CQ Almanac

Save to Favorites

Congress Approves Civil Rights Act of 1957

An article from CQ Almanac 1957

Document Outline

HR 6127 – Reported, amended, by the House Judiciary Committee (H Rept 291) April 1, 1957.

- House agreed June 5, by a 291–117 roll-call vote, to adopt a rule (H Res 259) for debate on HR 6127. (See p. 346)
- Passed by the House, amended, June 18 by a roll-call vote of 286–126. (See p. 348)
- Placed on Senate calendar June 20 when the Senate rejected, by a roll-call vote of 39–45, a point of order against an objection to referral of the bill to the Senate Judiciary Committee. (See p. 302)
- Senate agreed July 16, by a roll-call vote of 71–18, to a motion to consider HR 6127. (See p. 305)
- Passed by the Senate, amended, by a roll-call vote of 72–18 Aug. 7. (See p. 307)
- Senate version concurred in by the House Aug. 27, with a compromise jury trial amendment, by a roll-call vote of 279–97. (See p. 378)
- Senate concurred in House amendment Aug. 29 by a roll-call vote of 60–15. (See p. 314)

P.L. 315 – Signed into public law Sept. 9, 1957.

The Civil Rights Act of 1957 (HR 6127), which received final Congressional action Aug. 29, was a modified version of the Eisenhower Administration's requests for civil rights legislation. The House passed the Administration version of the bill virtually intact but the Senate, during 24 days of actual debate, changed a number of the Administration's basic provisions.

The Senate deleted a provision that gave the President power to use troops to enforce existing civil rights laws and another that eliminated Section 121 of Part III, which would have permitted the Attorney General to institute civil action for preventive relief in civil rights cases. Added by the Senate were an amendment to Part IV to guarantee jury trials in all criminal contempt cases, not only those arising out of the provisions of the Civil Rights bill, and another amendment specifying qualifications for jurors.

The House agreed to the Senate amendments to the bill with an amendment of its own which substituted a compromise version of the jury trial amendment. The final version of the bill, as signed by the President:

- Created an executive Commission on Civil Rights.
- Authorized the President to appoint an additional Assistant Attorney General, with the understanding he would head a new Civil Rights Division in the Department of Justice.

Policy Tracker

- Empowered the Attorney General to seek an injunction when an individual was deprived or about to be deprived of his right to vote.
- Set fines for those convicted in criminal contempt cases arising from the provisions of the bill.
- Allowed the judge to decide whether the defendant in such cases should be tried with or without a jury.
- Specified cases in which a convicted and sentenced person could demand and receive a jury trial.

HR 6127 was the first civil rights legislation to pass the Senate since 1875.

Despite much discussion, there was no southern filibuster although on Aug. 28–29 Sen. Strom Thurmond (D S.C.) conducted a 24-hour and 18-minute marathon speech, the longest in Senate history. (For history and techniques of Senate filibusters, see p. 570)

PROVISIONS – As signed by the President, HR 6127:

Part I

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

Established rules of procedure for the Commission.

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

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

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

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

Civil Rights Votes

Vote charts showing individual Members' positions on Civil Rights votes appear in another section of this Almanac. For reference, major Civil Rights votes of 1957 are listed below with the CQ roll call number and Almanac page:

HOUSE: Roll Call 41. Recommit HR 6127 to Judiciary Committee with instructions to insert jury trial amendment. Page 348.

RC 42. Passage of bill. Page 348.

RC 96. Adoption of the modified jury trial provision. Page 378.

SENATE: Roll Call 57. Russell (D Ga.) point of order against Knowland (R Calif.) objection to referral of HR 6127 to Judiciary Committee. The rejection of the point of order had the effect of permitting the bill to be placed directly on the Senate calendar. Page 302.

RC 66. Motion to consider HR 6127. Page 305.

RC 68. Repeal 1866 statute that gave the President power to use troops to enforce existing civil rights laws. Page 306.

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

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

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

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

Part II

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

Part III

Extended the jurisdiction of the district courts to include any civil action begun to recover damages or secure equitable relief under

1967 Chronology Of Violence in American History
1967 Bill to Protect Civil Rights Workers Passes House
1966 Message to Congress: Johnson Proposes Broad Civil Rights Law
1966 Ku Klux Klan Probe Completed
1966 1966 Civil Rights Act dies in Senate
1965 Ku Klux Klan Probe Begun
1964 Senate Votes Cloture on Civil Rights Bill, 71-29
1964 Provisions of Civil Rights Act of 1964 (HR 7152-PL 88-352)
1963 Presidential Address: Kennedy Urges Nation To Support Strong Rights Bill
1963 Negro Demands Bring Civil Rights 'Crisis'
1963 Message to Congress: Kennedy's Second Civil Rights Message Proposes Accommodations Law
1963 Constitution & Civil Liberties
1961 Civil Rights Commission Extended; Issues Reports
1960 Senate and House Civil Rights Amendments
1959 Civil Rights
1957 Congress Approves Civil Rights Act of 1957
1956 Civil Rights Bill Passed by House
1952 Civil Rights Bills - - FEPC And Cloture
1949 Civil Rights
1948 Civil Rights Program
1947 Civil Rights

Related Policy Trackers

Affirmative Action
Equal Employment Opportunity and Workplace Diversity
Faith-Based Initiatives
Gay, Lesbian, Bisexual, and Transgendered Individual Rights
Hate Crimes and Crimes against Religion
Segregation and Desegregation
Voting Rights
Women's Rights

RC 71. Anderson (D N.M.) - Aiken (R Vt.) amendment to eliminate Section 121 of Part III. Page 306.

RC 73. Jury trial amendment. Page 307.

RC 75. Passage of HR 6127. Page 307.

RC 105. Motion that Senate concur in House-approved modified jury trial provision. Page 314.

any act of Congress providing for the protection of civil rights, including the right to vote.

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

Part IV

Prohibited attempts to intimidate or coerce persons from voting in general or primary elections for Federal offices.

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

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

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

Part V

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

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

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

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

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

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

Background

Back to Top ▲

Civil rights planks were included in 1944, 1948, 1952 and 1956 Democratic and Republican platforms. President Truman sent Congress a 10-point civil rights program in 1948 which he continued to back; he also urged legislation to assure equal rights and opportunities. President Eisenhower made no civil rights proposals until 1956, when he recommended establishment of a bipartisan commission to examine charges of vote denials and unwarranted economic pressures against Negroes, and creation of a separate civil rights division in the Justice Department. He endorsed the four-part program later presented by Attorney General Herbert Brownell Jr. (For 1952 and 1956 party platforms see 1952 Almanac, p. 493, 501; 1956 Almanac, p. 777, 783)

The House passed a civil rights bill (HR 627) in the closing days of the 1956 session that included Brownell's four points. Parliamentary maneuvers prevented it from reaching the Senate floor. (1956 Almanac, p. 458)

During the 1956 Presidential campaign Mr. Eisenhower said the four-point program “is the program of the Republican party, and I will continue to work for it.” He pledged that the Administration “will take immediate action within its jurisdiction to stamp out any attempt by any one group to interfere with the rights and privileges of any other group.”

Election Influence

Back to Top ▲

Following the November election, civil rights proponents set to work readying their campaign to get the legislation through Congress during the 1957 session.

One of the notable features of the 1956 election was the movement of Negro votes into the Republican column. Republicans and northern Democrats alike interpreted the returns to mean that the Negro vote, safely Republican from Reconstruction days to 1928, and later, during the New Deal, overwhelmingly Democratic, currently could not be considered the exclusive property of either party. Rather, Negroes were weighing the performance of both parties, especially in the field of civil rights. Republican candidates scored heavily in the 1956 campaign by contrasting President Eisenhower's initiative in the civil rights field with the lack of performance by the Democratic-controlled 84th Congress. (For Negro Vote Survey, see p. 808)

The consequences of the election were felt by both parties. Northern Democrats, particularly those Senators who agreed in 1956 to postpone a civil rights showdown in the Senate and who accepted a “compromise” plank in the party platform, felt their past strategy was a mistake. The strategy was aimed at preserving party unity and insuring southern electoral votes in the 1956 election. But only six southern states were in the Democratic column in the 1956 election

and Democratic losses were heavy in Negro districts across the country. Sen. Hubert H. Humphphrey (D Minn.), who counseled moderation in the last session of the 84th Congress, Nov. 9 said “Democrats are digging their own grave by inaction in the field of civil rights.”

The 1956 election added to the Republicans' obligation and incentive to support civil rights legislation. Vice President Richard M. Nixon Oct. 31 said in Harlem “the Republican party is solidly behind the President and his (civil rights) program – which means that if you support him and elect a Republican Senate and House of Representatives you will get action, not filibusters….”

One Republican, long a supporter of civil rights legislation, told Congressional Quarterly: “In the past many Republicans who have no reason to oppose civil rights legislation have not been notably active in supporting it. There were two reasons for this: First, they had no desire to interrupt their pleasant working relationship with the southern Democrats who run Congress; and, second, they saw no possible political advantage in espousing civil rights. When all the Negro votes were going to Democrats, Republicans were inclined to say, ‘Let the Democrats work for civil rights.’ This election changed that.”

Both parties seemed aware that there would be a double reward for being instrumental in passing the civil rights legislation. Since the crux of the pending legislation was the guarantee of Negro voting rights, the party that won credit for passage of the bill would at one and the same time establish itself in the favor of Negro voters and assist many more Negroes – particularly in the South – to vote. (See box)

Naacp Efforts

As the 85th Congress convened, the 350,000-member National Association for the Advancement of Colored People geared for action. Although not itself registered as a lobbying organization, NAACP had two registered lobbyists in Clarence Mitchell, director of the Washington Bureau, and J. Francis Pohlhaus. During the time preceding Congressional consideration of civil rights legislation, the two lobbyists stressed face-to-face contacts with Congressmen in their Capitol Hill rounds. Special effort was made to get Judiciary and Rules Committee members friendly to civil rights legislation to attend meetings.

At the grass roots level, the NAACP leaders prodded members in 44 states to call or write their Senators and Representatives on the civil rights legislation. A special campaign was organized to get key members to call at the homes of Congressmen during Congress' Easter recess.

Mitchell April 17 told Congressional Quarterly that both the Democratic and Republican parties were jolted out of their complacency by the 1956 Presidential election.

“The Democrats learned they will have to do something to make up for their anti-Negro southern committee chairmen while the Republicans found out they can win Negro votes away from the Democrats,” Mitchell said. The NAACP, he said, had constantly reminded members of both parties of those facts since the election. He called this strategy a “refinement of our previous approach. Before, we talked too much in terms of cliches about the alliance of certain northern Republicans and southern Democrats.”

Commenting on a threatened filibuster, Mitchell said that Senate Minority Leader William F. Knowland (R Calif.) promised the NAACP that he himself would lead if necessary the fight to break a filibuster. Knowland April 18 confirmed this.

1957 Eisenhower Program

Back to Top ▲

The White House announced Jan. 1 that President Eisenhower and Republican Congressional leaders had agreed to press for action on civil rights legislation regardless of a threatened filibuster.

In his Jan. 10 State of the Union address, the President said:

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

1. Creation of a bipartisan commission to investigate asserted violations of civil rights and to make recommendations;
2. Creation of a civil rights division in the Department of Justice in charge of an Assistant Attorney General;
3. Enactment by the Congress of new laws to aid in the enforcement of voting rights; and
4. Amendment of the laws so as to permit the Federal Government to seek from the civil courts preventive relief in civil rights cases.

I urge that the Congress enact this legislation.”

A leading southern opponent of civil rights legislation, Sen. Richard B. Russell (D Ga.), Jan. 12 said civil rights measures that reached the floor “in their present form” would be “vigorously resisted by a resolute group of Senators.” Russell said “I will not compromise in the slightest degree where the constitutional rights of my state and her people are involved.” He said he believed “orderly procedure” would be followed on the bills, but that he was aware of “great political pressure” for their passage.

At a Feb. 6 news conference, President Eisenhower said: “I want a civil rights bill of the character that we recommended to the Congress…. In it is nothing that is inimical to the interests of anyone. It is intended to preserve rights without arousing passions, and without disturbing the rights of anybody else. I think it is a very decent and very

needful piece of legislation."

House

Back to Top ▲

COMMITTEE – Judiciary, Subcommittee No. 5.

HEARINGS – Feb. 4–26 on civil rights legislation.

TESTIMONY – Feb. 4 – Attorney General Herbert Brownell Jr. said the Administration proposals would not enlarge the federal government's jurisdiction in the field of civil rights. "Extremists on either hand will not be satisfied by them," he said. "But they will go far to make a living reality of the pledges of equality under law which are embodied in the Constitution."

Feb. 5 – Ex-Rep. Andrew J. Biemiller (D Wis. 1945–47, 1949–51), AFL-CIO legislative director, said the AFL-CIO hoped the House would pass "at the very least" the Administration's proposals. He said the AFL-CIO also supported fair employment practices, antilynching and anti-poll tax laws.

Executive Secretary Roy Wilkins of the National Assn. for the Advancement of Colored People, appearing in behalf of 22 organizations, called for enactment of the Administration program as "the first step toward breaking the Congressional stalemate by enactment of minimum legislation."

Edward Scheidt, North Carolina motor vehicles commissioner and former FBI agent, said proposals before the Committee represented "a frontal attack upon the police powers and responsibilities of all local and state governments."

Mississippi Governor Testifies

Feb. 6 – Mississippi Gov. J.P. Coleman (D) said that under the pending legislation the South's "average citizen would refuse to have anything whatsoever to do with the Negro for fear of landing in jail or being called into court."

Sen. Jacob K. Javits (R N.Y.) urged prompt House action on the Administration civil rights program to set the stage for "a decisive struggle" in the Senate.

President Irving M. Engel of the American Jewish Committee, in a prepared statement, proposed an eight-point civil rights program which included abolishing the poll tax and making lynching a federal offense.

Feb. 7 – United Auto Workers President Walter P. Reuther, in a prepared statement, supported enactment of "legislation at least as meaningful as the stripped-down bill passed by the House and killed by Senate filibuster last year." (1956 Almanac, p. 458)

Feb. 25 – Assistant Attorney General Davis Grant of Texas, speaking in behalf of Gov. Price Daniel (D), said Administration civil rights legislation was "basically bad legislation" encouraging "shameful waste" of tax money and arbitrary abuse of power.

Rep. James C. Davis (D Ga.) said the "hypocritical statements of politicians seeking votes" were partially responsible for racial misunderstanding.

Feb. 26 – Virginia Attorney General J. Lindsay Almond Jr. (D) said proposed civil rights legislation was "aimed directly and insultingly at the southern states." He called the bills under consideration "incongruous, inconsistent and self-defeating."

Rep. W.J. Bryan Dorn (D S.C.) warned against replacing local government with "Federal machinery."

Bill Reported

ACTION – The Subcommittee Feb. 27 ordered reported to the full Committee a bill (HR 2145) which included President Eisenhower's main civil rights proposals.

The full Judiciary Committee March 20 ordered reported a clean bill (HR 6127) conforming closely to Mr. Eisenhower's proposals. Chairman Emanuel Celler (D N.Y.) said no roll call was taken on the final vote, but that the margin was about three-fifths to two-fifths.

Southerners succeeded in removing from the Administration measure authority for the Attorney General to bring suit for damages on behalf of alleged victims of discrimination. A complainant, however, could initiate action himself. Left intact was the Attorney General's authority to sue for an injunction in such cases.

The Committee defeated, by a reported margin of one or two votes, a southern-backed amendment to guarantee trials by jury to persons accused of violating injunctions.

Other Committee amendments:

Eliminated the proposed Commission's authority to investigate "unwarranted economic pressures" brought because of race.

Included religion as one basis for investigating voting rights infringements.

The Committee April 1 reported HR 6127 (H Rept 291). Two minority reports strongly opposing the measure were filed by eight southern Committee members.

The bill, as reported, provided for: establishment of a bipartisan commission to investigate alleged civil rights violations; an additional Assistant Attorney General in charge of a Justice Department Civil Rights Division; authority for the Federal Government to seek civil court relief in civil rights cases, and additional legislation to aid enforcement of right to vote laws.

The majority report said the bill “neither encroaches upon nor diminishes” respective state or Federal powers, since it merely substituted civil proceedings for criminal proceedings. “In the field of civil rights,” the report said, “the Federal Government must assume the ultimate responsibility for the protection of individuals when state and local enforcement and protection of such rights fail.” Committee hearings indicated “the problem is not a provincial one but a national problem,” the report said, adding that fears of government interference in “traditional” states rights were “wholly unwarranted and unfounded.”

Two minority reports said the “most eloquent argument” against the bill's passage was the fact that no Federal civil rights legislation had been enacted since 1875. The reports argued against providing “powers of a complete czar” for the Attorney General, and said he would become a “father-confessor, and special counsel, at public expense, to every person who fancies that he has a civil-rights grievance.” The reports termed “truly shocking” provisions giving the Attorney General authority to institute civil actions, and said the proposal was “an insult to the states, the judicial systems of the states, and all public officers of the states.” The proposed bipartisan commission was criticized as having “solely a political standard” instead of geographic considerations.

The minority reports were signed by Republicans Richard H. Poff (Va.) and William C. Cramer (Fla.) and Democrats Edwin E. Willis (La.), James B. Frazier (Tenn.), E.L. Forrester (Ga.), William M. Tuck (Va.), Robert T. Ashmore (S.C.) and John Dowdy (Texas).

Rules Committee Action

COMMITTEE – House Rules.

HEARINGS – May 2–8 on a resolution (H Res 259) to set rules for House consideration of the civil rights bill (HR 6127).

TESTIMONY – May 2 – Chairman Celler of the Judiciary Committee recommended that HR 6127 be considered on the House floor under an open rule permitting amendments. He criticized the President for making “some pontifical declarations on civil rights,” and said “you need elbow grease to get such legislation passed.”

Rep. William M. Colmer (D Miss.) of the Rules Committee criticized the makeup of the Judiciary Subcommittee that held hearings on the bill, and said “not one single opponent” was in the group.

May 7 – Rep. Homer Thornberry (D Texas) objected to a provision which he said indicated a plan to use services of organizations such as the National Assn. for the Advancement of Colored People to seek out civil rights violations. “This provision some day will rise to haunt us all,” he said.

May 8 – Rep. Edwin E. Willis (D La.) said Southerners would try to write into the civil rights bill the same jury trial guarantees given to labor defendants by the Norris-LaGuardia Act of 1932.

ACTION – The Rules Committee May 13 agreed to vote May 21 on whether to clear the civil rights bill for the House. May 21, the Committee voted 8–4 to send the bill to the House floor under an open rule permitting four days of debate and unlimited amendments.

Voting to clear the bill were Reps. Ray J. Madden (D Ind.), James J. Delaney (D N.Y.), Richard Bolling (D Mo.), Thomas P. O'Neill (D Mass.), Leo E. Allen (R Ill.), Clarence J. Brown (R Ohio), Henry J. Latham (R N.Y.) and Hugh Scott (R Pa.). Voting against granting a rule were Chairman Howard W. Smith (D Va.), William M. Colmer (D Miss.), James W. Trimble (D Ark.) and Homer Thornberry (D Texas).

Floor Action

The House June 5 agreed, by a roll-call vote of 291–117, to adopt the open rule (H Res 259) on the bill. (For voting, see chart p. 346)

The House June 18 passed the civil rights bill (HR 6127) by a roll-call vote of 286–126. Just before passage it defeated on a 158–251 roll call a motion by Richard H. Poff (R Va.) to recommit the bill with instructions to provide jury trials for criminal contempt actions arising from the legislation. (For voting, see chart p. 348) The substance of the House-passed bill was almost identical to the measure passed in 1956.

Focus of debate was an amendment, backed by Southerners, to guarantee jury trials to persons charged with contempt for violating Federal court injunctions. The amendment had been defeated in the House Judiciary Committee but was approved by the Senate Judiciary despite the opposition of Attorney General Brownell. President Eisenhower June 5 backed Brownell's stand. (See Senate Committee Action section).

Also opposed to amendments to the House-reported version of the bill were 83 Democratic supporters of the President's civil rights proposals who May 29 issued a joint statement condemning “crippling amendments” and calling on their Republican colleagues to help in enacting “meaningful” legislation. The statement said the bill “will be defeated or crippled only if a deal is worked out between southern (Democratic) Members and some Republican Members.”

In House debate southern Democrats and a few northern Republicans contended that authority for Federal judges to try, without juries, persons accused of violating court orders on interference with voting rights would deny the constitutional guarantee of trial by jury. Backers of the bill replied that the Constitution did not guarantee jury trials in contempt of court actions.

White House Pressure

Early in the debate, Southerners predicted they would gain enough votes to attach the “jury trial” amendment to the bill. When they failed in five attempts to do so, they said White House appeals to Republicans to oppose the amendment were directly responsible for its defeat.

PROVISIONS – As passed by the House, HR 6127:

Created a six-member bipartisan Commission on Civil Rights in the executive branch to investigate deprivations of the right to vote by reason of color, race, religion or national origin, and to report its findings to the President within two years.

Authorized the President to name an additional Assistant Attorney General, with the understanding that he would head a Civil Rights Division in the Department of Justice.

Authorized the Attorney General to seek injunctions in Federal courts in the name of the United States against any person who “has engaged or…is about to engage” in acts which would deprive a citizen of voting rights or other civil rights.

Granted Federal courts jurisdiction over such cases “without regard to whether the party aggrieved shall have exhausted” state administrative or judicial remedies.

Made it unlawful for a private individual to interfere or attempt to interfere with a citizen's right to vote.

Amendments Accepted

J. Carlton Loser (D Tenn.) – Limit the subpena power of the investigating Commission on Civil Rights to residents of the state, rather than the judicial circuit, in which it is sitting; June 11. Standing vote, 106–76; teller, 116–89.

Clare E. Hoffman (R Mich.) – Direct the investigating Commission to study allegations of improper counting of votes; June 13. Standing, 99–53.

Basil L. Whitener (D N.C.) – Direct the courts to provide legal counsel for all persons cited for contempt under this Act; June 17. Voice vote.

Amendments Rejected

H.R. Gross (R Iowa) – Eliminate the Commission on Civil Rights; June 11. Standing, 88–127.

Martin Dies (D Texas) – Broaden the Commission's authority by eliminating language restricting it to cases where voting rights were denied “by reason of color, race, religion or national origin;” June 13. Standing, 96–123; teller, 119–139.

William M. Tuck (D Va.) – Eliminate the Commission's authority to investigate allegations of denial of voting rights by reason of religion; June 13. Approved by voice vote; rejected, standing, 106–114.

William M. Colmer (D Miss.) – Direct the Commission to study “the rights reserved to the states and the people;” June 13. Standing, 78–91; teller, 95–128.

Hoffman – Eliminate the Commission's authority to study “legal developments constituting a denial of equal protection;” June 13. Standing, 68–109.

Hoffman – Eliminate the Commission's authority to study Federal laws and policies “with respect to equal protection;” June 13. Voice.

Russell W. Keeney (R Ill.) – Grant the right of jury trial in cases of criminal contempt arising from this statute; June 14. Teller, 167–199.

Howard W. Smith (D Va.) – Same as Keeney amendment (above); June 17. Teller, 141–163.

John H. Ray (R N.Y.) – Deny the Attorney General the right to file suit in Federal Court “if a plain, speedy and efficient remedy may be had in the courts of the state” where the alleged civil rights violation took place; June 17. Teller, 127–147.

Overton Brooks (D La.) – Provide that no person be tried for contempt under the Act outside the judicial district where the alleged contempt occurred; June 17. Teller, 108–118.

Hoffman – Eliminate the proposed Commission and the additional Assistant Attorney General and provide jury trials in cases of contempt arising under the Act; June 17. Voice.

L. Mendel Rivers (D S.C.) – Change the title of the Act to the Celler-Keating Political Act of 1957; June 17. Standing, 47–105.

John Dowdy (D Texas) – Eliminate the authority for the Attorney General to file suit in the name of the United States and require that his intervention be requested in writing by the aggrieved persons. (This would have had the effect of guaranteeing jury trials in contempt cases arising under the Act); June 17. Standing, 81–115; teller, 98–156.

Timothy P. Sheehan (R Ill.) – Eliminate the Commission's authority to appoint advisory committees; June 17. Voice.

Robert W. Hemphill (D S.C.) – Provide that nothing in the Act shall deprive state courts “of their jurisdiction over

elections;" June 17. Standing, 118–182.

Gross – Direct the Commission to submit interim and final reports to Congress as well as to the President; June 17. Voice.

Walter Rogers (D Texas) – Provide that no person be made subject to double jeopardy by the Act; June 17. Standing, 132–189.

DEBATE – June 5 – Hugh Scott (R Pa.) – "With a single exception, trial by jury has never been required in contempt cases to which the U.S. Government was a party." The exception was the Norris-LaGuardia Act of 1932, dealing with labor disputes, and it covered criminal contempt proceedings whereas HR 6127 deals with civil contempt cases.

William M. Colmer (D Miss.) – "All of the guarantees of civil rights in this bill are on the statute books today, but the gimmick is that the Government is made the party complainant, so that the right of trial by jury will be denied."

Martin Dies (D Texas) – Asked Congress "to show some confidence in our southern states" by adopting the jury trial amendment.

June 6 – Howard W. Smith (D Va.) – Led a move to kill the bill by a parliamentary technicality but was overruled by Speaker Sam Rayburn (D Texas).

Southern Juries Defended

Richard H. Poff (R Va.) – Opposition to the jury trial amendment was based on the contention that "southern juries will be reluctant to convict in civil rights contempt proceedings. I reject that argument."

Emanuel Celler (D N.Y.) – Congress had passed nearly 30 laws in the past 20 years permitting judges to punish contempt without a jury. There was doubt the jury trial amendment was constitutional.

June 7 – Wayne L. Hays (D Ohio) – Denounced as "scurrilous" a letter sent all Members of the House by Rep. Adam Clayton Powell Jr. (D N.Y.), who wrote: "The colored voters of the North are fed up with weak platforms and watered-down legislation. They are increasingly asking the question, 'Why send Pennsylvania and Ohio Democrats to Congress if they must take their orders from the middle men who serve the White Citizens Councils in Mississippi and Alabama?"' Hays said no American "is doing more to divide Negro citizens from other citizens" than Powell.

Right to Vote the Issue

June 10 – Charles C. Diggs Jr. (D Mich.) – "The reason that we are here today seeking relief on the Federal level is because the offending states are not protecting the right to vote on the part of these people (Negro citizens)."

June 11 – Clare E. Hoffman (R Mich.) – Called the bill "costly, needless legislation" that would help "subversive groups… to further their own purposes…."

June 13 – Robert L.F. Sikes (D Fla.) – "The President is inviting our Republican colleagues for breakfast…. In the midst of this heated debate on civil rights, I must protest the violation of the civil rights of the Democrats by President Eisenhower. He invites only Republicans for breakfast. The White House is a Federal institution operated by public funds and the laws which have been issued by the Supreme Court do not allow segregation in such facilities."

June 14 – Marguerite Stitt Church (R Ill.) – Spoke for "the American right for men to govern themselves through the ballot; where that ballot is refused or the exercise of it is not granted to any segment of our eligible population, no government of the people is safe."

Adam C. Powell Jr. (D N.Y.) – "There can be no (effective) civil rights bill if the amendment – trial by jury – is in it and no one knows this better than the gentlemen of the South."

Thomas G. Abernethy (D Miss.) – "You are trusting Poland, a Communist government, (and) Tito…with foreign aid…. But some of you, Mr. Brownell and even Mr. Eisenhower, will not trust a Southerner to serve on a jury."

Joseph W. Martin Jr. (R Mass.) – The GOP platform "specifically pledged Republicans to this legislation…. President Eisenhower is against this (jury trial) amendment because he knows that the amendment would nullify the purposes of the bill."

June 17 – James Roosevelt (D Calif.) – "The unalienable right of every citizen to vote is guaranteed by the Constitution…. The sole purpose of HR 6127 is to strengthen already existing Federal statutes. The desperate need for further legislation has been clearly shown by the fact that (some of) the states…have proven incapable and undesirous of protecting that right."

Analysis of House Vote

Analysis of the June 18 roll-call votes on recommittal and passage of the civil rights bill turned up these points:

- DEFECTORS – Here are the southern Representatives who voted for passage and the non-southern Representatives who voted against passage, with the percentage of Negroes in their districts in 1950:

  South – Carl D. Perkins (D Ky.), 1.4; John M. Robsion Jr. (R Ky.), 12.9; Eugene Siler (R Ky.), 2.6; Page Belcher (R Okla.), 5.5; John Jarman (D Okla.), 6.6; B. Carroll Reece (R Tenn.), 2.8. Total: Two Democrats, four Republicans.

  Non-South – Hamer H. Budge (R Idaho), 0.3; Russell W. Keeney (R Ill.), 0.9; Noah M. Mason (R Ill.), 2.0; H.R. Gross (R Iowa), 0.9; Wint Smith (R Kan.), 0.6; John B. Bennett (R Mich.), 0.2; Clare E. Hoffman (R Mich.), 4.0; August E.

Johansen (R Mich.), 2.7; Joseph P. O'Hara (R Minn.), 0.04; W.R. Hull Jr. (D Mo.), 1.7; Paul C. Jones (D Mo.), 9.2; Clarence E. Kilburn (R N.Y.), 0.1; John Taber (R N.Y.), 0.9; John H. Ray (R N.Y.), 1.4; Cliff Clevenger (R Ohio), 0.4; Lawrence H. Smith (R Wis.), 1.1. Total: Two Democrats, 14 Republicans.

In general, the southern defectors were border state Representatives with below-average numbers of Negroes for the South, and the non-southern defectors were rural or small town district Representatives with very few Negro constituents.

- PARTY STANDS – Republicans in the House in 1956 and 1957 gave stronger support to civil rights legislation than Democrats. The breakdown on passage of the bill in 1956: Republicans, 168–24; Democrats 111–102. In 1957 on passage: Republicans 168–19; Democrats 118–107. The "jury trial" recommital motion vote in 1957 produced the only party-line split, however, with Democrats favoring the motion, 113–112, and Republicans opposed, 45–139.

- EFFECT OF THE JURY TRIAL DEBATE – Only 20 Republicans and five Democrats who had voted for the civil rights bill in 1956 voted in 1957 to recommit the bill and add the "jury trial" amendment. When the recommittal move failed, only two of these 25 Representatives – W.R. Hull Jr. (D Mo.) and John H. Ray (R N.Y.) – voted against the bill.

Senate

Back to Top ▲

COMMITTEE – Senate Judiciary, Constitutional Rights Subcommittee.

ACTION – Jan. 30 rejected two motions proposed by Chairman Thomas C. Hennings (D Mo.) to speed action on civil rights legislation.

Hennings first moved to report an omnibus civil rights bill, including President Eisenhower's recommendations, to the full Committee. This was defeated 2–5. Hennings and Sen. Joseph C. O'Mahoney (D Wyo.) voted to report the bill; Sens. William Langer (R N.D.), Sam J. Ervin (D N.C.), Olin D. Johnston (D S.C.), Roman L. Hruska (R Neb.) and Arthur V. Watkins (R Utah) voted against the motion.

Hennings' second motion – to limit hearings to two weeks – was defeated 3–4. Hennings, O'Mahoney and Langer voted for the motion; Ervin, Johnston, Hruska and Watkins voted against it.

Hearings

HELD HEARINGS – Intermittently during February and March.

TESTIMONY – Feb. 14 – Attorney General Brownell said the Administration's civil rights program would combat a current "mass disenfranchisement of Negroes." Sen. Sam J. Ervin Jr. (D N.C.) told Brownell that portions of the program would, in effect, give Federal judges the right to decide the qualifications of citizens to vote.

Brownell said authority for the Federal Government to use civil procedures to safeguard personal and voting rights of minorities would be used primarily to safeguard the right to vote. He gave the legal definition of that right:

"Under the Constitution the states are given the power, even with respect to elections for office under the Government of the United States, to fix the 'qualifications' of voters. (Article I, Section 2; 17th Amendment). But this power of the states is limited, with reference to the election of Federal officers, by the express power given Congress to regulate the 'manner' of holding elections (Article I, Section 4), and, more importantly, by the provisions of the 14th and 15th Amendments.

"The 15th Amendment provides that in any election, including purely state and local elections, the right of citizens…to vote shall not be denied or abridged by the United States or by any state on account of race, color or previous condition of servitude. The 14th Amendment prohibits any state from making or enforcing laws which abridge the privileges and immunities of citizens of the United States and from denying to any person the equal protection of the laws….

"Beyond these provisions…which inhibit only official action, Congress has the broad power to protect voters in elections for Federal offices from action by private individuals which interferes with the right of the people to choose Federal officials…. The courts have held that the constitutionally protected right to vote extends beyond the general election to any primary or special election which is either a recognized part of the state's election machinery or which is, in fact, the only election which counts in the ultimate selection of the elected officials."

Feb. 15 – Sen. John C. Stennis (D Miss.) called the proposed civil rights measures "unsound and unwise." He said "nobody else…(but) the patient leaders of both groups in the South must solve" the civil rights problem. Sen. Paul H. Douglas (D Ill.) urged passage of the Administration bill. He said he was "particularly impressed" by powers which would enable the Attorney General to enforce voting rights.

Feb. 16 – Brownell was questioned about the Administration program by Ervin and other Subcommittee members. In reply to a question by Ervin, Brownell said that under the proposed legislation the Federal Government could bring civil suits in behalf of an individual's civil rights without the person's consent, or even over his objections.

Feb. 19 – Executive Secretary Roy Wilkins of the National Assn. for the Advancement of Colored People said Negroes had been patient "in the face of extreme provocation," but he could not predict their mood if their hope of civil rights legislation was destroyed. "What they are asking of this Congress, and what sincere men of both parties are seeking to give them," he said, "is a minimum safeguard of the constitutional rights which have been so long denied them."

Feb. 20 – Georgia Attorney General Eugene Cook in a prepared statement said the Administration civil rights bill would "inevitably destroy the states" and result in creation of "a Federal gestapo."

Feb. 21 – Sen. Jacob K. Javits (R N.Y.) called the Administration program "moderate…the minimum which should be

enacted at this time." The program, he said, relied "heavily on conciliation, mediation and technical assistance backed by law" which New York state experience had shown him to be "a most effective method for securing civil rights."

Southern Attorneys General

Feb. 26 – Assistant Attorney General Davis Grant of Texas said that provisions of the legislation would turn the Justice Department into a "legal aid clinic."

Feb. 27 – Attorney General George B. Patton of North Carolina said there were "enough Federal laws on the subject of civil rights which will cause dissension, contention and regrettably, possibly even violence, for years without asking for more."

Feb. 28 – Gus Courts, a Mississippi-born Negro living in Chicago, said Negroes in Mississippi who wanted to vote were subjected to "intimidation, violence, and fraud."

March 1 – Hugh G. Grant of Augusta, Ga., former diplomat, said the Administration bill would complete "an insidious movement" to destroy the American form of government and to substitute "a centralized Communistic police state."

March 4 – Sen. Strom Thurmond (D S.C.) said the legislation was unconstitutional because it would "attempt to usurp or infringe upon the rights of the states" as guaranteed by the Constitution.

Ex. Sen. Thomas A. Wofford (D S.C. 1956) said the proposed civil rights bills had "destroyed the mutual trust and confidence" that had developed between the races in South Carolina.

Clarence Mitchell of the National Assn. for the Advancement of Colored People said the South Carolinians had "defied the U.S. Supreme Court, ousted teachers…and have made it hazardous even for white people to speak out for justice."

Walter Reuther, president of the United Auto Workers and a vice president of the AFL-CIO, urged the "earliest possible action" in both House and Senate on what he called the Administration's "stripped-down" civil rights bill.

March 5 – Sen. Richard L. Neuberger (D Ore.) said "government by injunction" did not disturb him "as much as the denial of basic human rights to thousands of American citizens." Neuberger said he must assume there were great numbers denied these rights in view of "the comparatively small" number of Negroes that vote in some parts of the South.

Mississippi Gov. James P. Coleman (D) said the civil rights legislation would be "a continuous source of agitation, uproar, tumult and domestic discord – and the intended beneficiary will be its first victim."

Subcommittee Approval

The Constitutional Rights Subcommittee March 19 approved the Senate version of the Administration civil rights bill (S 83) by a 4–2 vote without amendments. The bill was sent to the full Judiciary Committee.

Voting for S 83 were Chairman Thomas C. Hennings Jr. (D Mo.), Joseph C. O'Mahoney (D Wyo.), Arthur V. Watkins (R Utah) and Roman L. Hruska (R Neb.). Opposing it were Sens. Olin D. Johnston (D S.C.) and Sam J. Ervin Jr. (D N.C.) who May 10 filed a minority report denouncing the bill.

O'Mahoney reportedly voted with the Southerners in support of several amendments, bringing a 3–3 tie defeat to five of them. He said he opposed creation of a bipartisan commission because it "sets up a roving commission with authority to go anywhere and investigate anything."

Senate Judiciary Committee Chairman James O. Eastland (D Miss.), Sens. Harry Flood Byrd (D Va.) and Strom Thurmond (D S.C.) March 27 co-sponsored a bill (S 1735) that would require a jury trial in all contempt proceedings arising out of the new powers that would be contained in the Administration's civil rights proposals. Eastland said, "Arbitrary jail sentences by Federal judges in contempt cases, arising from alleged violations of the courts' own injunctions, are foreign to every conception of American justice and fair play."

Thurmond said civil rights advocates were not consistent in opposing S 1735 and asked whether the advocates "believed in certain rights for certain people or do they believe in the same rights for all the people?"

Jury Trial Opposed

Assistant Attorney General Warren Olney III April 5 said S 1735 was a "clever device to nullify" the civil rights proposals. If S 1735 were enacted, he said, the civil rights program "would be no more effective than present laws in protecting the constitutional right to vote." He said there was no constitutional right to a jury trial in either civil or criminal contempt cases. He said he knew of no state law providing jury trial in civil contempt cases, and the Supreme Court has said the courts should have the power of "vindicating" their dignity "without…calling upon a jury to assist…."

Bill Made Pending Business

The Judiciary Committee April 29 adopted a motion by Sen. Watkins to make S 83 the "pending business" of the Committee. But the Committee agreed at the same time to halt consideration of S 83 at any time for action on certain other measures.

Paul H. Douglas (D Ill.) April 29 proposed, on the Senate floor, that the Senate move to "discharge" the Committee from consideration of the bill if the group did not clear the bill "by the middle of next month."

Another obstacle to speedy action on S 83 was a proposal by Sen. John L. McClellan (D Ark.) to add a controversial

"right-to-work" amendment to the bill. Mc-Clellan's proposal would, in effect, outlaw union and closed shops, making the "right to work" a Federally secured right.

Senate Republican Leader William F. Knowland (Calif.) May 4 said right-to-work legislation was a matter that should be left to the states and its inclusion in the civil rights bill would "clearly kill" the measure.

Committee Action

COMMITTEE – Senate Judiciary.

ACTION – June 24 voted 7–5 to lay aside S 83 to permit action on other legislation. The Committee acted after the Senate June 20 rejected a point of order against an objection to referral of the House-approved Administration civil rights bill (HR 6127) to the Committee. The Senate action had the effect of placing the bill on the Senate calendar. (See Floor Action below)

COMMITTEE AMENDMENT ACTION – Prior to laying aside S 83, the Committee acted on a number of amendments.

The group May 20, by a 4–6 vote, rejected a proposal by Sam J. Ervin (D N.C.) to strike from S 83 all but its last section, which was designed to protect the voting rights of Negroes and other minority groups. Voting to defeat the amendment were Estes Kefauver (D Tenn.) and five Republicans: Alexander Wiley (Wis.), Arthur V. Watkins (Utah), Everett McKinley Dirksen (Ill.), John M. Butler (Md.) and Roman L. Hruska (Neb.). Voting for the amendment were Ervin and three other southern Democrats: Chairman Eastland, McClellan and Olin D. Johnston (S.C.).

The Committee June 3 voted 7–3 to approve a jury tiral amendment offered by Ervin. For the amendment were one Republican, Butler, and six Democrats – Joseph C. O'Mahoney (Wyo.), Kefauver, Eastland, McClellan, Johnston, and Ervin. Voting against it were Republicans Wiley, Watkins and Dirksen.

A proposal by Ervin to eliminate from the bill the proposed commission to investigate civil rights complaints was defeated by a 5–5 tie vote.

RELATED DEVELOPMENTS – June 3 – Attorney General Brownell said the jury trial amendment "would permit practical nullification" of civil rights legislation and "undermine the authority of the Federal courts by seriously weakening their own power to enforce their lawful orders."

June 5 – President Eisenhower, backing Brownell's views, quoted President William Howard Taft as saying "that if we tried to put a jury trial between a court order and (its) enforcement…we are really welcoming anarchy."

June 6 – Sen. Clifford P. Case (R N.J.) said none of the 10 southern states whose Congressmen were pressing the jury trial amendment "has a provision for jury trial in contempt cases of the kind involved here."

Floor Action

The Senate June 20 rejected, by a roll-call vote of 39–45, a point of order by Richard B. Russell (D Ga.) against an objection raised by William F. Knowland (R Calif.) to referral of the Administration civil rights bill (HR 6127), passed by the House June 18, to the Senate Judiciary Committee. A motion to table a motion to reconsider the point of order was agreed to, 49–36. The action had the effect of placing the bill on the Senate calendar where it could be called up for consideration by majority vote at any time. (For voting, see chart p. 302)

The strategy of bypassing the Judiciary Committee, which still had S 83 under consideration, was devised by Sen. Paul H. Douglas (D Ill.) and Minority Leader Knowland.

Knowland lodged his objection to referral of the House-passed bill under Senate Rule XIV, Paragraph 4, which provides that "…every bill and joint resolution of the House of Representatives which shall have received a first and second reading without being referred to a committee shall, if objection be made to further proceeding thereon, be placed on the calendar."

Sen. Russell said his point of order against Knowland's objection was based on the contention that Senate Rule XXV, as revised in the Legislative Reorganization Act of 1946, "conflicted with and therefore superseded" the section of Rule XIV on which Knowland was relying. Rule XXV defines the jurisdiction of Senate committees and says "all proposed legislation" on civil liberties "shall be referred" to the Judiciary Committee.

Nixon Opinion

Vice President Richard M. Nixon, presiding over the Senate, said his "opinion" was that Russell's point of order "is not well taken," because "Rule XXV does not require mandatory referral of all bills to committee" but only decides the proper committee to which the Senate may refer a bill. He declined to make a formal ruling because "the basic issue to be decided is not…a procedural question but a substantive question" and therefore put Russell's point of order to a vote.

The effect of the Senate action was to bypass the Judiciary Committee, but it still left opponents of the civil rights bill at least two opportunities to filibuster – once when the bill was called up from the calendar for consideration and, if that failed, again when the bill itself and any amendments to it were debated.

RELATED DEVELOPMENT – July 2 – Sen. Russell called for a national referendum on the civil rights bill to coincide with a national election so that "a representative test" of popular sentiment could be had. Russell said the bill was "cunningly designed to vest in the Attorney General unprecedented power to bring to bear the whole might of the Federal Government, including the armed forces if necessary, to force a commingling of white and Negro children in the state-supported schools of the South." The referendum was opposed July 3 by President Eisenhower.

As Knowland announced his intention to move July 8 that the Senate “proceed to the consideration of HR 6127,” southern Senators continued to voice complete opposition to the bill while behind-the-scenes talk of possible compromise began. Early predictions came from all quarters:

Knowland July 5 said some amendments to the bill might be acceptable to its supporter but he would oppose a broad grant requiring jury trials in contempt cases under the bill. Sen. Francis Case (R S.D.) doubted the bill could be passed without some compromise on the jury issue. Sen. Karl E. Mundt (R S.D.) said adoption of a compromise “for which the South can't vote, but one with which the South can live” would permit adjournment in August.

Sen. Sam J. Ervin Jr. (D N.C.) said there was no possibility of a compromise. Russell said: “My intention is to amend this bill if possible, but to defeat it in any event.” Sen. Thruston B. Morton (R Ky.) said GOP Senators would set up an around-the-clock platoon system under which a two-man team would be on the floor at all times to wear down filibustering Senators.

O'mahoney Proposal

Sen. Joseph C. O'Mahoney (D Wyo.) July 8 proposed a modified jury trial amendment to be offered when and if the Senate agreed to take up HR 6127. It would provide that in contempt cases arising from the bill “the court shall, if it appears that there are one or more questions of fact to be determined, order that such questions of fact shall be tried by a jury….”

At their regular legislative meeting with President Eisenhower July 9, GOP leaders discussed the bill. Knowland said the President had an open mind toward possible “clarifying” amendments.

Northern Democratic supporters of the bill July 9 formed an informal steering committee. Paul H. Douglas (Ill.) was named chairman; Hubert H. Humphrey (Minn.) and John O. Pastore (R.I.) were the other members.

Motion to Consider Adopted

The Senate July 16 by a roll call vote of 71–18 agreed to Knowland's motion to consider HR 6127. By a roll-call vote of 35–54 the Senate rejected a motion by Wayne Morse (D Ore.) to refer the bill to the Judiciary Committee with instructions to report the bill within seven days. (For voting, see chart p. 305)

Immediately after the Senate's action, President Eisenhower said he was “gratified” that the bill had been made the “pending business” of the Senate. He said “I would hope…whatever clarification it (the Senate) may determine to make will keep the measure an effective piece of legislation to carry out…the objectives…consistent with simple justice and equality afforded to every citizen under the Constitution of the United States.”

Russell said the southern opposition forces were “prepared to extend the greatest effort ever made in history to prevent passage of this bill in its present form.”

Debate on the Knowland motion had begun July 8. Majority Leader Lyndon B. Johnson (D Texas) said Knowland had informed him then that he would object to the Senate taking up any other legislation “except by unanimous consent in connection with a measure of an urgent and emergency nature.”

Two attempts were made to send the bill back to the House because of a printing error. Both were rebuffed. Rep. Howard W. Smith (D Va.) July 8 asked Speaker Sam Rayburn (D Texas) to rule that the printed version of the bill originally sent to the Senate should be returned for correction because one section appeared in the wrong place. Rayburn said the corrected version – the “star print” – was the legislation awaiting Senate action.

In the Senate, Vice President Nixon ruled similarly July 9, when Russell objected that the bill read twice before the Senate June 19 and 20 was the incorrect version. Nixon ruled that the corrected version should be considered as read.

DEBATE – Senate officials estimated that 66 speeches were made during the eight days of debate on the Knowland motion. Most of these were by southern opponents who claimed the bill was not a “right-to-vote” measure, as held by the Administration, but contained veiled provisions that would allow the President to send troops into the South to uphold integration rulings as well as voting rights.

July 8 – Richard B. Russell (D Ga.) – The bill, with its threat to use the Army and Navy to enforce judicial decisions, is a “real emergency” to the South.

Sam J. Ervin Jr. (D N.C.) – Action on the bill should be postponed to 1958 so that the President, Senators and the people could “discover what a queer concoction of constitutional and legal sins masquerades under the beguiling name of civil rights in this cunningly conceived and deviously worded bill.” The bill “does not give anybody any rights except the Attorney General of the United States; and it says that he is to have complete authority over the law.”

Joseph C. O'Mahoney (D Wyo.) – Proposed a limited jury trial amendment in hopes that it would “bring about a compromise” and encourage his “brothers of the South to help grant complete voting rights to the Negroes.”

July 9 – J.W. Fulbright (D Ark.) – “The Constitution does not provide in any place that every citizen shall have the right to vote” but it provides in four places “a specific guaranty of the right to trial by jury.”

Jacob K. Javits (R N.Y.) – Authority to use armed force to support certain judicial decisions and denial of jury trial when the U.S. is a party plaintiff in a contempt proceeding “are not new provisions which we are seeking to place in the law. They have been in the law (for generations)…. The idea that they will suddenly be misused is only a hobgoblin in the closet.”

Ervin – “It is quite conceivable that a political party (sponsoring) a bill which would give the Attorney General such dictatorial powers would not hesitate to call out the Army, the Navy and the militia to enforce decrees obtained by him.”

July 10 – John J. Sparkman (D Ala.) – “Categorically opposed” all provisions of the bill, with emphasis on the denial of jury trials.

Integration not Major Purpose

Everett McKinley Dirksen (R Ill.) – Denied that he or other sponsors of the bill had “cunningly contrived” (as Sen. Russell charged) to “force the commingling of schoolchildren in the South” and said Attorney General Brownell had made clear that forcing school integration was not “the major purpose” of HR 6127.

RELATED DEVELOPMENT – July 10 – Rep. Emanuel Celler (D N.Y.) and Sen. Pat McNamara (D Mich.) in separate statements expressed alarm at reports that President Eisenhower might agree to a compromise on the bill. They asked him to stand by the bill as passed by the House.

July 11 – Lyndon B. Johnson (D Texas) – Backed the move by Morse to send the bill to the Judiciary Committee and said this action would “be saving time.”

Olin D. Johnston (D S.C.) – Provisions in Part 3 would permit the President to use troops to enforce civil rights and “would destroy the Bill of Rights and create a modern American Gestapo state.”

July 12 – The Senate agreed unanimously to vote on the Knowland motion July 16.

Morse – Failure to refer the bill to Committee could endanger the “orderly legislative process.”

Herman E. Talmadge (D Ga.) – Without a Judiciary Committee report the Senate had “no vehicle on which to travel but hearsay, rumor and innuendo” in considering the bill.

July 13 – Russell – Proposed three amendments to the bill that would eliminate Part 3, require Senate approval of the Civil Rights Commission staff director proposed in the bill and bar the Commission from using voluntary, unpaid workers.

Karl E. Mundt (R S.D.) – Offered a substitute for the bill that would limit the use of the injunction process to the protection of voting rights, provide for a limited form of jury trial and curb the investigating powers of the proposed Civil Rights Commission. His proposal was “a measure the Southerners can't vote for, but one with which they can live.”

July 15 – Sam J. Ervin Jr. (D N.C.) – There was “a good chance” to reduce the Administration's bill to “what its supporters have been trying to advertise it to be – namely, a voting rights bill.”

Pat McNamara (D Mich.) – “The die-hard opponents of this legislation will vote against it” no matter what compromises are written into it. “Their ultimate weapon, the filibuster…is the weapon that the Senate must bury forever.” He would “support this proposed legislation word by word and section by section.”

Charles E. Potter (R Mich.) – “I think the bill is a good one as it stands. All the so-called compromises are coming from people against the legislation in the first place.”

Senate Passage

Back to Top ▲

Debate on HR 6127 began July 16, following Senate adoption of the Knowland motion, and continued until Aug. 7 when the Senate passed the bill by a roll-call vote of 72–18 and returned it to the House. The action came after 24 days of actual debate on the bill – the first civil rights legislation passed by the Senate since 1875. (For voting, see chart p. 307)

There was general agreement among both parties that Senate debate on the bill had been efficiently handled, mainly germane and surprisingly non-inflammatory. In the closing hours of debate Aug. 7, Majority Leader Johnson said: “This has been a debate which has opened closed minds…. For the first time in my memory, this issue has been lifted from the field of partisan politics.”

Although a southern filibuster was threatened repeatedly during the early days of debate on the bill, none materialized. Senior southern Senators, represented by Sen. Sam J. Ervin Jr. (D N.C.), announced Aug. 28, when debating a compromise amendment to the bill, that there would be no southern filibuster because it obviously could not succeed and because such action might so anger the Senate as to promote demands for hardening the rules against filibusters. (See Fact Sheet on filibusters, p. 570)

The one-man delaying action of Sen. Strom Thurmond (D S.C.), which lasted 24 hours and 18 minutes, was generally frowned upon by his southern colleagues. Following final passage of HR 6127, Russell said: “If I had undertaken a filibuster for personal political aggrandizement, I would have forever reproached myself for being guilty of a form of treason against the people of the South.” Russell said an all-out filibuster could have resulted in “an unparalleled disaster” by starting a move to restore many of the provisions the Southerners had succeeded in cutting from the bill. Sen. Herman E. Talmadge (D Ga.) called Thurmond's speech a “grandstand” performance that endangered the basic southern cause.

Major Amendments

Two major amendments changed the Administration bill voted by the House. One, approved July 24 by a roll-call vote of 52–38, eliminated Section 121 of Part III, which would have permitted the Attorney General to institute civil action for preventive relief in civil rights cases. The amendment was sponsored by Clinton P. Anderson (D N.M.) and George D. Aiken (R Vt.). It had the effect of limiting the bill to the enforcement of voting rights only, as it deleted provision for Federal action on conspiracies against other civil rights granted to Negroes by the 14th Amendment to the

Constitution. (For voting, see chart p. 306)

The action came after the Senate July 23 had rejected by roll-call votes two moves to modify Part III. The Senate July 22 approved, by a roll-call vote of 90–0, repeal of an 1866 statute permitting the President to use troops to enforce certain civil rights legislation. (For voting, see chart p. 306)

The second major Senate amendment that basically changed the Administration bill was one which amended Part IV of the bill to guarantee jury trials in all criminal contempt cases, not only those arising out of the Civil Rights bill. The jury trial amendment, accepted Aug. 2 by a roll-call vote of 51–42, was the third version of an amendment sponsored by Joseph C. O'Mahoney (D Wyo.) and co-sponsored by Estes Kefauver (D Tenn.) and Frank Church (D Idaho). A Church modification of the amendment, accepted July 31, set uniform standards for selecting Federal court juries. (For voting, see chart p. 307)

The O'Mahoney-Kefauver-Church amendment upheld the right of a judge to rule without jury in a case of civil contempt – that is, when the judge was trying to "secure compliance with or to prevent obstruction" of court rulings. In civil contempt cases, the defendant would be able to secure his own release merely by complying with the court's ruling.

Criminal contempt cases – those for which the amendment said a jury trial must be held – involve "willful disobedience" of the law on the part of the defendant and cases where the judge is seeking to punish him for willful violations of the law.

Earlier Aug. 1 an amendment to the O'Mahoney amendment offered by Frank Lausche (D Ohio) was rejected by voice vote. Lausche's amendment would have provided for a jury trial in right to vote contempt cases under the bill when the judge determined the facts in the case constituted a criminal violation under existing Federal or state law. Lausche said his amendment would extend contempt provisions of the Clayton Antitrust Act to cases brought under HR 6127.

Eisenhower on Jury Trial

President Eisenhower opposed any amendments to the House-approved version of HR 6127. At his July 31 news conference, Mr. Eisenhower told reporters that his "personal position" on the bill had been made "very clear… on July 16…." (See p. 562) He said: "I believe that the United States must make certain that every citizen who is entitled to vote under the Constitution is given…that right. I believe…in sustaining that right we must sustain the power of the Federal judges…. So, I do not believe in any amendment to Section IV of the bill…. I support the bill as it now stands, earnestly, and I hope that it will be passed soon."

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

PROVISIONS – The major provisions of HR 6127, as amended and passed by the Senate:

- Part I – Created an executive Commission on Civil Rights and established rules of procedure for the Commission.
- Part II – Authorized the President, with the advice and consent of the Senate, to appoint one additional Assistant Attorney General.
- Part III – Extended the jurisdiction of the district courts to include any civil action begun to recover damages or secure equitable relief under any act of Congress providing for the protection of civil rights, including the right to vote.

  Repealed a statute of 1866 empowering the President to employ troops to enforce or to prevent violation of civil rights legislation.
- Part IV – Prohibited attempts to intimidate or coerce persons from voting in general and primary elections for Federal offices and empowered the Attorney General to seek an injunction when an individual was deprived or about to be deprived of his right to vote.
- Part V – Provided that any person, corporation or association willfully disobeying or obstructing any rule or decree of a United States or District of Columbia court would be prosecuted for criminal contempt.

Placed the fine for any individual under these proceedings at not more than $1,000 or more than six months in jail.

Emphasized the right of the courts to act without a jury in civil contempt cases "to secure compliance with or to prevent obstruction of" a court order "as distinguished from punishment for violations of" an order.

Entitled the defendant in any criminal contempt case to a trial by jury, except when contempt was committed in the presence of the court or so near as to obstruct the administration of justice, or by an officer of the court.

Listed qualifications for U.S. citizens over 21 who would be competent to serve as a grand or petit juror.

Amendments Accepted

William F. Knowland (R Calif.) and Hubert H. Humphrey (D Minn.) – Amend Part III to add language repealing a statute of 1866 which gave the President power to use troops to enforce existing civil rights legislation; July 22. Roll-call, vote, 90–0.

Anderson, Aiken, as modified by Francis Case (R S.D.) – Eliminate Section 121 of Part III which would permit the Attorney General to institute civil action for preventive relief in certain civil rights cases; July 24. Roll call, 52–38.

O'Mahoney-Kefauver-Church – Amend Part IV to guarantee jury trials in all cases of criminal contempt and provide uniform standards for selecting Federal court juries; Aug. 2. Roll call, 51–42.

Knowland – Provide that a staff director of the Civil Rights Commission, with an annual salary of $22,500, be appointed by the President with approval of the Senate; require the Commission to submit its reports to Congress as well as the President; bar the Commission from using voluntary or uncompensated personnel (considered en bloc); Aug. 2. Voice.

Olin D. Johnston (D S.C.) – Permit members of the Commission to be paid for expenses only when away from their usual place of residence; Aug. 2. Voice.

Amendments Rejected

John W. Bricker (R Ohio) – Modify Part III to permit the Attorney General to institute civil action only when directed by the President; July 23. Roll call, 29–61.

John Sherman Cooper (R Ky.) – Modify Part III to authorize the Attorney General to institute civil action for preventive relief when conspiracy prevents or hinders compliance with an order of a United States court issued to secure to any person equal protection of laws; July 23. Roll call, 8–81.

Frank J. Lausche (D Ohio) – Amend the O'Mahoney amendment to provide jury trials in right-to-vote contempt cases under the bill when the judge determined the facts in the case constituted a criminal violation under existing Federal or state law; Aug. 1. Voice.

Francis Case (R S.D.) – Make permissive instead of mandatory a district court's jurisdiction over right-to-vote cases when administrative remedies had not been exhausted; Aug. 2. Roll call, 34–47.

Sam J. Ervin Jr. (D N.C.) – Provide that fees for counsel assigned to needy right-to-vote defendants be paid from Justice Department appropriations; Aug. 2. Standing.

Estes Kefauver (D Tenn.) – Make the Civil Rights Commission a legislative rather than executive body; Aug. 2. Voice.

Pat McNamara (D Mich.) – Establish a Joint Committee on Congressional Representation to recommend whether Congressional representation of states abridging the right to vote should be reduced, as provided in the 14th Amendment; Aug. 2. Standing.

Jacob K. Javits (R N.Y.) – Limit the jury trial guarantee to right-to-vote cases only; Aug. 2. Voice.

Ervin – Bar the Attorney General from beginning any legal actions under the act without consent of the persons for whom he acted; Aug. 2. Standing.

Charles E. Potter (R Mich.) – Excuse from military service all persons found by the Attorney General to have been denied rights to vote in Federal elections; Aug. 2. Voice.

Ervin – Require that administrative remedies be exhausted before district courts would have jurisdiction over right-to-vote proceedings; Aug. 2. Voice.

Warren Attacked

DEBATE – July 16 – Harry Flood Byrd (D Va.) – Chief Justice Earl Warren was “a modern Thaddeus Stevens.” The current Supreme Court would let the Federal Government say who should vote, “the Constitution notwithstanding.” This “iniquitous bill is a refutation of our entire American jurisprudence.”

Russell B. Long (D La.) – The bill “is a creature of the basest political motivations. It has not been carefully considered. It has been advocated in the name of the President who has admitted that he does not understand all of the things that are in the bill.”

Jacob K. Javits (R N.Y.) – Part III of the bill would provide for the enforcement of rights that are “just as fundamental as the right to vote.”

Lyndon B. Johnson (D Texas) – His vote supporting the Knowland motion was “not to be construed as support of this bill.” Part III was “intolerable…. I could not, in conscience, vote against a jury trial for American citizens.”

Need To Drop Part III

July 17 – Clinton P. Anderson (D N.M.) – Part III “has nothing to do with the protection of voting rights. It is a section of dubious parentage, of uncertain effect and of mysterious purpose.” He supported the amendment to delete it “not because I love civil rights less but because I want to see this bill enacted.”

William F. Knowland (R Calif.) – Offered an amendment co-sponsored by Hubert H. Humphrey (D Minn.) providing for the repeal of the 1866 statute that would allow the President to use the military to “aid in the execution of the judicial process….” Part III referred to this statute.

Humphrey – The Attorney General “made a blunder by placing that provision in the bill.”

Russell – The action of Knowland and Humphrey was “an admission that the bill contained the powers that I asserted it did.”

Spessard L. Holland (D Fla.) – “If the Attorney General wishes to be in one of the most disagreeable and distressing situations into which he could possibly get, let him try to enforce this proposed law.”

July 18 – Russell – The Administration bill would remain “a force bill of the rawest kind” even if authority to use troops to enforce orders were deleted.

Knowland – His amendment would “help keep the debate on a more even keel.”

Javits – Listed 24 “specific civil rights protected by the Constitution and laws of the United States” which the Attorney General, at 1957 hearings of the Senate Judiciary Constitutional Rights Subcommittee, cited “as a specification illustrative of the rights with which he wishes to be able to deal under Part III of the bill, and also under Part IV, but primarily under Part III.” (See box)

Richard L. Neuberger (D Ore.) – “If the presently extremely modest civil rights bill is frittered away in compromises and weakening amendments, one person above all must accept major responsibility for this. That man is Dwight D. Eisenhower, President of the United States. At two successive press conferences, the President has revealed that, first, he is not thoroughly familiar with the contents of his Administration's civil rights bill and, two, that he is not enthusiastically in favor of what he does believe the bill to contain. Mimeographed press releases from the White House may speak approvingly of the bill in its present form. But these, even, are issued while the President is at the golf course.”

Knowland – “I do not believe any useful purpose is served by attempting at this time either to gain a partisan political advantage or to obtain a negative partisan political advantage by attacks upon the Office of the President of the United States. It is not his legislative responsibility. The details of the bill belong to this body and to the other body of Congress and then, finally, the bringing together of the points of view of the two houses of Congress.”

Enforce 14th Amendment

July 19 – Joseph S. Clark (D Pa.) – “Those who oppose this bill are defending a caste system.” As to Part III, “the issue is quite clear: Either we should repeal the equal-protection clause of the 14th Amendment or we should give the Department of Justice all appropriate means for enforcing it, whether those means be criminal or civil.” Part III “makes no change in the supreme law of the land.”

Charles E. Potter (R Mich.) – “The jury trial question is a strawman…created out of thin air by those who are fearful of the overwhelming justice and logic of this bill…. The power of the court to act in contempt without a jury is well established…. The reason behind it (the jury trial amendment) is obvious: In many instances southern juries do not convict white men of offenses against Negroes. Making jury trials mandatory will protect those white men and perpetuate their interference with the civil rights of Negroes.”

Part III Weakens Rights

July 22 – Leverett Saltonstall (R Mass.) – “I intend to vote to eliminate Part III…because, in my judgment, Part III may not strengthen, but rather weaken, the civil rights of an individual…. When we permit the Federal Government through its Attorney General – one individual official – at his discretion to enter into a community at the request of two or more individual citizens – and either with or without the request of the local authorities – we violate one of the cardinal principles upon which our Government is founded, namely the principle of home rule or government close to the people.”

July 23 – Wayne Morse (D Ore.) – “I cannot reconcile myself to voting for a civil rights bill so narrow and limited in its scope that I fear it will bear naught but a label so far as its practical effect on civil rights is concerned…. Part III of the bill breathes light, substance and liberty for the individual into the 14th and 15th Amendments. It is time that we implement those great Amendments granting equality of rights, in legal theory, to the Negro people of America.”

John F. Kennedy (D Mass.) – Part III “creates no new civil rights, provides no unprecedented judicial procedures, and is based on no radical principles of constitutional law, but simply offers civil procedures as a supplement to criminal procedures now available. It is a moderate provision in a moderate bill lending itself…to intelligent implementation….”

July 24 – Clinton P. Anderson (D N.M.) – “I wish to see a civil rights bill passed by the Senate. This may be the last clear chance the Senate will have in a long time to pass such a bill. I believe the Senate should make certain, by striking out Section 121 of Part III, that the bill will be passed by the Senate and become law.”

July 25 – Johnson – “Highly trained lawyers who put the bill together took a criminal offense and, by sprinkling a little legal holy water on it, sought to convert it, by means of the bill, into a civil offense, in order to make enforcement easier and to make the bill more effective….”

July 26 – Kefauver – The O'Mahoney-Kefauver-Church amendment “clearly distinguishes between civil and criminal contempt…. (It) represents a great advance of civil liberties because…it covers all actions for contempt. It again will assure labor unions of their day in court before a jury of their peers….”

Clifford P. Case (R N.J.) – The amendment would “not only make a mockery of the court in the field of civil rights but also in the field of all litigation in the Federal courts.”

“No national interest is involved…in the case of labor disputes…especially when the matter at issue is one involving the economic interests of two private parties, employer and employee…. The contrary is true, so far as civil rights cases, particularly, now are concerned. Here a very great national interest is involved. It is peculiarly appropriate that there be no jury trials in these particular cases, where a national interest, as opposed to private economic interests, is involved.”

Law Deans Against Amendment

RELATED DEVELOPMENTS – July 27 – Eleven law school deans and 34 law school professors issued a statement

that the absence of a jury trial provision in the Civil Rights bill did not violate due process of law. The statement said the Senate debate was creating an “erroneous impression” of the necessity for jury trials in contempt cases. “While we fully support trial by jury in its proper sphere,” the statement read, “we fear that its unnecessary injection into this legislation will only hamper and delay the Department of Justice and the courts in carrying out their constitutional duty to protect voting rights.”

July 27 – James B. Carey, president of the International Union of Electrical Workers (AFL-CIO), wrote Majority Leader Johnson that the jury trial amendment was “probably the most dangerous of all.” He said “labor will not barter away effective protection of the right of a Negro to register and vote in return for the very dubious advantage” offered labor in the O'Mahoney Kefauver-Church amendment.

DEBATE – July 29 – James O. Eastland (D Miss.) – “HR 6127 is really a step backward in the law as it relates to the contempt powers of the court.” The O'Mahoney amendment “operates not to give a new right but rather to guarantee that an existing right will not be abridged.”

July 30 – John W. Bricker (R Ohio) – “I am convinced that Part IV as written guarantees to all our citizens maximum protection of the right to vote and every procedural safeguard which fundamental due process of law requires under the Constitution.”

Labor Leaders Differ

RELATED DEVELOPMENT – July 30 – United Mine Workers President John L. Lewis wired Johnson that the jury trial amendment was “wise and prudent.” But an AFL-CIO statement said the labor group “reaffirms its belief” that the amendment was “crippling.”

DEBATE – July 31 – Prescott Bush (R Conn.) – The central purpose of the bill was “to give meaning to the 15th Amendment of the Constitution…. One fact has emerged from all this debate: There is no constitutional right of trial by jury for contempt whether it be civil or criminal.”

Frank Church (D Idaho) – His proposal to establish uniform qualifications for Federal court juries would “confer another civil right – the right to serve as a juror – on…colored citizens who now…may be prevented from doing so.”

Church Defines Amendment

Aug. 1 – Church – “We need not impair the right to jury trial…to better protect the right to vote…. The (O'-Mahoney-Kefauver-Church) amendment…provides that the accused shall be entitled to a jury trial in criminal contempt proceedings. It eliminates the confusion now existent in Federal law by clearly defining the difference between criminal contempt and civil contempt…. It provides a definite penalty for those found guilty…. A man accused of…criminal contempt ought to be entitled to the traditional safeguards that our law provides for criminal prosecution; the most basic of which is trial by jury…. Under the terms of this amendment, where the purpose of the contempt action is to secure compliance with its order, the accused cannot claim a jury. This is civil contempt….The accused may still be fined or imprisoned, and his punishment may even be more onerous than in the case of criminal contempt, but here he holds the key to his own cell…. This amendment re-establishes, through the whole fabric of the Federal law, equal treatment for those who stand accused of violating injunctions issued by Federal courts. Under the present law, a citizen charged with criminal contempt is generally entitled to trial by jury, unless the action is brought in the name of the United States. Why a man accused by any other party of criminal contempt should have the question of his guilt or innocence determined by a jury, while the same man, if accused by the Government of having committed the same act, should be deprived of his right to a jury trial has neither been explained nor justified….”

William A. Purtell (R Conn.) – It was unnecessary to put any new rights in the bill (such as the right to a jury trial), which would only set up procedures for protecting the established right to vote.

Hubert H. Humphrey (D Minn.) – Senate debate seemed more concerned with protecting the person committing the crime than with providing redress for the person against whom the crime was committed.

O'Mahoney – Adoption of his amendment would provide three rights: (1) the right to vote; (2) the right to jury trial; (3) the right to serve on a jury.

Effective Bill Killed – Knowland

Knowland – A vote for the amendment “will be a vote to kill for this session…an effective voting rights bill… The bill will have to go to conference; and from that place…it will not likely emerge at this session, and perhaps not at the next…. I appeal (to Republicans)…to support” President Eisenhower.

Johnson – “By adopting this amendment, we can strengthen and preserve…the right to a trial by jury…. (and) the right of all Americans to serve on juries…. This amendment means…the strengthening of the basic purpose of this bill, which is to provide strong guaranties for the right to vote….”

Aug. 2 – Javits – The jury trial amendment would have a “materially adverse effect on other statutes.”

RELATED DEVELOPMENTS – Aug. 2 – Vice President Nixon, after adoption of the jury-trial amendment, said “this was one of the saddest days in the history of the Senate because this was a vote against the right to vote.” Sen. Johnson Aug. 5 said Nixon was leading “a concerted propaganda campaign” against the amendment. He said Nixon was in the Senate “for very little of the discussions and I assume knows very little about the bill.”

Aug. 6 – In a report submitted to Knowland, the Justice Department's Office of Legal Counsel said the jury trial “amendment plainly covers the Supreme Court of the United States and the 11 Federal Courts of Appeals…even though no proper provision is now made for finding and impanelling…a jury in the Supreme Court.” The report said jury

trials in the Courts of Appeals would cause “incongruities, difficulties and delays….”

DEBATE – Aug. 6 – H. Alexander Smith (R N.J.) – A right-to-vote bill that can be enforced “will represent great progress.”

Debate Ended

Aug. 7 – Knowland – “Adoption of the jury trial amendment has greatly weakened” the bill but “not necessarily… completely destroyed” it.

Johnson – “This has been a debate which has opened closed minds…. For the first time in my memory, this issue has been lifted from the field of partisan politics.”

RELATED DEVELOPMENTS – Aug. 7 – A statement signed by leaders of 16 liberal organizations criticized the Senate amendments but said “the bill does contain some potential good.” It urged all Senate supporters of civil rights to vote for the bill “in the hope that some means will be found to strengthen it in the House.” Among those signing the statement were Roy Wilkins of the NAACP, Joseph L. Rauh Jr. of Americans for Democratic Action, Walter Reuther of the United Auto Workers (AFL-CIO) and Carey of the Electrical Workers.

Aug. 7 – Former Secretary of State Dean Acheson, who reportedly was consulted on drafting of the jury trial amendment, said “fears expressed about the amendment are unfounded, usually based on misunderstanding, and sometimes insincere.” He said “the real enforcement powers are in the civil contempt proceedings.”

Final Action

Back to Top ▲

Final action on HR 6127 was made possible when Democratic and Republican leaders of both chambers Aug. 23 agreed on a modified version of the Senate's jury trial section of the bill. The House approved the compromise version Aug. 27 by a roll-call vote of 279–97 and the Senate Aug. 29, by a vote of 60–15, also agreed to the compromise and sent the bill to the President. (For voting, see charts p. 378, 314)

The compromise amendment, which applied only to voting rights cases, permitted judges to try minor criminal contempt cases without a jury but assured a defendant a new trial, by jury, when the penalty imposed by the judge was more than $300 or 45 days imprisonment.

Two weeks of discussions and proposals preceded the final action on the bill. The House Aug. 13 rejected alternative moves to send HR 6127 to a conference committee and to concur in the Senate amendments to the bill. The rejections in effect left further action on the bill up to the House Rules Committee, whose chairman, Howard W. Smith (D Va.), said Aug. 14, “I am inclined to follow the course most likely to result in no bill.”

Kenneth B. Keating (R N.Y.) Aug. 13 asked unanimous consent that the House disagree to the Senate's version of the bill and request a conference. Francis E. Walter (D Pa.) objected to Keating's motion. Emanuel Celler (D N.Y.) then offered a unanimous consent motion that the House agree to the Senate changes with an amendment of its own providing that the Senate's jury-trial provisions would apply only to right-to-vote criminal contempt cases. Keating objected to this.

On Aug. 14 Celler and Keating introduced resolutions (H Res 397, 398) calling for action similar to that proposed in their unanimous consent motions. The resolutions were sent to the Rules Committee.

House Speaker Sam Rayburn (D Texas) Aug. 9 said “those who say they want a civil rights bill” could have one by accepting the Senate jury-trial amendment in substance. Rayburn indicated willingness to modify the provision to apply only to right-to-vote cases.

Republican House Leader Joseph W. Martin Jr. (Mass.) Aug. 13 said, after a White House conference with President Eisenhower, the House should “wait three months and get a real bill.” He said this would be “infinitely better” than accepting the Senate amendments. Martin conceded that a special November session was his own, not the President's idea.

Compromise Agreement

President Eisenhower announced a proposed GOP modification of the jury trial amendment at his Aug. 21 news conference. The President said: “The Senate version of the (civil rights) 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.” The compromise to be offered by House Republicans “will still leave a sufficient effectiveness in the bill so that it would be acceptable to everybody, and yet does quiet any justifiable alarm that others might have as to excessive punishment of any kind.”

The President also said he was not insisting on the restoration of any portion of Part III of the bill removed by the Senate, and he hoped the bill would be enacted before adjournment: “I can't conceive of anything worse than making the basic right of so many millions of our citizens just a part of a political snarling….”

Following through on the President's announcement, House Republican Leader Joseph W. Martin Jr. (Mass.) later Aug. 21 offered the compromise to modify the Senate's jury trial section. Martin's modification gave judges full power to decide if there should be a jury trial in criminal contempt cases resulting from right-to-vote infringements. The modification stated that if a judge tried such a criminal contempt case without a jury he could impose no stronger penalty than 90 days in jail and a $300 fine. If the judge elected to have the defendant tried by a jury, the penalty could be as strong as six months in jail and a $1,000 fine – the maximum authorized by the Senate version. The Senate amendment provided for a jury trial in all criminal contempt cases – right-to-vote or Otherwise. Martin's proposal, like

that of Emanuel Celler (D N.Y.), Chairman of the House Judiciary Committee, would authorize jury trials only in criminal contempt cases involving voting rights.

Speaker Rayburn Aug. 22 said House Democrats would be willing to consider an agreement on the bill based on the Republican proposal or some other.

Leaders Agree

A day of bipartisan negotiations Aug. 23 produced the compromise that was finally agreed to by the House and Senate – that which assured a convicted defendant in a criminal contempt case a new trial, by jury, when the penalty imposed by the judge was more than $300 or 45 days imprisonment. The compromise was accepted and backed by Senate Leaders Johnson and Knowland, and by Speaker Rayburn and Republican Leader Martin.

Sen. Richard B. Russell (D Ga.) Aug. 24 said southern leaders had agreed: "We are unalterably opposed to it (the compromise). But there was no collective agreement that we would undertake to talk the proposition to death."

The House Rules Committee Aug. 26, by a vote of 10–2, approved a resolution (H Res 410) providing that the House take HR 6127 from the Speaker's desk and concur in the Senate amendments with the substitution of the leadership's compromise amendment. Chairman Smith and Rep. William M. Colmer (D Miss.) dissented.

House, Senate Action

The bill was approved by the House, 279–97, on Aug. 27 after the Members, over Smith's protests, voted to end debate by a roll-call vote of 274–101. (For voting, see chart p. 378).

The Senate began debate on the compromise bill later Aug. 27. A motion by Sen. Strom Thurmond (D S.C.) to send the bill to the Senate Judiciary Committee for further consideration was defeated by a roll-call vote of 18–66. (For voting, see chart p. 314)

Late Aug. 28 Thurmond began a one-man delaying action to prevent final action on the bill. His marathon speech, lasting 24 hours and 18 minutes, was a new record by a single person. (See box)

When Thurmond concluded Aug. 29 the Senate agreed to the compromise amendment, 60–15, and sent HR 6127 to the President for his signature. Mr. Eisenhower Sept. 9 signed the bill (PL 315) without comment while he was vacationing at Newport, Rhode Island.

HOUSE DEBATE – Aug. 27 – Clair Engle (D Calif.) – "By preventing passage of any civil rights bill at all, the Republicans hoped they would be able to get the mostmileage possible out of civil rights as an issue…. I wonder how Dwight Eisenhower could have had the nerve to threaten to veto our final civil rights bill because it does not meet his specifications – when all year long no one has been able to figure out what his specifications are."

SENATE DEBATE – Aug. 27 – Olin D. Johnston (D S.C.) – "If the bill is referred to the (Senate Judiciary) Committee – and I am very doubtful that such will be the case – I shall do my best to keep it there forever. I was very successful in keeping any such bill from coming from the Judiciary Committee this year."

Aug. 28–29 – Thurmond – His long speech was designed to "call to the attention of the Senate and the people of the Nation that this is a dangerous bill" and "an assault" on the liberties of the people of the United States.

Aug. 29 – Herman E. Talmadge (D Ga.) – Criticized "certain Members of the House of Representatives (who) presumed to advocate that we (southern Senators) conduct a filibuster against the bill." Such action might well have provoked the required two-thirds of the Senate to force a change in the rules "to impose gag rule at will…. Should we destroy what good will remains among independent Senators…the passage of new, radical civil rights legislation, with FEPC provisions, will be a foregone conclusion."

Group Stands

Back to Top ▲

Among organizations favoring passage of the Civil Rights Act of 1957 were the AFL-CIO, the National Council of Jewish Women, and the Leadership Conference on Civil Rights, which was composed of 22 national groups including five AFL-CIO unions, American Civil Liberties Union, Americans for Democratic Action, NAACP, American Jewish Congress and the Workmen's Circle.

National organizations other than southern groups which opposed the bill were the Daughters of the American Revolution and the National Economic Council.

Commission Appointed

Back to Top ▲

President Eisenhower Nov. 7 appointed the six members of the Civil Rights Commission and named as chairman ex-Supreme Court Justice Stanley F. Reed, a Kentucky Democrat. Reed retired from the Court in February after serving for 19 years. He approved the Court's school desegregation decision. The appointees, who must be confirmed by the Senate, included three Democrats, two Republicans and one Independent.

Members of the Commission: Vice Chairman, John A. Hannah (R), president of Michigan State University; Attorney John S. Battle (D), Governor of Virginia from 1950–54; the Rev. Theodore M. Hesburgh (I), president of the University of Notre Dame; Dean Robert G. Storey (D) of Southern Methodist University's law school, and Assistant Secretary of Labor J. Ernest Wilkins (R), a Negro.

Features

Back to Top ▲

For Further Details

History, Techniques of Senate Filibusters, this volume, p. 570;

Negro Voting, this volume, p. 808;

Little Rock Integration Background, this volume, p. 657;

1957 Senate action on rules change proposal, this volume, p. 655;

1952, 1956 Party Platforms, 1952 Almanac, p. 493, 501; 1956 Almanac, p. 777, 783.

Negro Vote Registration

The Southern Regional Council July 20 said Negro voter registration between 1952–1956 increased in each of 11 Deep South states except Mississippi. The Council, a biracial group, in a report on a survey conducted in the Fall of 1956, said the 11-state Negro voter registration was at 1,238,000, a gain of 229,000 since 1952.

The report said the 1956 figure represented only about 25 percent of the 4,980,000 Negroes of voting age, as compared to 60 percent registration among eligible white Southerners.

Negro registration increases listed by states from 1952 to 1956:

State	1952 Registration	1956 Registration
Alabama	25,244	53,244
Arkansas	61,413	69,677
Florida	120,900	148,703
Georgia	144,835	163,389
Louisiana	120,000	161,410
Mississippi [*]	21,000	21,000
North Carolina	100,000	135,000
South Carolina	80,000	99,890
Tennessee	85,000	90,000
Texas	181,916	214,000
Virginia	69,326	82,603
Total	1,009,634	1,238,916

[*] The report said of Mississippi (with an estimated 20,000 to 22,000 registered Negro voters in 1952): "Some observers feel that the number had remained static at best, and others believe there has been a sharp drop."

Russell-Eisenhower Exchange

Sen. Richard B. Russell (D Ga.) July 2 said the Administration's Civil Rights bill was so "cunningly contrived" that it could be questioned whether the President himself understood its full scope. Russell said: "…I doubt very much whether the full implications of this bill have ever been explained to President Eisenhower."

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

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

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

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

Civil Rights Legislation

Before 1957, the last civil rights legislation approved by Congress was in 1875. Of the Civil Rights Act of 1875, all that remains on the statute book is one section (United States Code, Title 42, section 1984) which provides that civil rights cases be reviewed by the Supreme Court under the same provisions and regulations as are provided by law for review of other cases in the court.

Eisenhower on Federal Troops

President Eisenhower July 17 told the 17th news conference of his second term: "I can't 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 a Federal court, because I believe that common sense of America will never require it." (The statement was recalled at the time of the Little Rock incidents, see p. 657)

The President also said:

He would not comment on any proposed amendments by the Senate to the civil rights bill: "I think that for the moment the best thing to do is for most of us to let them (Senators) do the debating, and we will see what comes out. I am very hopeful that a reasonable, acceptable bill will come out" of the Senate. "I am not going to discuss these amendments in detail…. I follow the debates in the Senate with the greatest of interest, and we will see what comes out. And then I hope it will be – and, as I say, I believe it will be – a satisfactory bill."

Federally Protected Rights

Sen. Jacob K. Javits (R N.Y.) July 18 listed 24 specific civil rights protected by the Constitution and the laws of the United States which, he said, the Attorney General presented to illustrate "the rights with which he wished to be able to deal under Part III of the (Civil Rights) bill, and also under Part IV." The list compiled by the Justice Department:

- Right to vote in Federal elections.
- Right of a voter in a Federal election to have his ballot fairly counted.
- Right to vote in all elections, free from discrimination by state on account of race or color.
- Right to inform a Federal officer of a violation of Federal law.
- Right to testify in Federal court.
- Right to be free from mob violence while in Federal custody.
- Right to be secure from unlawful searches and seizures.
- Right to peaceably assemble free from unreasonable restraint by state or local officials.
- Freedom of religion.
- Freedom of speech and of the press.
- Right not to be purposefully discriminated against in public employment on account of race or color.
- Right not to be denied use or enjoyment of any Government-operated facilities on account of race or color.
- Right not to be segregated under compulsion of state authority on account of race or color.
- Right not to be denied due process of law or equal protection of the law in other regards.
- Right to be free to perform a duty imposed by the Federal Constitution.
- Right, when charged with a crime, to a fair trial.
- Right not to be tried by ordeal or summarily punished other than in the manner prescribed by law.
- Right not to be forced to confess an offense.
- Right to be free from brutality at the hands of prison officials.
- Right to representation by counsel at criminal trial.
- Right to trial by a jury from which members of the defendant's race have not been purposely excluded.
- Right of prisoner to protection by officer having him in custody.
- Right not to be held in peonage.
- Right not to be held in slavery or involuntary servitude.

Thurmond's Filibuster Record

At 9:12 p.m. Aug. 29, Sen. Strom Thurmond (D S.C.) completed a 24-hour and 18-minute marathon speech, the longest in Senate history. He began his speech at 8:54 p.m. Aug. 28. First place was held by Sen. Wayne Morse (D Ore.), who in April, 1953, as an Independent, spoke for 22 hours and 26 minutes on the so-called tidelands oil bill. The previous

second-place record was set in 1908 by Sen. Robert M. LaFollette Sr. (R Wis.) who held the floor for 18 hours and 23 minutes in a fight over a currency bill. The previous third-place record holder was Sen. Huey Long (D La.), who in June, 1935, spoke for 15 hours and 30 minutes against extension of the National Industrial Recovery Act.

Thurmond's speech caused the first round-the-clock Senate session since 1954. The 1954 sitting was an 85-hour and 49-minute run, with one 24-minute recess, on an atomic energy bill. A 1953 all-night sitting featured Morse's record-setting speech.

Back to Top ▲

Document Citation
"Congress Approves Civil Rights Act of 1957." In *CQ Almanac 1957*, 13th ed., 07-553-07-569. Washington, DC: Congressional Quarterly, 1958. http://library.cqpress.com/cqalmanac/cqal57-1345184.

Document ID: cqal57-1345184
Document URL: http://library.cqpress.com/cqalmanac/cqal57-1345184