



**CONGRESS**

**MUST**

**ACT**

**...ON CIVIL RIGHTS**

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THE 84th CONGRESS CAN BREAK  
THE RUN-AROUND ON FEPC  
AND OTHER CIVIL RIGHTS

**T**HE Constitution of the United States guarantees full equality of rights and opportunities to Americans of every race, color, religion and national origin.

Legislation to secure for every American his constitutional rights has been introduced in Congress after Congress, only to die in committee, on the Calendar, or by the veto of the filibuster. Congress has failed to enact a single civil rights bill for 80 years.

More hearings, more reports are not enough. Enactment is many tragic, costly years overdue. If enactment is blocked—because of the filibuster, or for any other reason—then let the American people have roll call votes by which to judge candidates in 1956.

The whole world is keeping score on how effectively this nation puts its democratic ideals into practice. Let's tell Congress we're keeping score, too.

Let's make it clear we want **ACTIONS, NOT WORDS,** on civil rights.

## THE CIVIL RIGHTS WORK SHEET FOR 1956

There are 8 measures, subject of many promises during political campaigns and of no conclusive action between campaigns, which, if enacted into law, would:

1. Set up an effective Federal FEPC to prevent discrimination in employment.
2. Make Federal funds for education, housing, and welfare available only to those programs and projects that comply with Constitutional bars against segregation and other forms of discrimination.
3. Make lynching and other assaults by public officials or private citizens, acting either in concert or individually, on persons or property because of race, color, religion or national origin, a Federal crime.
4. Wipe out interference with the right to register or vote in primary or general Federal elections, and abolish the poll tax.
5. Create a Civil Rights Division within the Department of Justice, headed by an Assistant Attorney General, with authority to protect civil rights in all sections of the country.
6. Establish a permanent Federal Commission on Civil Rights to make continuous appraisals and to recommend action with respect to civil rights problems.

7. Eliminate remaining segregation and other forms of discrimination in interstate travel.
8. Establish majority rule in the Senate and House of Representatives.

## FEPC

What has been done in Congress to set up an effective Federal FEPC to prevent discrimination in employment?

FEPC bills have been before every session of Congress since 1944. Committees have reported FEPC bills favorably in the past six Congresses.

Yet, no FEPC bill has ever been allowed to come to the floor of the Senate for debate and vote. In 1946, the vote to break the filibuster and take up an FEPC bill was 48 to 36; in 1950, the votes were 52 to 32 and 55 to 33 for taking up FEPC. Yet the filibusterers blocked the majority will because Rule 22 required a two-thirds vote to break a filibuster.

In the House, no FEPC bill has ever been approved by the Rules Committee for floor debate and vote.

The FEPC bills supported by the organizations participating in the Leadership Conference on Civil Rights would establish an administrative agency to receive and investigate complaints, attempt to eliminate discrimination by "conference, conciliation and persuasion" and, if unsuccessful, to hold hearings and issue cease and desist orders. Such orders would be reviewable and enforceable in the courts.



### U. S. MONEY FOR U. S. STANDARDS

What has been done in Congress to make Federal funds for education, housing, and welfare available only to those programs and projects that comply with Constitutional bars against segregation and other forms of discrimination?

Over the past several years anti-segregation amendments have been proposed to various housing, education and armed forces bills. Except in the case of the Selective Service Act, no such amendment has been adopted and parliamentary maneuvers have been used repeatedly to avoid a roll call vote.

Congress continues to pour millions of tax dollars, collected from all of the people, into states that discriminate in spending the money. Agricultural colleges receive millions to teach better farming but admit only whites to their classes. Thousands of housing units for whites only are built with Federal grants, loans, insurance or other aids. Millions of Federal dollars go for Jim Crow schools in areas where defense activities have increased the population. Health funds are given to hospitals that refuse treatment to Negroes unless they are the patients of white doctors.

The people of Michigan, New York and Pennsylvania, for example, whose state laws prohibit racial segregation, are currently compelled to subsidize segregation in Georgia, Mississippi and other Southern states, through the Federal treasury.

In the 84th Congress, action on urgently needed school construction legislation has been blocked because a minority in the Congress insists that Federal funds continue to be used to buttress segregation, despite the Supreme Court decision to the contrary.

### SECURITY OF THE PERSON

What has been done in Congress to make lynching and other assaults by public officials or private citizens, acting either in concert or individually, on persons or property because of race, color, religion or national origin, a Federal crime?

Legislation to make lynching a Federal crime was killed by filibuster in 1922. This matter has been before Congress continually since that time but has not been brought to a vote in the Senate.

While lynching has changed in character during the past 33 years, it is still a problem.

Organized mob violence and terror of the Ku Klux Klan variety, in collusion with enforcement officials, are reappearing in new forms. The modern-day lynchers organize economic boycotts and reprisals, or bomb or otherwise injure individuals who do not conform to established patterns in the community.

It is essential that anti-lynching legislation apply in all circumstances where the violence is precipitated because of race, color, religion or national origin, and not just in those instances where law enforcement officials are involved. Otherwise, acts of violence by private citizens will continue to go unpunished, and many of our citizens will remain inadequately protected.

### **THE RIGHT TO VOTE**

What has been done in Congress to wipe out interference with the right to register or vote in primary or general Federal elections, and to abolish the poll tax?

Legislation to outlaw the poll tax has passed the House five times, but has never come to a vote in the Senate.

In four instances since 1942 the filibuster kept poll tax bills off the Senate floor. In more recent years the mere threat of a filibuster has prevented action on this measure.

The poll tax is still a substantial bar to voting in five states. Murder, threats, and other forms of terrorism, boycotts, and discriminatory qualifications are disfranchising large numbers of American citizens.



Legislation must be broad enough to give the Federal courts jurisdiction whenever arbitrary and discriminatory devices are used to interfere with the right to vote.

### **CIVIL RIGHTS ENFORCEMENT**

What has been done in Congress to create a Civil Rights Division within the Department of Justice, headed by an Assistant Attorney General, with authority to protect civil rights in all sections of the country.

The need to strengthen the machinery of the Federal Government to provide for more effective enforcement of civil rights statutes was emphasized in the historic Report of the President's Committee on Civil Rights.

The President's Committee urged as its first recommendation, the creation of a Civil Rights Division in the Department of Justice, with regional offices, a sufficient appropriation to enable the Division to engage in extensive research and to act more effectively to prevent civil rights violations, an increase in investigative action in the absence of complaints, and a greater use of civil sanctions.

Legislation to accomplish these purposes has been before the Congress continually since 1948. **No such legislation has ever been brought to the floor of either House for debate and vote.**

Responsibility for the enforcement of existing civil rights laws is vested in a non-statutory Civil Rights Section of the Criminal Division of the Department of Justice. It has proved ineffective in the face of flagrant civil rights violations. The Civil Rights Section must be elevated to divisional status and given the prestige, the resources, and the authority necessary for the protection of civil rights.

#### **U. S. CIVIL RIGHTS COMMISSION**

What has been done in Congress to establish a permanent Federal Commission on Civil Rights to make continuous appraisals and to recommend action with respect to civil rights problems?

In a democratic society, the systematic, critical review of social needs and public policy is a fundamental necessity. This is especially true of a field like civil rights, where the problems are enduring and range widely. Yet, nowhere in the Federal Government is there an agency charged with the continuous appraisal of the status of civil rights and the efficiency of the machinery with which we hope to improve that status.

This gap was noted in the Report of the President's Committee on Civil Rights which called for the establishment of a permanent Commission on Civil Rights in the Executive Office of the President.

Such a Commission would inquire into and give guidance in specific trouble areas as well as in broad problems and would make recommendations for legislative and executive action. It would have subpoena powers but not regulatory or enforcement authority.

Bills to establish such a Commission have been pending in the Congress since 1948. **No such bill has ever been brought to the floor of either House for debate and vote.**

#### **INTERSTATE TRAVEL**

What has been done in Congress to eliminate remaining segregation and other forms of discrimination in interstate travel?

The Supreme Court has ruled that segregation in interstate transportation is a denial of Constitutional rights. However, there is no adequate machinery to protect these rights, with the result that segregation and other discriminatory practices persist.

Legislation to provide specific penalties for those who impose segregation in interstate transportation has been before the Congress continually since 1948. None of this legislation has ever been brought to the floor of either House for debate and vote.

### **HOME RULE, STATEHOOD AND IMMIGRATION**

What has been done in Congress on other civil rights measures?

Anti-civil rights forces have blocked home rule for the District of Columbia because they fear the importance of the Negro vote in the District.

In the case of Alaska and Hawaii, pro-filibuster forces in the Senate have been reluctant to see four new Senators in Congress who would probably oppose the filibuster and favor civil rights.

Both the Republican and Democratic parties have failed to keep their 1952 pledges to amend the McCarran-Walter Immigration and Nationality Act to remove the discriminatory national origins quota system and other unjust and inhumane provisions.

### **MAJORITY RULE**

What has been done in Congress to establish majority rule?

Contrary to popular opinion and the intention of the framers of the Constitution, majority rule does not prevail in the Con-

gress of the United States. To be sure, legislation requires only a majority vote. But procedural roadblocks have been erected in both the House and the Senate which effectively prevent certain legislation—even though it is desired by a majority—from ever being brought to a vote.

In the House of Representatives, majority rule is thwarted by the veto power of the House Rules Committee. In the Senate, rule by the veto of a talking minority has been substituted for rule by a voting majority.

### **In the House**

The House Rules Committee, established originally to expedite the flow of legislation, has come to exercise a life-and-death control over legislation through its authority to determine what bills are brought to the floor. All too often, this authority has been used to prevent floor consideration of civil rights and other liberal measures.

The House of Representatives adopts its rules at the opening of each Congress. At the opening of the 81st Congress, the House adopted the so-called "21-day Rule," which made it possible to by-pass the Rules Committee. Under that rule, if the Rules Committee failed to act within 21 days upon a measure reported to it by a standing legislative committee, the chairman of that committee could move that it be brought directly to the floor. Under the "21-day Rule," several liberal measures, previously pigeonholed by the Rules Committee, were successfully brought to the floor during the 81st Congress. However, on the opening day of the 82nd Congress, the House repealed the "21-day Rule" and restored the power of the Rules Committee to block legislation.



No attempt has been made in either the 83rd or the 84th Congress to restore the "21-day-Rule."

The "21-day Rule" itself, however, has three major defects. It can be applied only during two days of the month; it is of no effect where the chairman of a standing committee is hostile to a particular bill; and it is useless if the Speaker does not wish to recognize the chairman of a committee seeking to bring a bill to the floor.

Another way to by-pass the Rules Committee is the discharge petition, under which a bill may be withdrawn from a reluctant committee and brought immediately to the floor upon the signed petition of 218 members. Under the Constitution, a majority of a quorum, or 110 members, is sufficient to pass any bill. Yet for the discharge petition—a procedural device—the House Rules require almost twice as much support!

The Rule did not always require so many signatures on the discharge petition. In 1924, when the Rule was first established, only 150 signatures were needed. In 1926 it was increased to 218. In 1931 it was reduced to 145. In 1935 it was increased to 218, where it has remained ever since.

No other change would restore majority rule in the House more quickly than a reduction in the number of signatures required for a discharge petition. This would make possible floor consideration of measures hitherto blocked by the Rules Committee. Moreover, even if the new procedure did not result in passage of a single civil rights bill, it would at least assure a record vote—a test of performance—against which our elected representatives could be judged.

### In the Senate

The roadblock to majority rule in the Senate is the filibuster and the threat of filibuster.

The rules adopted by the first Senate in 1789 included a provision for moving the "previous question" so as to permit an end to debate by majority vote. When the rules were revised in 1806, this provision was omitted because it was expected that Senatorial courtesy would make such a limitation unnecessary. Unfortunately, this reliance on Senatorial self-control proved unfounded.

In 1841, Henry Clay introduced a proposal re-establishing the "previous question" rule, which, he argued, was necessary because of the abuse which a minority had made of the privilege of unlimited debate. Since then, more than twenty-five suggestions to limit debate have been made by leading Senators in efforts to solve this problem. Many of these proposals were stimulated by filibusters against specific bills.

In 1917 the Senate adopted Rule 22, the first cloture rule, under which debate on any pending measure could be brought to a close by a 2/3 vote of those present. The filibustering minority soon found a loophole by which to evade even this weak rule. They maintained that a "pending measure" did not include a motion to take up a measure. Such motions, they insisted, were not covered by Rule 22 and therefore not subject to any limitation of debate. They were sustained in this interpretation by a ruling in 1948 by the then-President pro tem of the Senate, Senator Vandenberg.

It was now clear that Rule 22 had to be strengthened if it was to have any meaning at all. Senator Vandenberg himself,

whose ruling in 1948 had precipitated the issue, explained that while, in his opinion, his ruling had been required by precedent,

**"It is my conviction that the Senate must no longer leave itself in a legislative straitjacket and impotent to legislate except by the process of exhaustion. This cannot be longer condoned in these dangerous days."**

Resolutions amending Rule 22 so that it would apply to all proceedings were introduced in 1949, early in the 81st Congress. The Southern minority, however, staged a successful filibuster, and the Senate emerged with a new Rule 22 which left it even more impotent than before.

Under the new Rule 22, still in effect, cloture may be applied to a "motion" as well as to a "pending measure." However, the number of Senate votes required to invoke cloture was raised from 2/3 of those present to 2/3 of the total Senate. Under today's rule, therefore, a small minority of the Senate can thwart the will of the majority, for in attempts to stop a filibuster, every absent Senator is counted as voting to continue the filibuster.

Moreover, in an attempt to write rules for eternity, the 1949 bipartisan coalition added to the requirement of 64 votes a further provision barring any limitation whatever on filibusters against proposed changes in the Senate rules.

A practical method for establishing majority rule in the United States Senate is to move at the beginning of a new Congress for the adoption of new Senate rules, a right stated in the Constitution. Under such circumstances, a majority of the Senators present and voting could adopt new rules curbing filibusters by reasonable limitation upon debate.

Such a proposal was made at the beginning of the 83rd Congress. It was blocked when the then-Majority Leader, the

late Senator Robert A. Taft, with the aid of Senator Richard B. Russell, successfully moved to table the motion. At the opening of the 84th Congress Senator Herbert H. Lehman sought to renew the fight, but he was unable to obtain support from other Senators.

As Arthur Krock wrote in *The New York Times*, July 18, 1952:

**"There is no doubt that Rule 22 is the barrier at which all Congressional efforts to legislate the 'civil rights' program have been stopped dead. National conventions may approve by large majorities specific items . . . but the Senate has been the graveyard of such pledges, and the gravedigger has been Rule 22."**

If the danger of veto-by-filibuster on each civil rights bill is to be avoided, new attempts to change the Senate rules must be made. Having passed up the opening day, civil rights advocates must now work under existing Senate Rules in any attempt either to amend Rule 22 or to enact civil rights legislation.

Any such attempt will invite a filibuster. **But the filibuster can be broken if the advocates of majority rule and of civil rights legislation show the same determination as the filibusterers to fight the issue through.**

### **GETTING ACTION BY CONGRESS**

Civil rights legislation stirs up controversy in Congress, both between and within the two political parties. Most members of Congress are reluctant to raise questions involving this degree of controversy.

#### **Both Parties Duck the Issue**

While Democrats beg off in the name of "party unity,"

Republicans avoid the issue for fear of jeopardizing their coalition with the conservative Southern Democrats.

Members of Congress of both parties seem to prefer no action on civil rights legislation before the 1956 election.

They could then contend that civil rights were not an issue in the 84th Congress and, therefore, should not be an issue in the 1956 conventions and campaign.

### **The Old Routine**

In a pinch, they will try again to get by with late hearings and committee reports repeating all the proper facts and moral judgments, and sentencing the bills to slow death.

### **Same Alibi, Same Promise**

Again, as in the past, the alibi will be too much other, and less controversial, business.

And again the promise will be *Manana*, tomorrow, after the 1956 elections.

### **What the People Need to Do and Say**

The individuals and groups who favor civil rights legislation must make it clear to those who seek their votes and support in elections that they view civil rights as important; just as important and just as vital as legislation concerning taxes, housing, highways, foreign trade and farm price supports. "Hope deferred maketh the heart sick."

Those who believe in civil rights must let their Congressmen know that they know that civil rights legislation is in a rut, with bills introduced, hearings held, reports written, but never a debate and vote in both Houses. They must demand



roll call votes on civil rights. And the votes should be taken early in the 2nd session of the 84th Congress.

Roll call votes on civil rights legislation should be demanded in the 84th Congress, very early in 1956. These roll call votes are needed to enable voters to judge candidates in the 1956 elections not on promises but on performance.

### **WHAT YOU CAN DO NOW**

1. Ask your Representatives and Senators what they have done, are doing, will do

to secure passage in the 84th Congress of all or any of the major items listed in this booklet.

2. Ask your Senators to promise to press for early **floor action** on civil rights bills, to take an active role in floor fights on such bills, to vote for cloture to limit debate, and to **break a filibuster**—if necessary—by outlasting the filibusterers.

3. Ask your Congressman to voice his demand for **debate** and vote on civil rights bills and to pledge that **he will sign a discharge petition**, if necessary, to bring such bills to the floor.

4. Tell the political leaders in your precinct, ward, county, district and state that promises are not enough—that you want **ACTIONS not WORDS on civil rights**. Remember, they can make themselves heard in party circles and in Washington.

5. Write to the President, to the chairmen of the Republican and Democratic National Committees, and to the majority and minority leaders in the House and Senate to convey the same message—**Congressional ACTION on civil rights**.

6. Talk about the need for **Congressional action on civil rights** at meetings of your church, your lodge, your union and your club. Talk it day and night. Do it in your sleep—your better half will overhear you and do likewise.

7. Write letters to the editor; get press, radio and TV to help demonstrate how much steam there is behind the demand for **Congressional ACTION on civil rights**.

8. Shake well and repeat dosage at frequent intervals until it works, or until polls close November 6, 1956.

## LEADERSHIP CONFERENCE ON CIVIL RIGHTS

20 West 40th Street, New York 18, N. Y.

Chairman: Roy Wilkins

Secretary: Arnold Aronson

### Participating Organizations

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|--|--|
| A.M.E. Zion Church   | National Association of Colored Women, Inc.        |
| Alpha Phi Alpha Fraternity   | National Baptist Convention, U.S.A.                |
| American Civil Liberties Union                                       | National Bar Association                           |
| American Council on Human Rights                                     | National Catholic Committee on Race Relations      |
| American Federation of Labor   | National Community Relations Advisory Council      |
| American Jewish Committee  | National Council of Jewish Women                   |
| American Jewish Congress   | National Council of Negro Women                    |
| American Veterans Committee  | National Frontiers Club                            |
| Americans for Democratic Action                                      | National Negro Business League                     |
| Anti-Defamation League of B'nai B'rith                               | National Newspaper Publishers Association          |
| Brotherhood of Sleeping Car Porters, AFL                             | National Religion and Labor Foundation             |
| Catholic Interracial Council   | National Supreme Council Scottish Rite Masons      |
| Colored Methodist Episcopal Church                                   | Phi Beta Sigma Fraternity                          |
| Congress of Industrial Organizations                                 | Phi Delta Kappa Sorority                           |
| Congress of Racial Equality  | Textile Workers Union, CIO                         |
| Delta Sigma Theta Sorority   | The American Ethical Union                         |
| Hotel, Restaurant and Bartenders International Union of America, AFL | The Workmen's Circle                               |
| Improved Benevolent and Protective Order of Elks of the World        | Transport Workers Union of America, CIO            |
| International Ladies' Garment Workers' Union, AFL                    | Unitarian Fellowship for Social Justice            |
| International Union of Electrical, Radio and Machine Workers, CIO    | United Automobile Workers of America, CIO          |
| Japanese American Citizens League                                    | United Hebrew Trades                               |
| Jewish Labor Committee   | United Rubber Workers, CIO                         |
| Jewish War Veterans of the U.S.A.                                    | United Steelworkers of America, CIO                |
| National Alliance of Postal Employees                                | United Transport Service Employees of America, CIO |
| National Association for the Advancement of Colored People           | Workers Defense League                             |
| Young Women's Christian Association                                  |  |