, I can cite two cases in the last session of Congress where lobbying activities greatly influenced pending legislation.

The Reserve Training Bill, as originally proposed, provided for compulsory assignment of troops to National Guard units. Because the Guard is segregated in many states, civil rights groups opposed this feature of the bill. Prior to this opposition easy passage of the bill was predicted. However, the opposition forced a floor fight which resulted in a modified version of the bill being passed. This eliminated all references to the guard.<sup>3</sup>

Bills to provide Federal funds for school construction were given hearings in Committee of both Houses. Lobbyists of civil rights groups appeared and proposed anti-segregation amendments. These proposals are generally considered as having prevented any floor consideration of these bills during the first session of Congress.<sup>4</sup>

2. As to the performance of lobbying activities, this duty is assigned by the NAACP to the Washington Bureau. The work is in charge of Mr. Clarence Mitchell, Director. I assist him. Both of us are registered under the lobbying act.

We work on legislation within the framework of Association policy, which is determined at the Annual Convention and implemented by decisions of the Board of Directors.

It is our duty to scrutinize and evaluate all legislation introduced in Congress which falls within the policies adopted by the Association. At times, we request members of Congress to introduce legislation. This may be drafted by our legal staff or by Congressional experts.

When legislation is referred to a Committee, we seek to have hearings conducted and favorable action taken. This is done by personal contact or by communication with the Chairmen and members of the Committee. We advise our members to contact Committee members, urging action. We solicit the help of other organizations to do the same.

At the time hearings are conducted, a representative appears as a witness and testifies. This is usually Mr. Mitchell, but sometimes other officers of the Association or consultants. We either support, oppose or suggest changes in the proposed legislation and state our reasons therefore.

Following the hearings we again urge favorable action on the pending legislation. We ask cooperation from members of Congress known to be friendly in attempting to secure favorable Committee action.

When legislation in which we have an interest reaches the floor of either House, we make particular effort to contact as many members of Congress as possible to make our views known. Again we call on our membership and cooperating organization to contact Congressmen. If the legislation needs amending, we may ask a friendly member to propose necessary amendments.

To attain results continuing cooperation with other organizations favoring civil rights is essential. To this end we frequently confer with representatives of such organizations to discuss legislation and plan strategy. Also, in conjunction with such organizations, we confer with individual Congressmen or groups of them.

In the course of this cooperation we attempt to mobilize public opinion on specific pieces of legislation. To aid in this the Leadership Conference on Civil Rights has been established, consisting of over eighty groups interested in civil rights. The Conference intends to sponsor in February or March, a mobilization in Washington to get action on civil rights bills. At that time, representatives from all over the nation will confer and will contact Congressmen seeking action on these bills.

Another necessary factor in our work is an informed membership. To assure this, we prepare material for distribution to our Branches, keeping them informed on the changing legislative picture. Also, we prepare complete voting records on all members of Congress for general distribution.

We attempt to get Congressmen working cooperatively on a bi-partisan level on civil rights problems. Through friendly members we are able to arrange

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conferences at which the Congressmen can discuss and plan action which eventually determines the outcome of legislation.

I am forwarding some typical material used in our work, which I hope will be of interest to you.

Sincerely yours,  
J. Francis Pohlhaus  
Counsel<sup>5</sup>

**DEFINITIVE STAGE OF THE STRUGGLE  
FOR PASSAGE OF THE CIVIL RIGHTS LAWS**

*Prior to the Supreme Court's landmark decision in 1954 in *Brown v. Board of Education* in which it declared that segregation was discrimination and thus unconstitutional, the NAACP had faced an impenetrable wall of opposition in Congress from southerners who maintained that there was no need for civil rights legislation because their Jim Crow system was constitutional and they did not practice racial discrimination.<sup>6</sup> With the demolishing of that system by *Brown*, Mitchell launched the definitive stage of the struggle for passage of the civil rights laws in the modern period accordingly<sup>7</sup>:*

January 15, 1955

My dear Congressman:

The opening of the new Congress brings into focus once again the gap between the democratic principles upon which this nation was founded and the undemocratic discriminatory practices which exist in so many areas of our national life. The need for legislation to close this gap has never been more apparent, both because of the awakening consciousness of many of our citizens to the realities of our failure to provide them with full citizenship and because of the recognition of United States leadership in the fight for democracy by the rest of the free world.

The National Association for the Advancement of Colored People has long advocated a legislative program that would eliminate second class citizenship from the American scene and provide a model for those nations of the world that are orienting themselves toward the democratic ideal. Once again, we urge upon you the necessity of enacting such a program and request your support for it in the present session of Congress.

We believe that the rules of the Senate and House must be revised to prevent filibusters and other tactics of obstruction. We call for the enactment of specific civil rights bills.

Among such bills is the measure to establish an enforceable fair employment program. The right to work and to progress in employment free from artificial

restrictions imposed because of race or color is needed, not only to secure to all citizens their God-given rights to life, liberty, and the pursuit of happiness, but guarantee a sound economic life for our nation and to adequately insure its national defense.

Continuation of racial discrimination by interstate carriers requires the passage of a law to end this practice. Despite numerous court decisions against such discrimination, racial segregation in railway coaches and buses is still the general practice rather than the exception in a number of areas of the country. We are including in this letter a reprint of remarks by Honorable John W. Heselton on this problem.

The Omnibus Civil Rights Bill, which by amending existing legislation and adding some new sections in the Federal Code would bring up to date our present antiquated civil rights statutes, is necessary to bring the Code into agreement with the existing facts of our present national life.

We support the enactment of anti-poll tax legislation in the interests of an expanding democracy. Congressional passage of such legislation would eliminate the last vestiges of an outmoded restrictive practice designed to perpetuate government by the few, in the interest of the few.

In line with the just and democratic stand taken by the president that no federal funds should be used to the detriment of any section of our population, we support legislation that would provide that no such funds shall be granted unless the recipient guarantees that they will be expended without regard to the race, color, or national origin of the beneficiaries.

From time to time during the course of the congressional session, we shall be in contact with you regarding the legislation outlined herein and other civil rights measures, as well as related measures that will be introduced.

The value of your support of such a program is amply illustrated by the past election. Where pro-civil rights voters had a clear cut choice between proponents and opponents of a civil rights and humanitarian program, as they did in Illinois and Maryland, they invariably cast their votes for the proponent, without regard to his political affiliation. In Illinois, this vote went heavily for Senator Paul Douglas, a Democrat. In Maryland, it went overwhelmingly for Governor Theodore McKeldin, a Republican, whose opponent sought to defeat him by promoting racial discord.

Accordingly, we trust that the civil rights program will be approved during the present Congress in a spirit of bipartisanship and national unity and that positive legislative steps will be taken which will further that national unity and enhance the prestige of our nation in the eyes of the world.

Sincerely yours,  
 Clarence Mitchell  
 Director  
 Washington Bureau  
 100 Massachusetts  
 Avenue, N.W.<sup>8</sup>

WASHINGTON BUREAU

*The passage of the Civil Rights Act of 1957 was the first comprehensive implementation of that lobbying campaign by an organization dedicated to that purpose since Reconstruction.<sup>9</sup> As *Brown v. Board of Education* was to the epic judicial struggle to overturn the “separate but equal doctrine” established by *Plessy v. Ferguson* in 1896, so was passage of that law three years later the historically defining legislative consequence in the evolutionary struggle to accord African American citizens full equality under the Constitution. The act broke the psychological barrier to the passage of such measures by Congress. Confirming the profound benefits of the bipartisan coalitions Mitchell had formed in both the House and Senate to provide the indispensable support he needed to pass the law, Rep. Frank William McCulloch, Republican from Ohio, sent Mitchell a copy of a summary of the 1957 struggle that Senator Paul H. Douglas, Democrat of Illinois, subsequently distributed in a “Dear friend” letter. McCulloch said he thought the lobbyist “might be interested in seeing a copy of the rather lengthy recap of this year’s civil rights fight” he was sending to his constituents who were particularly interested in this issue. Douglas’s letter, McCulloch noted, “also looks forward to the efforts that must be made in the coming session on other phases of this battle.”<sup>10</sup> The following is Douglas’s letter, which affirmed the NAACP’s lobbying program conducted through its Washington Bureau:*

Dear friend:

Now that the first session of the 85th Congress is over, I want to report to you in some detail about the fight to pass an effective civil rights bill. I want to discuss with you some of the obstacles which had to be overcome, something of the day-to-day strategy, and my own judgment as to the significance of the bill as it was passed and signed into law.

*The Background*

In over 80 years, no civil rights bill had passed the Congress. There were a variety of reasons for this. Chief among them was Rule XXII—the filibuster rule—in the Senate, which provides in Section 2 that debate can only be limited by a vote of two-thirds of the entire Senate, or by 64 votes. To stop a filibuster, cloture would have to be applied at least twice; once on the motion to take up a civil rights bill, and again before debate on the bill itself could be stopped and a vote taken on final passage.

In addition to this, under Section 3 of Rule XXII, there is no limit of any kind on debate on the motion to bring up a change in the rules. Therefore, Section 2 of Rule XXII had locked the door against passage of a civil rights bill, and under Section 3 the key had been thrown away, for it made it impossible to change the rule by ordinary procedures.

Another reason why no civil rights bill had been passed is the unrepresentative nature of the Senate. The eight largest states in the Union contain almost half the population, but have only 16 of 96 votes in the Senate. The State of Nevada, with a population the size of the 5th Ward of Chicago, where I represented it in the City Council, has the same number of votes in the Senate as in the entire state of Illinois. One must add to these factors the existence of the seniority system, whereby committee chairmanships and power in the Senate go to those with the longest continuous service. The most populous states—except for Texas—are also two-party states where a senator ordinarily does not survive the political strife for more than one or two terms. But as the southern states are one-party states where a senator once elected has virtually a lifetime job, it can be seen that seniority too greatly inflates their strength.

Thus the Senate is the creature of the small states and the one-party states. The representatives of those states, over the years, have increased their proportionate power by way of the rules of the Senate and the seniority system. Therefore, in any civil rights fight those of us who favor such legislation begin the battle with one hand tied behind our backs.

Also, since 1938 there has been a coalition of southern Democrats and conservative Republicans whereby the southerners voted with the Republicans against liberal economic and social legislation, provided the Republicans voted with the southern Democrats against civil rights, and in particular against rule changes or procedural matters where the advancement of civil rights was the real issue.

Because of this situation, no civil rights bill had passed the Congress. In recent times, the filibuster or the threat of a filibuster in the Senate had killed numerous bills. Anti-lynching bills were twice killed by filibuster in 1938. The filibuster killed anti-poll tax bills in 1942, 1944, and 1946, and FEPC bills were killed in 1946 and in 1950.

FEPC bills were reported favorably by the Senate Labor Committee late in the 82nd and 83rd Congresses, but died on the Calendar. In the 83rd Congress, a group of civil rights bills were reported by the subcommittee on civil rights to the Senate Judiciary Committee, but died in the full committee. In the 84th Congress, four more bills were killed in the full Judiciary Committee after favorable subcommittee action.

In addition, H.R. 627—a bill almost identical to the original civil rights bill of this year—passed the House by a 2-1 margin close to the end of the session, but it almost expired in the Judiciary Committee.

In the first session of the 85th Congress, the Senate Judiciary Committee had no less than 16 civil rights bills before it—one of which was acted on favorably by the subcommittee—but none of which was ever sent to the full Senate. By numerous parliamentary devices, these bills were filibustered to death in the Committee itself.

## *The Rule XXII Fight*

Our first move this year was to attempt to change Rule XXII. As effective action could be blocked under the existing rules, we were determined to adopt new rules at the beginning of the new Congress in January. Our authority was the Constitution, which in Article I, Section 5, provides that "Each House may determine the rules of its proceedings." In the past, the Senate rules have carried over from Congress to Congress, although the House adopts its rules at each new Congress. We were determined to do likewise.

To be successful, it was necessary to make this action a bipartisan one and to try to put together a liberal Northern Democratic and large-state Republican coalition. On the issue of civil rights, we really have a "four party" rather than a "two-party" system.

We failed in this effort by a vote of 55 to 38. However, in 1953 a similar action had failed by a vote of 70 to 21. We therefore picked up great strength and, since the three absentee senators were also committed to our side, we really had 41 votes in 1957. We secured these votes against the determined opposition of the leadership of both parties, and a shift of only seven votes (with full attendance) would have brought victory.

Therefore, our hopes were raised, and the size of the vote caused great concern among the southerners and their open and secret allies. They were now caught on the horns of the dilemma. They knew that if they filibustered a civil rights bill, the Senate and the country would be so outraged that they would lose Rule XXII and probably, in the process, be presented with a bill even stronger than the one which the House was considering. On the other hand, they knew that if they did not filibuster, the Senate would pass some form of civil rights.

Our near success in this fight gave a new urgency and hope to civil rights prospects which would not otherwise have been the case, and created an atmosphere in which at least some form of bill could be passed.

## *The Bill and Action Placing It on the Calendar*

Again this year, the House passed a civil rights bill by a 2 to 1 margin. It contained four principal sections:

- 1) It created a Civil Rights Commission which could hear testimony, gather information, and make recommendations to the Congress on needed legislation based on the facts.
- 2) It authorized the appointment of an additional assistant attorney general to run a new Civil Rights Division in the Department of Justice.
- 3) It created a new remedy to protect the civil rights granted by the courts and the Constitution under the 14th or "equal rights" Amendment. In cases

where the rights to equal education, public transportation services, or use of public facilities were concerned, the Attorney General was authorized to seek injunctions from a federal court to prevent local or state officials or groups conspiring together from denying those equal rights to American citizens [emphasis theirs]. The point was to “prevent” these abuses rather than to wait until they were committed and then prosecute under the criminal law. The Attorney General could seek these injunctions or restraining orders 1) on his own initiative, 2) at the request of aggrieved persons, or 3) at the request of local authorities such as school boards.

- 4) It gave the Attorney General similar powers to seek injunctions to protect the right to vote and to carry out the clear language of the 15th Amendment which provides that this rights shall not be denied because of race or color.

It is probably true that the Commission and the new Division in the Justice Department could have been created by the President without specific legislation. The need for Parts III and IV of the bill creating the new injunctive remedies, however, was and remains compelling.

Denials of equal rights—in some cases more subtle than others—occur in many sections of the country. But we all know that no integration at all has taken place in the schools of the deep South, and that resistance to the law of the land has grown. In Virginia, South Carolina, Georgia, Alabama, Louisiana, Florida and Mississippi, not even a modest beginning has been made in the public elementary and high schools to comply with the Supreme Court decision. White Citizens’ Councils have been formed to prevent integration.

Anti-barratry laws, which make it illegal for anyone to give money or aid to a person seeking to protect his rights in court, have been passed in many of these states. Pupil placement schemes, provisions to close any school which integrates, interposition statutes, and laws aimed at harassing the Negroes, the NAACP, and other moderate and progressive groups have also been passed in these states. Negroes are still shoved to the back of the buses, barred from public parks and denied equal educational opportunities.

We all know that these practices in the various sections of the country will not be corrected overnight, and we have not demanded that. What we have asked for is that the South, as well as the North and West, attempt in good faith to make progress—even if slow progress—to soften and eventually eliminate these evils.

Instead, however, the forces of massive resistance have gained the upper hand over a large part of the South. Instead of slow progress in good faith, we have seen backward steps as exemplified by the Southern Manifesto signed by 96 Southern representatives and senators, by the cynical and tragic actions of Governor Faubus, and by repressive laws now on the books.

Thus when the House passed the civil rights bill, a group of 15 liberal Northern Democrats met and determined that they would bend their efforts to get the

House bill before the Senate for action. The great need for the bill was clear; civil rights action had been too long delayed, and sending the bill to the Judiciary Committee meant certain death for it.

It meant certain death for various reasons. To send the bill to the Committee and then discharge the Committee from further consideration of it meant that we would have to break four potential filibusters before we could vote on final passage. This, we felt was impossible. To suspend the rules of the Senate and place the bill on the Calendar ready for action, and then move it into position for passage, meant breaking three potential filibusters and winning a further vote of two-thirds of the senators present and voting for the unorthodox procedure of suspending the rules. This too we felt was impossible.

Our group therefore decided to move to place the bill on the Calendar under Rule IV of the Senate, which provides that a bill from the House goes to the Calendar if objected to after its second reading. This method meant breaking only two potential filibusters and offered the best hope for final action.

Our group then stated on the floor of the Senate that we would proceed under Rule XIV and that we would join with any other senator or group of senators in moving to place the bill on the Calendar. We did this because we knew that a bipartisan effort was essential if we were to succeed. We were successful in this move and won by a vote of 45 to 39, and the bill went to the Calendar.

### *Debate on the Bill*

On July 8, the Senate moved to take up the bill. This motion was debated for eight days before a vote of 71 to 18 put the bill itself before the Senate.

Because of the near success on the Rule XXII fight, the 45 to 39 vote to place the bill on the Calendar and the 71 to 19 vote to take up the bill, the southerners knew the odds were against them. They therefore did not filibuster. Some have seen in this a willingness to compromise and to accommodate themselves to public opinion. Such was not the case. Rather they decided not to filibuster because of the possible consequences to them of an even stronger bill. They devised a different strategy and made every effort to water down the bill and to make its provisions meaningless.

### *Striking Out Part III*

First, they moved to strike out the heart of Part III. In this they were aided by some northern and western Democratic allies, most of them from very small states with virtually no Negro population. But they were also joined by a large number of Republicans, including not only many from the Old Guard wing of the party, but also from the large populous states such as Massachusetts and New Jersey.

In addition, they were greatly aided by the president himself who, at a decisive point in the debate, stated at a press conference that he did not understand all the provisions of the bill and that he did not believe the attorney general should have the power to intervene in school cases on his own initiative. As this was the basic point in Part III, the president's words pulled the rug out from under us at a crucial point.

The filibuster, although not actually used, played its part here too. A constant argument used on the waverers was that if Part III were left in the bill, the South would filibuster. Therefore, Rule XXII and the threat of the use of a filibuster once again helped to kill a vital civil rights provision. Part III was struck out by a vote of 52 to 38.

This was indeed a sad day for American justice, and recent events in Little Rock show how very important this section was.

It must be said here too that the speech of Senator Russell of Georgia, in which he raised the cry of using Federal troops and of enforcing school integration by such means, had a decisive effect on this vote. It led the president to say that he could not conceive of circumstances in which federal troops would be used. It was played up in a very one-sided manner by the press. It shifted the defense from the evils being perpetrated on the Negro to potential action against the dominant white South to make them obey the law of the land.

### *The Jury Trial Amendment*

The next move of the South was to add a provision for trial by jury for those who in suits to protect voting rights of Negroes under Section IV were held in contempt of Court for failing to carry out a court order.

I placed figures in the Record which showed that only 4 percent of the Negroes of voting age were even registered to vote in Mississippi; only 10 percent in Alabama; only 20 percent in Virginia; 25 percent in Georgia; 25 percent in South Carolina; 29 percent in Arkansas; and 31 percent in Louisiana. Of course, far fewer than these percentages actually vote in those states. We know that various legal subterfuges, as well as political and economic pressures and the threat of or actual violence, keeps Negroes from the polls in these states.

We know that something must be wrong, for in Illinois 72.5 percent of all those of voting age actually voted in the 1956 presidential election, and in some states as many as 77 percent actually voted. In most southern states, on the other hand, the figures were much lower—only 22 percent in Mississippi and 2 percent in South Carolina.

I went into this matter in some detail and found that the poll tax, laws which require Negroes to interpret the State Constitutions or answer questions which would stump a Charles Van Doren, and various other devices such as having women registrars with their offices in their homes, effectively prevented Negroes in the South from registering and voting.

The real purpose of the jury trial amendment was to make certain that southern juries, rather than judges, would decide whether a man should be made to carry out a court order telling him to let Negroes vote. Of course this amendment would defeat the purpose of part IV of the bill.

First of all, no constitutional "right" to trial by jury was involved, for in contempt cases judges, rather than juries, have always decided the issues except in a very limited and unique set of circumstances. Proof of this is seen in the fact that southern states themselves, with one minor exception, do not provide for jury trials in contempt cases in their own state courts.

Second, juries in the deep South, where the need is the greatest, generally would not convict white men who prevented Negroes from voting. These jurors, even if they wanted to, would find it difficult to enforce the court's orders to permit Negroes to vote, for they must return to their communities to make their living, while a judge is protected from economic pressures by life tenure and would be better able to provide justice.

Further, in the deep South Negroes rarely serve on juries; and even if they did, it takes 12 votes to convict but only one vote to "hang" a jury, which is almost as useful as acquittal.

Various jury trial amendments were offered. As we pointed out the defects in each, they were modified day by day so that we were always shooting at a moving target. The amendment was broadened to cover all statutes as well as civil rights cases which clearly would have made chaos of judicial enforcement of court orders. The amendment was "sweetened" to meet the objections of this or that senator, until finally an amendment was passed which granted a jury trial in "criminal" contempt proceedings, but not in civil contempt proceedings.

On the surface this appears to be a valid distinction. In civil contempt the court holds a person in contempt to secure compliance with the court's order, but contempt can be removed if the person carries out the court order. The defendant has the key to the jail cell in his pocket, if he will only carry out the order of the court.

In criminal contempt the time for compliance ordinarily has passed, and the court may then only punish the offender, for it is too late for him to remove the contempt by carrying out the order of the court. It is this case in which the final Senate jury trial amendment applied.

In voting cases, however, this distinction would mean noncompliance with the law, for in elections time is of the essence. If a judge ordered a registrar to allow certain Negroes to register, and the registrar refused, he would be in contempt of court. Until election day arrived, he would be tried by a judge for civil contempt and he could still remove the contempt by compliance. But once the election day arrived and passed and the Negroes did not vote, then only criminal contempt and a jury trial would be involved. With the knowledge that they would be tried by a local jury, can anyone say that this was not an invitation to southern registrars and

other election officials to defy the law until the day of election passed and thereby gain a jury trial and acquittal, as well as preventing Negroes from voting?

Unfortunately the jury trial amendment did pass, and the bill was weakened to such an extent that there was doubt as to its value. On balance, at this state I decided that I would nevertheless vote for what remained, for I felt that it would be helpful in the border states and in providing for a commission and a new Civil Rights Division in the Justice Department. I knew, however, that with Part III stricken and a jury trial amendment added to Part IV, the bill was a shell of its former self. But I also hoped that the House might strengthen it.

### *House Action*

Fortunately, when the bill went back to the House, a majority of its members stood firm for revising the jury trial amendment. They narrowed its scope to apply only to civil rights cases.

The House also changed that amendment so that there would be no jury trial for civil contempt, no jury trial for most criminal contempt cases, but only a jury trial in those cases where a person was found guilty of criminal contempt and where the judge imposed a fine in excess of \$300, or a jail sentence in excess of 45 days. In this very limited area, a second trial with a jury would be provided if the defendant insisted.

This was a major improvement in the bill and made its substance more meaningful. The protection for voting rights was thus strengthened, and the bill was then passed by the Senate and signed into law, despite a last-ditch 24-hour speech in opposition by Senator Thurmond of South Carolina. His southern colleagues, however, refused to join in a filibuster attempt because of the possibility greater losses such a maneuver might provoke.

Therefore, we have taken a very modest and meaningful step forward.

### *The Future*

Two things loom as immediately important. First, we must make an effort to write into law a new Part III, or a much stronger modification of it. The Little Rock situation makes this more important than ever before, for we have seen how state officials have acted to defy the law of the land.

We must arm the attorney general with legislation making it possible for him to intervene to seek injunctions and restraining orders in at least two situations. The first is when he is requested to by local authorities such as school boards. The second is when aggrieved individuals make such a request and are not themselves able to carry out a suit.

The southern states have used the full power of their governments to fight the Supreme Court decision. Their attorneys general prepare the cases. The states pay the fees and the cost of litigation. At the same time, it is expected that Negroes who in general in the South are poor, who suffer both social and economic pressure, who must face alone the dominant white forces of their communities, and who are often defenseless, should fight these cases to carry out the law of the land on their own. This is grossly unfair.

First, it costs at least \$5,000 to take a case to the Supreme Court. Second, it places the burden on the backs of the poor, the defenseless, and the children. Finally, under the anti-barratry laws no help can be given to them from private individuals or groups such as the NAACP.

Thus, the Negro seeking justice in the South enters a fight with both hands tied behind his back. To secure his Constitutional rights under these circumstances requires government assistance like that authorized in Part III.

Other constructive measures should also be drafted to encourage and assist communities to comply with the law.

In addition, we must seek to change Rule XXII so that the filibuster can no longer keep the Senate from legislating effectively in the field of civil rights. Although not actually used in 1957, it was nonetheless a decisive factor in striking out Part III and adding the jury trial amendment.

Many who oppose the Supreme Court's school decision argue that it is for the Congress and not the court to say what the law is. Of course, I do not believe this. However, the same people support and use the filibuster to keep the Congress from legislating. They cannot have it both ways and complain when the court acts and say that Congress instead should act, and at the same time by the power of the filibuster, the rules of the Senate, and the seniority system keep the Congress from legislating.

Beyond legislation, we must encourage the president and his administration to use the new legal tools we have given them. The moral basis for better human relations must be more fully understood. Respect for differences should be more deeply ingrained. And we must also explore the broad range of voluntary action by private individuals and groups to weave the patterns of equal justice more firmly into our community life.

I hope I have given you some of the background and details of the civil rights fight. Personally, I believe that this cause is just and right, and I intend to remain in the forefront of those seeking justice for all of our people, whatever their race, creed, or color. Only in this way can we justify our manhood and present to the world the true image of an America which is just and free. In the struggle against communism, we have to present a better picture than we do before the two-thirds of the world's population which is black, brown, and yellow in color. At present we carry a heavy burden.

Faithfully yours,  
Paul H. Douglas<sup>11</sup>

NOTES

1. MS: NAACP WB-45, DLC.
2. Based on the records, this is the correct date of the letter. The difference was apparently caused by the retyping of the letter on the later date.
3. See 6/6/55; vol. III, cxi-cxli; and vol. IV, 285-86, 306.
4. See 3/8/55, and vol. III, clix-clxxii.
5. MS: MP.
6. See in appendix 1, vol. VI, 12/30/54.
7. Then on 2/1/55 Sen. Hubert H. Humphrey (D-Minn.) led a group of thirteen senators in introducing a package of civil rights bills, one of which was HR 6271, which ultimately became the Civil Rights Act of 1957. Thanking those senators for their support, Mitchell said:  
 Your action gives the Congress a chance to match the strides made by the Executive and Judicial Branches of the U.S. Government in the direction of full equality for all American citizens. The issue of civil rights cannot be dodged or suppressed. Yesterday, it arose in connection with school construction bills before the Senate Labor Committee. It will continue to confront the nation in all aspects of American life until the program which you supported today becomes the law of the land. Mitchell telegram to Senators Humphrey, Irving Ives (R., N.Y.), Herbert Lehman (D., N.Y.), Clifford Case (R., N.J.), Paul Douglas (D., Ill.), James Duff (R., Pa.), John Kennedy (D., Mass.), William Langer (R., N.D.), Warren Magnuson (D., Wa.), Edward Martin (R., Pa.), Patrick McNamara (D., Mich.), William Purtell (R., Conn.), Wayne Morse (D., Ore.), Leverett Saltonstall (R., Mass.), James Murray (D., Mont.), H. Alexander Smith (R., N.J.), Matthew M Neely (D., W.V.), and Richard L. Neuberger (D., Ore.). Mitchell telegram, 2/1/55, and LCCR statement, adopted 2/2/55, both in NAACP IX: 126, DLC.  
 See also 11/9/55; in appendix 1, vol. VI, 2/2/55 (LCCR Statement), and summary of LCCR executive committee meeting, 3/3/55; Wilkins, 7/13/55, *Hearings*, 248-71.
8. MS: NAACP IX: 126, DLC.
9. MS: NAACP WB-45, DLC.
10. See 9/6/57. For an example of Mitchell's working relationship with McCulloch, see Watson, *Lion in the Lobby*, 366-67.
11. MS: NAACP IX: 128, DLC.