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The civil rights position of Hugh D. Scott in Congress, 1941-1965

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**THE CIVIL RIGHTS POSITION OF HUGH D. SCOTT
IN CONGRESS 1941 TO 1965**

BY

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**A THESIS
SUBMITTED TO THE GRADUATE FACULTY
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PREFACE

I would like to express my appreciation for the invaluable advice of Dr. Carroll L. Quenzel (deceased), former head librarian and professor of history at Mary Washington College, Fredericksburg, Virginia, and Dr. Ernest C. Bolt in the preparation of this paper.

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INTRODUCTION

This paper is a study of Pennsylvania's Senator Hugh Doggett Scott's position on civil rights as a member of the House of Representatives (1941-1957) and the Senate (1958-1965). The purpose of this study is to show that Senator Scott throughout his House and Senate career played an active role in helping pass major civil rights legislation. The civil rights gains during this period of time are often credited only to liberal Democrats. However, Senator Scott and a few of his fellow Republicans also played an important role in seeing these gains come true.

The writer to a large extent relied on the Congressional Record for many of Senator Scott's pronouncements on civil rights. Also a better understanding of Senator Scott's political career was found in his book, Come To the Party. Unfortunately, two problems hindered the writer in obtaining more information on this topic. First, Senator Scott is still an active member of Congress and therefore many minutes of congressional committee meetings in which he participated were closed to the writer. Secondly, a letter of introduction to secure a personal interview with the Senator was never received from Dr. Carroll L. Quenzel, who died before it could be written.

CHAPTER I

HUGH SCOTT: A POLITICAL OVERVIEW

. . . judging from little topped tents and wagons, a carnival was in progress. This male appeared to be greatly enjoying the harangue of a rather tall, dark-haired man who stood on a wagon throwing his hands up and down in the wildest gesticulations and at intervals of about ten seconds constantly pointed at a horrible picture which was painted on one of the tents. Under this picture it read: See "Memo" the Turtle boy, half turtle and half man, H. D. Scott, Owner and Manager.¹

This was the future which the 1919 Randolph-Macon College Senior Class Prophecy envisioned for one of its youngest graduating seniors. The senior to which the prophecy referred entered Randolph-Macon at the age of fifteen and in only three years earned enough hours to complete his under-graduate requirements. After graduation Scott disregarded the prophecy of circus manager by enrolling in Law School at the University of Virginia. In 1922 after three successful years of law school, a LL.B. degree was awarded to him at the age of twenty-one.

This remarkable college career and ambitious start were not totally unexpected for Hugh Doggett Scott, Jr. Born in Fredericksburg, Virginia, on November 11, 1900, he was the only son of Hugh Scott, Senior, and Jane Lee (Lewis) Scott. His family was not new to Virginia, since its ancestry could be traced to 1621 and Peter Montaque, the first

¹Yellow Jacket Annual (Ashland, Virginia: Literary Societies of Randolph-Macon College, 1919), XXI, 59-60.

school teacher in the region.

The young boy lived with his family in a square brick house at 1107 Charles Street. The house abounded with history, having been built on land that once belonged to the estate of George Washington's sister. In the Civil War it served as a field hospital for the wounded soldiers of the Battle of Fredericksburg.

Hugh's father supported the family by working in the Fredericksburg National Bank. During his forty-four years of service in the bank, he eventually advanced from runner to bank president. The drive and determination which the elder Scott manifested was also inherited by his only son.²

Hugh grew up in a typical small town surrounding. He liked to work, and as a boy "He sold magazines, delivered newspapers, jerked sodas, did chores for carnivals, and spent time doing odd jobs around the newspaper office."³ One factor which altered this typical boyhood was his enormous intellectual ability.

Since he learned to read at an unusually early age, he was able to finish elementary school and enter high school at the age of nine.⁴ In high school his work continued to be of an exceptional quality. As

²J. M. Willis, Senior, interviewed in Fredericksburg, Virginia, November 28, 1969.

³Charles McDowell, Jr., "The Leading FFV in Pennsylvania," Richmond Times-Dispatch, September 28, 1969, p. 1.

⁴Ibid. Hugh Scott, Senior, was married three times during Hugh, Junior's, boyhood. Hugh, Junior, gained a half-brother, Norman, and a sister, Alice, by his father's second marriage.

a friend put it, "Hugh always made all A's on his report cards."⁵ But the problem that worried Hugh's parents was the difference in his age and the rest of his classmates. Finally, his parents felt it advisable to withdraw him from formal education for several years.

Those several years spent away from formal education were not idle ones for a searching mind such as Scott's. During this time he explored many new fields of interest. But the one which most completely captured his interest was the field of politics. He began to follow the day's political events in the newspapers when he was eight. Free now from the burdens placed on him by school, Scott at thirteen began traveling to Richmond to watch the Virginia General Assembly sessions. Eventually, the closeness to Washington caused his trips to take a northern direction, and in the Capitol's visitors' gallery he watched such talented legislators as Henry Cabot Lodge and Robert LaFollette.⁶ It was during one of these visits that he decided matter-of-factly that one day he would become a United States Senator.⁷

After graduating from law school in 1922, Scott decided to move from Virginia to Pennsylvania. The reason for this move was that his uncle, Judge Edwin O. Lewis of the Common Pleas Court of Philadelphia,

⁵J. E. Thompkins, interviewed in Fredericksburg, Virginia, November 29, 1969.

⁶Jack Anderson, "Senator and Mrs. Hugh Scott: The Soft Spoken Republican Leader Speaks Out," Washington Post, November 24, 1969, p. 6.

⁷McDowell, "Leading FFV," p. 1.

was in the process of developing a promising law firm into which Hugh could enter upon being accepted by the Pennsylvania Bar. While waiting to take the bar exam, he took a Spanish course at the University of Pennsylvania. During this class he met and later married a young Philadelphia woman by the name of Marion Huntington Chase.

As a young lawyer in his uncle's law firm of White and Staples, Scott's law ability began to make itself known. By February 1926, he was appointed the Assistant District Attorney for Philadelphia County. While in this position, he led a crusade against the city's twenty-eight magistrate officials, who were not keeping required records. The crusade ended with twenty-seven of them receiving court indictments.⁸

Although he remained in this position until January of 1941, Scott still had his sight on an even higher goal. He aptly described this goal in his book, Come To the Party:

Unlike most young lawyers who looked ahead to a chance to interpret laws as a Judge and who regarded legislative office as a political job valued chiefly for its emoluments, I wanted to be a maker of the laws, a sharer in the operation of the legislative process which had commanded my interest as a student and observer.⁹

Since most of Scott's relatives had long been associated with the Republican Party of Pennsylvania, it was understandable that he should also become inoculated with this same Republicanism. His first experience in politics occurred during the 1940 Republican Convention, which

⁸Anderson, "Scott Speaks Out," p. 8.

⁹Hugh D. Scott, Jr., Come To the Party (New Jersey: Prentice-Hall, Inc., 1968), p. 17.

was held in Philadelphia. During this convention he campaigned vigorously for Wendell Willkie. Although Scott knew that only two of the seventy-two Pennsylvania delegates favored Willkie, he continued to work for him. In the end his work was rewarded when the Presidential candidacy went to Willkie on the sixth ballot.

Scott's own opportunity to serve in the United States Congress came in January 1940, when Republican incumbent, George P. Darrow decided to decline re-election to the Seventh District Congressional seat of Philadelphia because of his age. Several people already were eyeing Darrow's vacancy, but after his formal announcement, Scott went to him to solicit his support. Scott described his meeting with Darrow:

I found the Congressman nostalgically leafing through the scrap-books recording his career. I told him how, at the age of eight and again when twelve years old, I had followed Presidential election campaigns as zealously as my compeers collected cigarette card pictures of baseball greats. . . . After a pleasant visit, I left gratefully with Representative Darrow's personal endorsement.¹⁰

But for Scott this was only the beginning of the battle to obtain the Congressional nomination, for two ambitious politicians challenged him. Aided by Judge Harry S. McDevitt, Scott gained the solid support of the Republican members of the Philadelphia County Board of Judges. This was of importance because the Board was empowered to appoint members of various commissions, who, thus, controlled a great deal of political patronage.¹¹

¹⁰Ibid., pp. 16-17.

¹¹Ibid.

But the final choice for the nomination rested with the five Republican leaders of the Seventh District Wards, who usually picked the candidate after the annual Germantown Republican Club banquet.¹² In an unusual quirk of fate, a friend of Scott's slipped him a ticket of admission to the head table. Since this table seated only party officials, elected officeholders, or candidates, they were the only ones who wore dinner jackets. It took Scott an hour to decide what to wear that evening. He finally decided upon a dinner jacket, which had the affect of convincing his friends and opponents that he had already been chosen. Immediately on his arrival at the head table, a line formed which consisted of those wishing to congratulate him. With this display of support, the next day the party leaders in a 5 to 0 vote announced their endorsement of him.¹³

Scott's opponent in the Congressional campaign was Gilbert Cassidy, Jr., a forty year old Democratic lawyer who had been the former Assistant City Solicitor and Deputy Attorney General of Philadelphia.¹⁴ During the campaign Scott presented himself to the people as a freshman candidate who was a "liberal when it concerns people's rights and a conservative when government tries to take away their property."¹⁵

The national campaign of 1940 proved again to be only a series of

¹²Ibid.

¹³Ibid., p. 18.

¹⁴Anderson, "Scott Speaks Out," p. 6.

¹⁵Scott, Come To the Party, p. 18.

frustrations for the Republican Party and its Presidential nominee, Wendell Willkie. Although Willkie stumped the country charging "that the New Deal had lost faith in the potential of American society," he found that most of the voters accepted the New Deal pattern too well to reward his criticism with their vote.¹⁶ Even the issue of a third term for Roosevelt failed to win voters over to the Republican side.

On November 5, 1940, Roosevelt won re-election. In Philadelphia, Roosevelt's name helped win for the city's Democrats all the congressional seats except for one. That exception was in the Seventh District where Republican Hugh Scott survived the Democratic landslide. Scott won his seat in Congress by a popular vote of 79,411 to Cassidy's 75,241, and held a plurality of 4,170 votes or 51.5 percent.¹⁷

In January 1941, Scott took his oath as a freshman member of the Seventy-seventh Congress. Later, Scott mentioned in his book, Come To the Party, the political approach he decided to follow as a new Representative:

I would question the constitutionality of some legislative approaches, but [I would] support the concept of a federal sharing of responsibility in the advancement of the general welfare. I would want to provide for the poor and the needy and the unemployed where the need existed and to the extent that other governmental units had failed.¹⁸

¹⁶William E. Leuchtenburg, Franklin D. Roosevelt and the New Deal 1932-1940 (New York: Harper and Row, 1963), pp. 319-320.

¹⁷Philadelphia Evening Bulletin, November 5, 1940, p. 3.

¹⁸Scott, Come To the Party, pp. 25-26.

As a Republican Representative, Scott entered a Congress in which both houses retained large majorities of Democrats. His party had failed in its attempt to capture the presidency, as well as in its endeavor to capture Congressional seats. Roosevelt thus began an unprecedented third term as President.

The devotion Roosevelt aroused in the American people could be credited mainly to the legislative programs he began in 1933 to fight the depression. In a short period of a hundred days after entering office, Roosevelt, with overwhelming public support, pushed legislation through Congress, which represented the beginning of the New Deal. It came in many different forms and at many different times. There was corrective legislation to open the banks again, a cut in government costs to balance the budget, a law to establish the Civilian Conservation Corps, the Tennessee Valley Authority, and a wide variety of other agencies in the areas of relief, reform, and, above all for the first few months, recovery.¹⁹

The relief programs of the New Deal guaranteed to all Americans a chance for at least a minimum standard of living. This represented a great advance over pre-depression practices which signified a difference, not in degree, but in kind. For the Roosevelt Administration assumed, unlike the Hoover Administration, that relief was not charity but a right. As one analyst wrote, "During the ten years between 1929 and 1939

¹⁹Frank Freidel, The New Deal in Historical Perspective (Washington: American Historical Association, 1965), p. 5.

more progress was made in public welfare and relief than in the three hundred years after this country was first settled."²⁰

When Roosevelt took office, the country to a large degree responded to the will of a single element--the white, Anglo-Saxon, Protestant, property-holding class. Under the New Deal this single element was replaced by many groups.²¹ Since the federal government was confronted with the economic crisis and its solutions, it had little time to worry over the bestowing of attention or political capital on any one group. But Roosevelt's relief programs did drastically offer one group more than the others.²²

Until 1932, the American Negro had always remained traditionally loyal to the Republican Party. However, the depression caused Negro leaders to become disgusted with the indifference shown to them by their party. In addition, the depression further pushed the Negro to the bottom of America's economic structure. His numbers also comprised the greater part of the total population which was poverty-stricken. The failure of Hoover and the Republicans to use federal relief in halting the depression hurt the Negro more than any other group. It caused the Negro to seek a different party in which to express his political

²⁰Quoted in Leuchtenburg, F. D. R. and the New Deal, p. 332.

²¹Ibid.

²²"Introduction: The Negro in a Time of Democratic Crisis," The Negro American: A Documentary History, edited by Leslie H. Fishel, Jr., and Benjamin Quarles (New York: William Morrow and Company, 1967), p. 447.

feelings.²³

The first move of the Negro from the Republican Party to the urban Democratic coalition was expressed in the midterm elections of 1934. But the end results of this move were translated into the overwhelming Negro support Roosevelt received in the landslide Presidential victory of 1936, and in his successful third term re-election of 1940. The ability which Roosevelt had to personalize the problems of the unemployed and underprivileged immediately made him the most attractive President to the Negro since the Civil War. This enormous popularity caused one Negro newspaper publisher, during the campaign of 1932, to advise his race to ". . . go home and turn Lincoln's picture to the wall. The debt has been paid in full."²⁴

It was ironic that, like Lincoln, Roosevelt made few actual commitments to the Negro. He remained more a symbol to the Negro, rather than an active crusader of their cause.²⁵ As a shrewd politician, Roosevelt's decisions were made with an eye to political consequences. When Roosevelt was pressured by Walter White, executive secretary of the National Association For The Advancement of Colored People, to publicly support an anti-lynching bill, he refused on the grounds that civil rights legislation might bring on a Senate filibuster, which would

²³Arthur M. Schlesinger, Jr., The Age of Roosevelt: The Politics of Upheaval (3 vols., Cambridge: The Riverside Press, 1960), III, 429.

²⁴"Introduction: Negro in Crisis," p. 447.

²⁵Ibid.

delay the passage of other legislation he considered essential.²⁶

Although Roosevelt publicly avoided associating with Negro leaders or projects until 1935, he continually appointed assistants to government positions who were sympathetic to the Negro. The most notable man chosen was the Secretary of the Interior, Harold Ickes. Previous to this appointment he had been the president of the Chicago chapter of the NAACP. In 1933 Roosevelt approved the appointment of a Negro, Clark Forman, as an assistant to Ickes, in charge of seeing that Negroes received fair treatment by government agencies. Besides Ickes, members of the Roosevelt Administration such as Daniel Roper, Secretary of Commerce, and Harry Hopkins, Roosevelt's relief administrator, believed firmly in the idea that the New Deal should work generously with and for Negroes.²⁷

The New Deal programs naturally became the modes of expression for this new sympathy toward the Negro. The most significant ones were the Federal Employment Relief Administration (FERA), the National Recovery Administration (NRA), the Tennessee Valley Authority (TVA), the National Youth Administration (NYA), the Civilian Conservation Corps (CCC), and the several agencies concerned with public housing efforts. To the Negro these agencies represented some hope that the federal government was truly endeavoring to grapple with some of the problems

²⁶Frank Freidel, F. D. R. and the South (Baton Rouge: Louisiana State University Press, 1965), p. 81.

²⁷"Introduction: Negro in Crisis," p. 447.

confronting racial progress. As the NAACP journal, Crisis, conceded in 1936, "Even with their failures, they have made great gains for the race in areas which heretofore have set their faces steadfastly against decent relief for Negroes."²⁸

By 1935 the President began to publicly make statements that were addressed to and about the Negro. He first referred to them indirectly in his annual message to Congress. Later in a speech before the state administrators of the Works Projects Administration, the President more directly referred to the Negro by saying, "We cannot discriminate in any of the work we are conducting either because of race or religion or politics."²⁹ But Roosevelt still did not directly commit himself until 1941, when he issued Executive Order 8802, which established a Fair Employment Practice Committee to supervise all defense-contract industries.

The credit for much of the progress made by the Negro during this decade lies within the programs of the New Deal. But the Negro was also making significant progress in other areas. In athletics, the United States had a Negro Olympic champion in Jesse Owen. Interracial conferences became more frequent as college students and adults met to discuss such topical concerns as education, religion, and civil rights. And by 1940 some Northern newspapers even began to editorially recognize

²⁸Quoted in Schlesinger, The Age of Roosevelt, III, 433.

²⁹Leslie H. Fishel, Jr. "The Negro in the New Deal Era," Twentieth Century America: Recent Interpretations, edited by Barton J. Bernstein and Allen J. Matusow (New York: Harcourt, Brace and World, 1969), p. 297.

the importance of Negro History Week.

Among the people who shared the Democrats' concern for the plight of the Negro was Republican Hugh Scott. In his second term he spoke out before the House Education and Labor Committee in defense of funding more money to the Fair Employment Practices Commission by saying, "Everytime an employer says to a Negro, a Jew, or a Spanish-American that he cannot do a job, only because of his race, or his religion, or his national background, millions of Americans have their faith in America shaken. . . ." ³⁰ Although Scott came from a congressional district which had a white majority, he nevertheless voiced his concern for the rights of the Negro.

In the previous session of Congress, Scott added his voice to those who wished to see the poll tax requirement abolished. The poll tax was being used by many Southern states to disfranchise the Negro. In a speech before the House in 1942, Scott urged his fellow Congressmen to support the anti-poll tax bill by saying, "Let us pass this bill without delay. Let us abolish the vicious poll tax requirements." ³¹ Again in October 1942, Scott reminded the Congressmen of the tax saying, ". . . it is not right nor just to require those who would vote that they must pay for the right to send members to Congress." ³²

³⁰ Congressional Record, 78th Congress, 2nd Session, A1452 (March 22, 1944).

³¹ Ibid., 77th Cong., 2nd Sess., 7004 (Aug. 31, 1942).

³² Ibid., 8137 (Oct. 13, 1942).

As Chairman of the Republican Party in 1948, Scott was instrumental in appointing a sub-committee to study the problems of civil rights.³³ Eventually the sub-committee findings became part of the Civil Rights plank of the Republican Party Platform. These civil rights proposals included anti-lynching legislation, abolition of the poll tax as prerequisite for voting, and the end to racial segregation in the Armed Forces.³⁴

The major point of Scott's civil rights career in the House came, however, in the 1950's, when the Republicans regained control of the White House through the election victory of Dwight D. Eisenhower. During the Eisenhower Administration, Scott worked closely with it to help draft a civil rights program. With the aid of Representative Adam Clayton Powell of New York, Scott acted as co-chairman in organizing a "Civil Rights Bloc" in the House in 1955. The purpose of this bipartisan bloc was to get out the vote of civil rights proponents when amendments or legislation on this question came to the House floor.³⁵ Scott as a member of the House Judiciary Committee also helped in getting the President's civil rights bill sent to the House floor with few changes. With the aid of the Civil Rights Bloc, debate in the House lasted only one week and the bill (HR 627) was passed. But in the Senate parliamentary maneuvers prevented the House-passed bill from

³³ Ibid., 81st Cong., 1st Sess., A767 (Feb. 14, 1949).

³⁴ New York Times, June 23, 1948, p. 6.

³⁵ Ibid., November 18, 1955, p. 9.

reaching the Senate floor before adjournment.

In the Presidential campaign of the following year, Scott became one of the chief spokesmen for the Eisenhower Administration on civil rights. In various speeches throughout the campaign, Scott urged that civil rights legislation be passed, and that there be ". . . reestablishment of first class citizenship in all of the United States."³⁶ President Eisenhower's re-election in 1956 set the stage for the final all-out attempt to have civil rights legislation passed. Scott's appointment to the House Rules Committee later provided him with the opportunity to use his pivotal vote in clearing the voting rights provision of the bill to the House floor. The House passed the bill without making any changes in it. In the Senate, the bill had to undergo a lengthy filibuster by South Carolina Senator Strom Thurmond. But in the final negotiations between House and Senate leaders the differences over the bill were ironed out to allow its passage.

Finally, on September 9, 1957, President Eisenhower signed HR 6127, which became known as the Civil Rights Act of 1957. The effort and work of Scott and the other members of the Congress led to enactment of the first federal civil rights legislation in eighty-two years.

In March 1957, Scott won the Pennsylvania Republican organization's endorsement for the Senate seat of Senator Edward Martin. His Democratic opponent in the Senatorial race proved to be none other than the former Governor of Pennsylvania, George Leader. In a major up-hill

³⁶ Ibid., March 6, 1956, p. 25.

battle, Scott surprisingly upset Leader for the Senate seat. Scott's victory made him the state's strongest Republican since he was the only Republican to survive the Democratic sweep in Pennsylvania's state elections.³⁷

Scott's election to the Senate in 1958 began the second phase of his political service to the people of Pennsylvania and the nation. In the Senate he has continued to fight for civil rights legislation. In 1960 Scott joined with other Senate liberals to form a bipartisan bloc seeking action on legislative recommendations of the Civil Rights Commission. He urged President Kennedy to issue an executive order ending racial discrimination in federally-financed housing. Eventually, the proposals suggested by the bipartisan bloc became the provisions which were actually passed in the Civil Rights Act of 1964.³⁸ One of Scott's most important accomplishments in the area of civil rights came in the Eighty-seventh Congress, when he, along with other liberal Senators, got Congress to approve the Twenty-fourth Amendment, outlawing the poll tax as a prerequisite for voting.

Senator Scott has continued his fight in the Senate, as he had in the House, to see that all people respect the equality of all men. As Senator Edward Brooke remarked about Hugh Scott's civil rights efforts, "Because of Senator Scott's activities in the field of civil

³⁷Philadelphia Inquirer, November 5, 1958, p. 1.

³⁸Scott, Come To the Party, p. 179.

rights, Americans who belong to the minority groups have achieved, by law, many rights which they were previously denied."³⁹

³⁹Cong. Rec., 91st Cong., 2nd Sess., E6306 (July 7, 1970).

CHAPTER II

CIVIL RIGHTS IN RETROSPECT, 1913-1957

In America, the struggle to assure Negroes full political and economic rights has been a major social problem since the Civil War. The Negroes' destiny in this struggle has rested solely in the hands of America's white majority. Characteristically, this majority has moved with ambivalence and hesitation in regard to extensive reforms for Negroes. But in two separate and very distinct eras the majority displayed a sincere interest in protecting the Negroes' civil rights-- that is to say, "The general right to compete for the means and the rewards of life that our moral and legal structure promise to all persons irrespective of race, color, religion, or national origin."¹

The end of the Civil War marked the first era of this concern. Not only was slavery abolished, but a true national effort was started to incorporate Negroes into the civic and political life of the country. Eventually, this federal and state effort waned, and Negroes again found themselves returned to the status of second class citizens. It would be many years before another great conflict would rekindle this spirit of concern.

In the first half of the 20th century, the branches of the Federal government, especially Congress, made no new attempts to enact

¹Albert P. Blaustein and Robert L. Zangrando (eds.), Civil Rights and the American Negro (New York: Trident Press, 1968), p. vii.

legislation which would assure the Negro equal rights or opportunities. Even existing laws were not strengthened or enforced. The only congressional action concerning Negro rights during this time occurred in 1913, when Southern members of Congress tried to federalize the segregation policy. Although this bill failed to receive a passing vote in Congress, segregation practices were begun in Federal offices, shops, restaurants, and restrooms in the District of Columbia. Thus the capitol of the greatest democratic nation in the world became just as totally segregated as any former Confederate state.²

The entrance of the United States into war in 1917 failed to end the practice of segregation within the Armed forces. Of the two million Negroes who volunteered to serve in defense of their country in this war, only 360,000 of them were taken. Once accepted into service, the Negro soldier quickly found his choice of branches limited. The Navy only accepted him for menial duties. The Marine Corps rejected him altogether. The Army segregated him into separate labor battalions, whose commanders for the most part were white Southern officers, since the Army reasoned that these officers could lead the Negro best because as Southerners they understood him. This policy resulted in a great deal of resentment by black soldiers of all white officers. The degree to which racism prevailed throughout the Army is best described by a document sent to the French Army by American Headquarters in 1918. Its

²National Advisory Commission on Civil Disorders, Rejection and Protest: An Historical Sketch (Washington: Government Printing Office, 1968), v, 101.

information was to be relayed to French officers who were commanding Negro troops in the field. It mentioned:

The number of Negroes in America would be a "menace of degeneracy," if it were not for segregation. Americans resented any "familiarity" with Negroes by whites and considered it "an affront to their national policy" French officers should never commend Negro soldiers too highly.³

Of course, these critics also failed to mention the numerous successes which black soldiers performed, as often reported by French and white American officers. Although some Negroes were bitter over this type of treatment, most of the leaders remained patient and loyal. They hoped that their show of patriotism would win for them a place of acceptance by white Americans.

The war affected change within America in other ways too. Between 1910 and 1930 a great Negro migration occurred. The Negro population in northern cities increased from 10.5 percent to 20.2 percent. Approximately half a million Negroes crowded into such industrial centers as Cleveland, Pittsburgh, and Chicago. The factors for migration were created as early as 1915 with the westward shift of cotton growing and the enormous damages caused to cotton by the boll weevil. The war caused many Negro men to move north to be closer to the draft induction centers. The shortage of white workers lost to the draft and the restrictions on foreign immigrants caused industry to actively begin recruiting Negroes as workers. Life for the Negro in the North also proved to be better, not only because he could earn higher wages, but

³Quoted in Richard M. Dalfiume, Desegregation of the United States Armed Forces (Columbia: University of Missouri Press, 1969), p. 17.

also the opportunities for political self-respect were the greatest he had ever seen.⁴

But the equality hoped for by Negro leaders at the conclusion of the war never materialized. Returning Negro soldiers were lynched and burned by members of the revived Ku Klux Klan, while these soldiers were still in their military uniforms. Racial conflicts engulfed the country, with federal and state governments showing not the least amount of concern for effective intervention.⁵ Negroes faced this new attempt at racism realistically and determined to fight it. As the editor of Crisis said in 1919, "We return from fighting. We return fighting. Make way for Democracy! We saved France, and by the Great Jehovah, we will save it in the U. S. A. or know the reason why."⁶

The hope for a new assault on racism did not become a reality until the election of Franklin D. Roosevelt in 1933. Roosevelt's New Deal programs set in motion the forces of federal power which would eventually open the way for federal intervention into the problems of race. This active use of federal intervention was first precipitated by the Depression. Because of the Depression many white Americans also experienced the economic deprivation and abuse, known previously by a majority of Negroes. In an attempt to repair this broken economic

⁴Gunnar Myrdal, An American Dilemma (New York: Harper Brothers, 1944), I, 193.

⁵John Hope Franklin, "The Two Worlds of Race: A Historical View," The Negro American, edited by Talcott Parsons and Kenneth B. Clark (Boston: Houghton Mifflin Company, 1966), p. 60.

⁶Ibid., p. 61.

system it was realized that political power must be asserted. Thus Roosevelt used the federal government for dramatic attempts at remedy. The New Deal not only became committed to economic justice, but it set the stage for the present movement toward racial justice.⁷

The support that the Negro gave Roosevelt was significant since it provided him with a powerful re-election bloc vote. In the Presidential election of 1940, Roosevelt's ability to win overwhelming victories in the "black belt" urban districts of Detroit, Chicago, and New York proved great enough to swing the rest of the state.⁸ In the 1940 election issue of the NAACP's Crisis, Roosevelt's record in the area of civil rights was summarized:

Most important contribution of the Roosevelt Administration to the age-old color line problem in America has been its doctrine that Negroes are a part of the country as a whole. The inevitable discriminations notwithstanding. . . . For the first time in their lives, government has taken on meaning and substance for the Negro masses.⁹

The Depression and the New Deal programs played an important part in the evolution of the Negroes' attack on racial injustice. But the second era of concern for the Negroes' civil rights truly began with Pearl Harbor. Oddly enough, the first effect of the war acted, not to advance, but to slow down the Negroes' awakening. Much of what Negroes

⁷Kenneth B. Clark, "Introduction: The Dilemma of Power," The Negro American, p. xiii.

⁸Walter Lord, The Past That Would Not Die (New York: Harper and Row, 1965), p. 45.

⁹Roy Wilkins, "The Roosevelt Record," The Crisis, XLVII (November, 1940), 343.

experienced in World War I occurred over again. Negroes migrated to the North but this time at a much greater rate than before. During the 1940's the Negro population actually declined in the South. As in the previous war, the armed forces continued to remain conservative, segregating Negroes and keeping them in menial jobs. Negroes were still not accepted in the Marines, the Navy Waves, or as pilots. In defense industries in the United States, Negroes appeared in only one job for every twenty white workers.¹⁰

This war was different because it was fought over ideologies and in the defense of democracy. The totalitarian dictatorships of Fascism and Nazism were based on a racial superiority dogma--not unlike America's own brand of racism--and they also achieved power by means of racial persecution and oppression. The United States could not brand Hitler's superracism policies as evil without looking at its own creed of white supremacy.¹¹ The awareness of these inconsistencies at home and the propaganda pronounced abroad proved to be a powerful tool in the hands of Negro leaders. Negroes who witnessed the 1920's and 1930's were unwilling to fight Nazism in the context of an American racist ideology. Roy Wilkins, the editor of Crisis, called the war a "Second act" to 1914-1918, only this time, "'The villains talked of master races,' of force, of the insignificance of the individual. . . . These were things

¹⁰United States Commission on Civil Rights, Report: 1961, "Employment," Book 3 (Washington: Government Printing Office, 1961), p. 9.

¹¹Myrdal, American Dilemma, II, 1004.

that 13,000,000 American Negroes, even though 'educated' in Mississippi could understand easily."¹²

Although some white Americans were also uneasy with the role of freeing Europe of a racism which still continued in the United States, it was Negroes who, without the help of whites, dramatized American inconsistency by threatening a political protest over discrimination in employment in defense industries. As in World War I, industries which discriminated against the Negro before now turned to him in time of crisis. The economic spending of 1941 primarily dealt with defense contracts. But skilled workers were needed in these jobs, and few industries would train non-Caucasians. It was difficult for the Negro to understand the constant war propaganda for the defense of free men and free institutions, when he heard the President of North American Aviation say, "While we are in complete sympathy with the Negro, it is against company policy to employ them as aircraft workers or mechanics. . . . There will be however some jobs as janitors for Negroes."¹³

In 1941, the president of the Brotherhood of Sleeping Car Porters, A. Philip Randolph, proposed a massive march of Negroes on the nation's capitol in July to protest against discrimination in defense plant hiring. President Roosevelt, faced with the possibility of 50,000 Negroes demonstrating on the White House grounds, issued Executive Order

¹²Roy Wilkins, "The Negro Wants Full Equality," What the Negro Wants, edited by Rayford Whittingham Logan (Chapel Hill, North Carolina: University of North Carolina Press, 1944), p. 113.

¹³Quoted in Garfinkel, When Negroes March, p. 17.

8802, creating the Committee on Fair Employment Practices, which dealt with cases of discrimination in employment and vocational training programs in defense industries and governmental defense contracts. Although the FEPC only had power to investigate discrimination and not enforce compliance to non-discrimination, it represented the first time in the history of Negro protest that unanimous and militant pressure was applied against any President of the United States.¹⁴

Another major assault on racism occurred within the armed forces. Roy Wilkins expressed the sentiments of more than a million Negroes in uniform when he wrote, "It is pretty grim . . . to have a black boy in uniform get an orientation lecture in the morning on wiping out Nazi bigotry, and that same evening be told he can buy a soft drink only in the 'Colored' post exchange."¹⁵

Roosevelt made few actual concessions to Negro leaders in regard to the desegregation of the military. Some of the Negro units had white officers, and most of the officers' training was desegregated. But the Navy still accepted Negroes only as messmen, and the Army still maintained a racially separate military force.

Still, to the Negro Roosevelt represented the President who had done the most in helping them achieve their civil rights. Frank Friedel best described the President's feelings on civil rights:

¹⁴U. S. Commission on Civil Rights, Report: 1961, "Employment," Book 3, 10.

¹⁵Wilkins, "The Negro Wants Full Equality," p. 130.

Roosevelt did not stand in the path of those who were endeavoring to obtain greater civil rights for Negroes, but neither would he fight in their behalf. . . . At the most his was a position of benevolent neutrality . . . he was disposed to capitulate when they could muster sufficient force.¹⁶

The war brought on the greatest Negro migration in history. Negroes left the South by the hundreds of thousands to occupy jobs in steel mills, aviation plants, and numerous other industries of the North and West. The concentration of Negroes in communities which had no political restrictions proved to have enormous ramifications for their amount of political power. The successful election of Negroes to positions in legislatures, Congress, and the Judiciary marked the beginning of their fight to win political respect. The South's refusal to modify its attitudes on segregation after the war caused a bolder attack on folkways than that of the Roosevelt Administration. The conviction that civil rights should be left to a state was modified to using federal power to destroy the Jim Crow system. This became even more urgent as colonial minorities of the world achieved their freedom, and the United States by its racial distinctions was threatened with the loss of friendship of over a billion non-white people to the Communists.¹⁷

Roosevelt's death left the fate of the surfacing political and legal problems raised by civil rights in the hands of the Truman Administration. In September 1946, a Negro delegation headed by Walter White

¹⁶Freidel, F. D. R. and the South, p. 97.

¹⁷Harold R. Isaacs, The New World of Negro America (New York: The John Day Company, 1963), p. 44.

pleaded with President Truman for enactment of meaningful legislation for the Negro. The pressure became so great that in December Truman issued Executive Order 9808, which established a Committee on Civil Rights. The President's Committee issued in October 1947 recommendations calling for the "elimination of segregation based on race, color, creed, or national origin, from American life."¹⁸ The Committee's report went far beyond what the President had in mind in 1946. But to the Negro this Executive Order represented one of the most important steps ever taken to end racial discrimination. The report put the President squarely on the spot; to ignore its recommendations would cause him many Negro votes, but to recommend all of these reforms would alienate the Southern white voter. Finally, Truman incorporated some of the recommendations in his State of the Union Message to Congress, on February 2, 1948. This son of a former Confederate soldier recommended to Congress a six point legislative program on Civil Rights. The program called for a federal FEPC, federal anti-poll tax and lynching statutes, and a law to create a permanent Commission on Civil Rights in the Congress as well as a Civil Rights Division in the Department of Justice.¹⁹ Although the measures had the support of many Congressmen in both parties, Southern Congressmen were strong enough to delay passage of the President's civil rights program. This delay caused many

¹⁸ To Secure These Rights, The Report of the President's Committee on Civil Rights (Washington: U. S. Government Printing Office, 1947), p. 166.

¹⁹ Ibid., p. 167.

Republicans to express dissatisfaction in the President's ability to get civil rights legislation through Congress. One of the most ardent critics was Representative Hugh Scott. Scott spoke out against the President's own Senate Democratic members who threatened to filibuster to prevent the passage of civil rights legislation.²⁰

However, Truman did enact two executive orders which eventually established his major civil rights achievements. On July 26, 1948, he issued Executive Order 9980, which emphasized nondiscrimination in government employment and stated, "All personnel actions taken by Federal appointing officers shall be based solely on merits and fitness . . . there shall be no discrimination because of race, color, religion, or national origin."²¹

The following day Truman established by Executive Order 9981 the President's Committee on Equality of Treatment and Opportunity, which began desegregation of the armed forces. This order was kept so secret that the general public did not find out until the Korean War that the policy of integration had begun. Although the Truman Administration failed to take action to create a FEPC, Truman did endeavor to keep the federal government active in protecting the Negroes' civil rights. During the 1950's, Truman continued to avoid abandoning the Negro to the forces of illiberalism in the United States. Although his actions often

²⁰Cong. Rec., 81st Cong., 1st Sess., A842 (Feb. 12, 1949).

²¹"The Fair Deal, 1945-1953," The Truman Administration: A Documentary History, edited by Barton J. Bernstein and Allen J. Matusow (New York: Harper and Row, 1966), p. 110.

did not reflect his words, he nevertheless fought those who intended to extend segregation, and advanced the Negroes cause.²²

By 1950, however, the Negro misunderstood the very organizations which were trying to advance his rights. To the Negro the NAACP appeared too intellectual and narrow in its approach to his existing problems. Its emphasis on lobbying in Congress and filing numerous legal suits were insignificant to the Negro masses. But this proved to be misleading as the NAACP began to lay the foundation for a massive attack on segregation. For some time it worked to improve the Negroes' position by attacking lynching, the white primary, and segregation on interstate buses. Finally, the NAACP began cautiously to attack school segregation. Before the NAACP had not touched this area of racial discrimination because of the sensitivity of the South and the Supreme Court's firm stand on the "separate but equal" doctrine.²³

While the executive and legislative branches of the federal government began civil rights reform, nevertheless, the real initiative and leadership came from the federal judiciary. Historically, the Supreme Court was the force which destroyed the Radical Republicans' advances in civil rights made after the Civil War. Now the NAACP felt the time was near for the Court to reinterpret its narrow rulings on civil rights which stood for so many years.

In 1950, as the Court continued its liberal swing towards ending

²²Ibid., p. 113.

²³Lord, The Past That Would Not Die, p. 54.

discrimination, NAACP lawyers held a strategy meeting in New York, and decided to boldly attack public school segregation. By December 1953, five cases were sent to the Supreme Court from South Carolina, Virginia, Kansas, Delaware, and the District of Columbia, all of which challenged the constitutionality of segregation in public schools. Represented by Thurgood Marshall, chief counsel for the NAACP, these plaintiffs were not merely attacking inequality but segregation itself. Months of deliberation took place as the Court gave all sides a chance to be heard. Finally, on May 17, 1954, President Eisenhower's recently appointed Chief Justice, Earl Warren, delivered the opinion in the case of Oliver Brown et. al. v. Board of Education of Topeka, Kansas. In a 9 to 0 decision the opinion held "that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal."²⁴

This proved to be one of the most momentous and far-reaching decisions in civil rights since the Plessy v. Ferguson decision of 1896 established the "separate but equal" doctrine. Although this decision did not break the forces of segregation completely, it at least put them on the defensive. Little was done concerning the Court's decision until an implementation decree was made in May 1955. Immediately the NAACP filed petitions to the Court calling for desegregation of one hundred

²⁴ Oliver Brown v. Board of Education of Topeka, Kansas, 347 United States Supreme Court 483 (1954).

and seventy school boards which encompassed seventeen states.²⁵ To some Congressmen, such as Representative John Bell Williams of Mississippi, the Court's decision was described as "Black Monday" for the South. Other members of Congress took the decision in the manner of Representative Hugh Scott, who said:

I think it is the responsibility of the Congress and of the press and of the people of the North and the South to do their level best to work this problem out as the Supreme Court has said, with all possible speed. . . . I do think it is most important that on civil-rights legislation we here, too, should move with all reasonable speed.²⁶

Scott was not the only person concerned with more equal treatment for Negroes. For in Montgomery, Alabama, a group of Negroes led by Dr. Martin Luther King began a city-wide bus boycott to force an end to Jim Crow laws in the city transit. This new awakening of the Negro to a more militant stand to achieve his rights naturally would create an equally militant white reaction. The election of a heroic general as President signaled that for the moment the majority of people were tired of idealism, sacrifice, and righteous campaigns.²⁷ In interpreting this mood the Eisenhower Administration took steps to do little about enforcing desegregation. However, in 1956 the Eisenhower Administration felt compelled to act when violence became part of the resistance to desegregation. That February, a Negro's admission sparked a riot on the

²⁵C. Vann Woodward, The Strange Career of Jim Crow (New York: Oxford University Press, 1966), p. 154.

²⁶Cong. Rec., 84th Cong., 2nd Sess., 4864 (Mar. 15, 1956).

²⁷Woodward, Strange Career of Jim Crow, p. 164.

campus of the University of Alabama. Throughout the South, white politicians fanned racial hatreds with programs such as Virginia's "massive resistance" to school desegregation advocated by Senator Harry F. Byrd. During this time reason and tolerance were totally lacking as Southern resistance spread to banning books, purging libraries, and slanting newspapers.²⁸

Finally, in September 1957, racial hatred reached a frenzy point when nine Negroes attempted to enter the all white Central High School in Little Rock, Arkansas. The Negro students were prevented from entering the school by national guardsmen called out by Arkansas Governor Orval Faubus. Although the troops were later withdrawn, racial tensions were so high that when Negroes attempted to enter the school for a second time they were met by an angry mob of spitting and cursing whites. For three hours the mob rioted outside the school and at last the Negro children were removed for their own safety. The President's non-interventionist philosophy was quickly forgotten the next day, when by Executive Order he dispatched one thousand men of the 101st Airborne Infantry Division to Little Rock. President Eisenhower thereby took his most important civil rights action, but in doing so he set a precedent in using federal military power to end resistance to civil rights orders by a federal court.²⁹

With the assistance of Representative Hugh Scott, Attorney

²⁸ Ibid., p. 165.

²⁹ Harold C. Fleming, "The Federal Executive and Civil Rights: 1961-1965," The Negro American, p. 375.

General Herbert Brownell and several others, Eisenhower submitted to Congress on January 10, 1957, a civil rights program. In the House of Representatives the Administration bill was passed in July 1956, due in part to the aid provided by Representative Scott's "Civil Rights Bloc," whose members desired to see effective legislation passed. But the bill underwent several revisions and one filibuster before its passage by the Senate. In September 1957, the Civil Rights Act was signed by the President. Although the Civil Rights Act of 1957 dealt primarily with voting rights, and did not cover as far reaching measures as many Negro leaders would have hoped, it did indicate that the legislative branch was again reassuming its role in the making of civil rights legislation that heretofore was left to the executive and judiciary branches.³⁰

The passage of the Civil Rights Act of 1957 marked the beginning of an all out attack on the elimination of racism in America. Through the techniques of demonstrating, picketing, and sit-ins more Americans were made aware of the inequality which existed to a tenth of the people of the United States. In Congress, this awareness became evident when Hugh Scott, a newly elected Senator, informed his colleagues, "I look forward to the session in 1960, to the enactment of an even more effective Civil Rights Act."³¹

³⁰ Franklin, "Two Worlds of Race," p. 67.

³¹ Cong. Rec., 86th Cong., 1st Sess., 1957 (Sept. 12, 1959).

CHAPTER III

SCOTT'S HOUSE CAREER IN CIVIL RIGHTS

The substantial changes which were taking place in the 1950's were marked by a shift in white opinion toward a more sympathetic regard for Negroes. In the Congress, such men as Representative Hugh Scott of Pennsylvania felt that the time was drawing near when actual civil rights legislation could be passed. Throughout his career in the House, Scott continually spoke out against the inequalities to which Negroes were subjected. Finally in 1956 many of the House members began to show a more responsive mood concerning the Negroes' plight. During this time, Scott, now a former Republican National Chairman and close friend of President Eisenhower and Attorney General Herbert Brownell, became deeply involved with the new attempt to pass civil rights legislation. Immediately, Scott became one of the major proponents of this legislation, and also one of its leading spokesmen.

This attempt to have legislation passed in the civil rights area was not a new task for Scott. In 1954 after the historic Supreme Court decision, Scott not only voiced his opinion on the need to have better civil rights legislation approved quickly, but he also took the initiative in suggesting immediate legislation calling for the "creation of a bipartisan commission [in Congress] to investigate the racial tensions."¹

¹Cong. Rec., 84th Cong., 2nd Sess., 4864 (Mar. 15, 1956). See also Chapter II, page 31.

And in 1955 his attempts to have a bill passed which would have eliminated discrimination in certain forms of interstate transportation met with defeat in the Interstate and Foreign Commerce Committee. Although Scott's bills were defeated, he with other members of the House helped make the 1955 session one in which the major issue was the controversy over civil rights.

This controversy gained momentum when Negro Representative Adam Clayton Powell, Jr., of New York offered amendments to the Armed Forces Reserve Bill calling for a ban on racial segregation in public housing, public schools, and the National Guard. Although all of Powell's amendments met with rejection, they acted as a catalyst to organize liberal House Congressmen behind the banner of civil rights. This resulted in the formation of a House "civil rights bloc." Acting as bipartisan co-chairmen of this group were Democratic Representative Powell, Republican Hugh Scott of Pennsylvania, Democrat James Roosevelt of California, and Charles C. Diggs, Democrat of Michigan. Fifteen other Representatives served as whips designated to call out other civil rights supporters in the event legislation or amendments on this issue came to the House floor.² Later the "civil rights bloc" held general gatherings which could be attended by all house members interested in discussing ways to carry out the civil rights proposals.

The President believed that the introduction of legislation in the field of civil rights was wasted when it inevitably ended up being

²New York Times, November 18, 1955, p. 9. See also Chapter I, page 14, and Chapter II, page 33.

defeated. Instead, the President proposed to use his power of executive order to eradicate segregation, particularly within the city of Washington and the federal government.³ However, during his first term the use of the executive order appeared to be much less than actual enthusiastic commitments to stem segregation and improve the Negroes' civil rights.

Not until his State of the Union Message in 1956 did the President make his first public civil rights requests. In these requests the President asked that Congress create a bipartisan Commission on Civil Rights to investigate charges that "in some localities allegations persist that Negro citizens are being deprived of their right to vote and are likewise being subjected to unwarranted economic pressure."⁴ In his message the President added that more proposals would be added to the program during 1956. Because of a cabinet dispute over the strongly worded Justice Department proposals, the President's actual civil rights recommendations did not reach Congress until April 9, 1956.⁵

The obvious absence of civil rights as an issue in Congress for over half a century immediately became apparent when the administration's proposals were submitted, and Congressmen rushed to form into two distinct camps. Southern Congressmen naturally rallied to block civil rights legislation. In the Senate, the former Dixiecrats sounded the filibuster

³ Ibid., November 27, 1961, p. 22.

⁴ U. S., Public Papers of the Presidents of the United States: Dwight D. Eisenhower, 1953-1961 (8 vols., Washington, 1960-1961), 1959, Document 2.

⁵ Ruth P. Morgan, The President and Civil Rights (New York: St. Martin's Press, 1960), p. 46.

alarm, while in the House, seventy-nine Democrats and four Republicans issued a "Civil Rights Manifesto" urging immediate defeat of the civil rights bill.⁶

On the opposite side of the issue, Congressmen such as Hugh Scott appeared to lead liberal Republicans and Democrats in a united effort to have civil rights legislation passed. The "civil rights bloc," founded in 1955, was rejuvenated to aid the pro-civil rights Congressmen in carrying out the administration's proposals.

As a spokesman for civil rights Scott became one of the three authors of the civil rights bills in the House of Representatives. Along with Representative Kenneth B. Keating of New York, Scott introduced H. R. 10426, H. R. 10428, H. R. 10348, and H. R. 10349, all of which became known in Congress as the Attorney General's bills.⁷ Although these bills were sent to the Committee on the Judiciary, only the bill introduced by the third author, Emmanuel Celler of New York, won the committee's final approval.

Celler's bill, H. R. 627, gained the support of Scott and other members of the Judiciary Committee. Action was taken on the Committee's third attempt to report a bill, but as reported H. R. 627 was amended to omit the earlier Committee provisions which called for a Joint Congressional Committee on Civil Rights and for a ban on discrimination

⁶ Cong. Rec., 84th Cong., 2nd Sess., 12761 (July 13, 1956).

⁷ Ibid., 13148 (July 17, 1956).

and segregation in interstate transportation.⁸ Although the amendment to H. R. 627 represented a defeat for some of the bill's proposals, the proponents of civil rights legislation managed to keep the bill alive. But its stiffest opposition came in the Rules Committee.

The Rules Committee chairman, Howard W. Smith of Virginia, opposed civil rights legislation and attempted to use his power to delay the bill by the use of parliamentary maneuvers and lengthy open hearings. On the first day of hearings, two of the most ardent supporters of the bill, Representatives Scott and Keating, testified. Scott explained the purpose of the bill by saying:

The bill is to make certain that rights guaranteed by the Constitution and laws of the United States will be enjoyed by all persons regardless of race or creed or color or national origin. . . . The right of suffrage has at times been impeded. The law is intended to be universal in application.⁹

Since Scott was one of the authors of the civil rights legislation, he explained to the Rules Committee the particular point of the bill, "The ultimate goal of the authors of these bills . . . is the safeguarding of the free exercise of the voting right. . . ."¹⁰

In the questions which followed Scott's testimony, he was asked by Chairman Howard W. Smith to give his meaning of civil rights. To

⁸Georgianna F. Rathbun (ed.), Revolution in Civil Rights (Washington: Congressional Quarterly Service, 1968), p. 37.

⁹U. S. Congress, House of Representatives, 84th Congress, 2nd Session, Committee on Rules, A Bill To Provide Means of Further Securing and Protecting the Civil Rights of Persons Within the Jurisdiction of the United States; Hearings . . . H. R. 627, June 20, 1956 (Washington, 1956), p. 68.

¹⁰Ibid.

this Scott answered:

. . . the right of a free American, who has qualified under the laws of the land . . . to freely exercise that franchise without having it taken away from him by any authority or by any individual. That is a civil right. The right to vote is one of the highest rights--the right of suffrage.¹¹

Inevitably, Scott was asked about the most controversial part of the bill, which dealt with the Attorney General's power to protect voting rights by using civil remedies for its enforcement. Scott gave an illustration to explain when the section might be used:

It [becomes] a question of fact whether in applying a literacy test, the proper question was used in asking a prospective voter how many bubbles there were in a bar of soap. The court is empowered to pass on whether or not that is an application of the literacy test under the law of that State.¹²

Of all the sections in the civil rights bill, Scott felt that if the power to use the Attorney General's office was prohibited in helping to protect voting rights, then the whole effectiveness of the bill would be lost.

The Rules Committee chairman, Howard W. Smith, was so successful in preventing the civil rights bill from entering the House that a discharge petition filed by Democratic Representative James Roosevelt of California was needed to bring the bill before the entire House. Once in the House the bill again was subjected to a new series of debates begun by southern congressmen. While these debates continued in the House, Scott remained active in other facets of civil rights which sprang

¹¹ Ibid., p. 70.

¹² Ibid., p. 74.

up at this time.¹³

In June, Scott strongly endorsed a bill which authorized the coinage of 50-cent pieces in connection with the anniversary birth of George Washington Carver. Scott felt that this might possibly ease racial tension. Since May 1954, he said, "There have been tensions in our land among the peoples and between the races. . . . The Congress of the United States has made a most worthy contribution in race relations by authorizing the coinage."¹⁴ Scott proposed also that the money received from the sale of the coins be used to finance a national publicity campaign that would aid in easing racial tensions.

Scott also added his support to the amendment which Representative Adam Clayton Powell of New York was attempting to add to the civil rights bill. In Powell's amendment a strict time limit would be imposed on school desegregation, and the determination of compliance to this ruling would be shifted from the local courts to the United States Commissioner of Education. In a further attack on the opposition to the Powell amendment, directed at ex-President Truman and the Democratic National Committee, Scott added that "This is not the first time Harry Truman has tried to pull the rug out from under civil rights legislation."¹⁵ Scott lashed out at the Democrats for their failure to support meaningful civil rights legislation.

¹³ Cong. Rec., 84th Cong., 2nd Sess., 9365 (May 31, 1956).

¹⁴ Ibid., A5117 (June 26, 1956).

¹⁵ Ibid., 11766 (July 3, 1956).

Shortly after the civil rights bill was cleared to the House floor, Scott spoke in San Francisco on June 29, 1956, before the 47th Annual Convention of the National Association for the Advancement of Colored People. In his speech, Scott took another opportunity to offer his strongest denunciation of the Democrats for not working together to pass the civil rights bill. He reiterated:

The Democratic Party is still split hopelessly--its candidates frantically wearing two faces for purposes of geographical interchangeability, its Congress in control of the southern Do-Naught-Crats. Some of its committees . . . do not dare to hold meetings for fear of the specter of civil rights. And when such meetings are held . . . civil-rights proposals are filibustered to extinction by southern Democrats.¹⁶

It was understandable that Scott picked the Democrats to attack on the issue of civil rights, since most chairmen of the powerful Congressional committees were southern Democrats who were strongly opposed to any legislation which would grant to Negroes more equal rights.

The efforts of this southern block of Congressmen effectively slowed action on the civil rights bill until the session's final week. The civil rights bill, H. R. 627, managed to pass in the House 279 to 126, but at that late date it was impossible to advance the bill past the southern dominated Senate Judiciary Committee.¹⁷

The inability of the Eighty-fourth Congress to pass a civil rights bill caused Scott and other Congressmen great disappointment. But Scott still continued to be optimistic that a new bill would be passed in the Eighty-fifth Congress. Speaking before two thousand

¹⁶ Ibid., 12000 (July 6, 1956).

¹⁷ Ibid., 13999 (July 23, 1956).

delegates from thirty-five states who were in Washington attending the Assembly on Civil Rights, Scott not only recalled the efforts that President Eisenhower made in advancing civil rights, but he pointed out that the new Congress was being asked, "after seventy-five years of legislative neglect . . . to advance Negro rights."¹⁸ Scott's statement for a new civil rights bill seemed definitely to be encouraged by the letters he received in support of the bill. Such men as Clarence Mitchell, Director of the Washington Bureau of the NAACP, reassured him to continue the fight to bring new legislation to the House floor.¹⁹

This type of enthusiasm caused Scott to continue his efforts for legislation even to the Republican National Convention. As a previous National Committee Chairman, he actively counseled with the Republican Platform Committee to "do what I could to insure that our civil rights plank did not echo the weasel-worded effort of the Democratic Convention."²⁰ The main objection Scott had to the Democratic civil rights plank was that it tried to avoid fully endorsing the 1954 Supreme Court integration decision. The final Republican civil rights plank, which Scott presented before the convention, was suited more directly to his wishes. It emphasized that the progress made in the Supreme Court order be continued and "in every legal manner by all branches of the federal government to the end that the constitutional ideal of equality before

¹⁸ Scott, Come To the Party, p. 147.

¹⁹ Quoted in Cong. Rec., 84th Cong., 2nd Sess., 13564 (July 19, 1956).

²⁰ Scott, Come To the Party, p. 148.

the law regardless of race, creed or color, will be steadily achieved."²¹

The re-election of President Eisenhower in 1956 increased Scott's determination to see the administration's civil rights package passed by the new Congress. In January, Scott introduced his own civil rights bill which he said was "somewhat more extensive than H. R. 627, as representing more of the material which I would like to see embodied in civil rights legislation."²² The various provisions which Scott added to his bill, H. R. 1254, included prohibiting discrimination or segregation in interstate transportation, further protection of the right of political participation, creation of a Joint Congressional Committee on Civil Rights, and additional statutes to strengthen the Attorney General's recommendations. In the House Judiciary Hearing, Scott again assessed his own attitude toward the importance of civil rights legislation:

I think that it is most important that this House should act promptly and as early in this session as possible. . . . I think time is of the essence. I think it is essential that the Congress of the United States go on record as requiring participation by the Federal Government in the protection of the right of a person to be free from undue and unwarranted pressures, to be entirely free in the exercise of his franchise.²³

²¹New York Times, August 21, 1956, p. 15.

²²U. S. Congress, House of Representatives, 85th Congress, 1st Session, Subcommittee No. 5 of the Committee on the Judiciary, Miscellaneous Bills Regarding the Civil Rights of Persons Within the Jurisdiction of the United States' Hearings, February 5, 1957, p. 661.

²³Ibid., p. 662.

Although Scott's civil rights bill died in the Judiciary Committee, eventually a new civil rights bill was introduced by Representative Emmanuel Celler of New York. Originally, Celler's bill H. R. 6127 called for the granting of broad powers to the Attorney General by enabling him to file civil suits for injunctions against the deprivation of any civil right. In two other provisions of the bill, requests were made for an executive Commission on Civil Rights and the establishment of a Civil Rights Division in the Department of Justice.²⁴ In the powerful Rules Committee, Scott used his position to cast a crucial vote with the Committee's majority which enabled the civil rights bill to be cleared for floor action.²⁵

The Rules Committee's vote was preceded by an attempt by southern members of the House to restrict the courts in punishing those who disobeyed the voting rights laws, by requiring jury trials under certain conditions. However, Scott and other proponents of civil rights defeated this southern attempt and passed the bill without any changes, 286 to 126.²⁶

In the Senate, twenty-five days of debate centered on Part III of the bill, which empowered the Attorney General to initiate suits seeking court injunctions against anyone who deprived any other person of any civil right. Although this was virtually ignored in the House, southern

²⁴Cong. Rec., 85th Cong., 1st Sess., 8484 (June 6, 1957).

²⁵Scott, Come To the Party, p. 149.

²⁶Cong. Rec., 85th Cong., 1st Sess., 9516 (June 18, 1957).

Senators argued that under this provision the federal government could force local areas to integrate their schools and housing.²⁷ To prevent a Senate deadlock, some of these sharper provisions were dulled. A revived jury trial amendment was enacted to eliminate the Attorney General's power to intervene in court proceedings as provided in Part III of the bill. Also the use of injunctions to enforce all constitutional rights was limited by the Senators to cover only voting rights.²⁸

The strategy of southern Congressmen to modify the bill as much as possible prevented normal conferences between the Houses to achieve a compromise. Instead, informal negotiations were used to draw up a compromise amendment that was acceptable to the Senate and could be added from the House floor. After two weeks of bargaining, a final solution was achieved, with the Republicans winning an important concession that allowed a presiding Federal judge to decide whether violators of injunctions against interference with voting rights should be tried before a jury.²⁹ To Scott this concession practically made up for the elimination of part of the Attorney General's provision which he fought so hard to include.

To be cleared for the House floor, the Senate version of the bill again had to be passed by the Rules Committee. But the Committee's adroit segregationist chairman, Representative Howard W. Smith of

²⁷ Ibid., 11079 (July 9, 1957).

²⁸ Ibid., 13893 (August 7, 1957).

²⁹ Scott, Come To the Party, p. 150.

Virginia, pledged to "follow the course most likely to result in no bill."³⁰ Representative Smith attempted to block the bill's passage by not holding Committee meetings. In the ensuing compromise over the jury trial issue the Rules Committee became the key to the bill's passage. Finally, the Rules Committee's six Democrats by-passed Chairman Smith and voted for a rule or legislative order which required that the House concur in the Senate revisions of the bill plus a jury trial amendment to voting rights, which gave judges discretion over whether there should be a jury trial in criminal contempt cases. The Committee's six Democrats still lacked one signature to approve the legislative order. Scott became the seventh Committee member to sign the order.³¹

The bill finally passed the House in its amended form on August 27th. Two days later the Senate approved the bill, after exhaustion ended the solo filibuster, a record twenty-four hours and eighteen minutes, by South Carolina Senator Strom Thurmond. On September 9, 1957, the President signed the Civil Rights Act of 1957 into law.³²

To Scott the new Civil Rights Act signified a new era in Congressional thought, for "it signaled to the nation that there would be no turning back to the hypocrisy of state-sanctioned inequalities."³³ Scott's involvement in civil rights before and after this legislation

³⁰ William S. White, "Rules Unit Gets Rights Bill: 2 House Motions Conflict," New York Times, August 15, 1957, p. 10.

³¹ Scott, Come To the Party, p. 150.

³² Cong. Rec., 85th Cong., 1st Sess., 16784 (Aug. 30, 1957).

³³ Scott, Come To the Party, p. 151.

often exceeded political limitations, and these never stood in the way when his voice was needed to attack injustices done to Negroes. In the 1950's, Scott was joined by other Congressmen who previously ignored or did little to point out the Negroes' plight or to try and remedy it by effective legislation. His record of concern for Negroes had quickly made him a prominent spokesman and ally for the Eisenhower Administration's drive to obtain a meaningful civil rights act. Scott's committee positions in 1956 and 1957, which included the House Judiciary and Rules Committees, enabled him to influence and wield often crucially important votes for the passage of civil rights legislation. In his sixteen years in the House, Scott continually spoke out against the inequalities which Negroes were subjected to in the United States. Although his own Sixth District in Pennsylvania consisted of a white majority, Scott never refrained from voicing support for Negroes when he felt their civil rights were being denied. Beginning with his election to the House of Representatives in January 1941, Scott had attacked the existing inequalities which prohibited every American from enjoying their rights as citizens.

In the Seventy-seventh Congress, Scott was immediately confronted by one of the most obvious of these inequalities. Ever since South Carolina incorporated it into its state constitution in 1895, the poll tax became one of the most effective devices used in disfranchising southern Negroes. Originally the tax was enacted to prevent poor whites from voting so that the ruling aristocracy could maintain power during the Populist risings of the latter 19th century. When the Populist

movement ended, the southern states merely switched the applicability of the tax from poor whites to Negroes.³⁴ A bill was introduced to have the Seventy-seventh Congress prohibit the requirement of poll taxes as a prerequisite for voting in federal elections. Representative Scott joined with other House members to pass an effective anti-poll tax bill.³⁵ Although the bill eventually passed the House, it was later defeated in the Senate. The desire of the House to pass an anti-poll tax bill to prevent Negro disfranchisement represented unusual Congressional cooperation in this area of legislation. The bill was introduced in the House five times in the next seven years, and each time the House approved it by better than a two to one margin. However, each anti-poll tax bill that the House was able to pass met defeat in a hostile Senate.³⁶

In 1943, Scott strongly favored President Roosevelt's request to have Congress provide an extension of funds for the National Youth Administration. In Philadelphia the program benefited the city's white and Negro high school and college students. It kept the youth of Philadelphia off the actual labor market, but in turn aided them in developing their education or mechanical skills. In Philadelphia, Scott was pleased with the ability of the NYA to hire nondiscriminately. In many

³⁴Woodward, Strange Career of Jim Crow, p. 67.

³⁵Cong. Rec., 77th Cong., 2nd Sess., 7004 (Aug. 31, 1942). See also Chapter I, page 13.

³⁶Rathbun, Revolution in Civil Rights, p. 34.

instances, Negro students earned money in NYA jobs as typists, library assistants, and tutors.³⁷

During the Seventh-eighth Congress, Scott disregarded political limitations by enthusiastically supporting President Roosevelt's Committee on Fair Employment Practices which was established in 1941 by Executive Order 8802. In voting to appropriate the \$585,000 needed by the FEPC, Scott said, "The committee has great value from the point of view of national morale. [The FEPC] shows all segments of our population that we are not hypocrites, that this is a nation of all the people."³⁸ Scott regularly defended in Congress the FEPC and its efforts to eliminate racial discrimination in federal employment and in the employment practices of private firms.

After Scott was defeated in 1944 for a third term, he requested an active duty assignment as an Intelligence officer aboard the U.S.S. Olympus. In 1946, after seeing action in the central and western Pacific, Scott received an honorable discharge and a final promotion to the rank of commander.

Upon his discharge Scott again entered the Sixth District Congressional race. This time he won re-election to Congress. In the Eightieth Congress, Scott supported President Truman's civil rights proposals which included an anti-poll tax bill, a permanent FEPC, and a

³⁷Cong. Rec., 78th Cong., 1st Sess., 6946 (July 1, 1943).

³⁸Ibid., 78th Cong., 2nd Sess., A1452 (Mar. 22, 1944). See also Chapter I, page 13.

law against lynching. But southern Democrats in the Senate ended any hope of passing this type of legislation by threatening to filibuster.³⁹

While in Congress, Scott began to work for presidential hopeful, Thomas Dewey. Since Governor Dewey was seeking the Presidential nomination for the second time, he could choose a new National Chairman to replace ultraconservative Representative B. Carroll Reece of Tennessee. Dewey preferred a chairman from Pennsylvania to acknowledge the aid that the Pennsylvania delegation and Senator Edward Martin gave him in the 1944 convention. In addition, Dewey wanted a man who was close to Republicans in Congress, where he never served. He felt that to appeal to war veterans, his chairman must have actively served in the war. Scott was mentioned by Senator Martin for the position and, since he met with the approval of Dewey's staff, he was asked to accept the National Chairmanship of the Republican Party.⁴⁰

Shortly after Scott's acceptance as National Chairman, his duties were defined to him by J. Russell Sprague, Dewey's New York National Committee Chairman, and Ed Jaeckle, a powerful upstate New York Republican. During their meeting Scott was instructed, "You keep the party happy. Brownell runs the campaign."⁴¹ Although Scott's power was limited, he immediately began traveling across the country trying to inform Republicans about Dewey and attempting to create friendly relations

³⁹ Ibid., 80th Cong., 2nd Sess., 928 (Feb. 2, 1948).

⁴⁰ Scott, Come To the Party, p. 36.

⁴¹ Ibid., p. 37.

with all of the party's factions. Scott's speeches were particularly critical of President Truman's inability to get Congress to pass his proposed civil rights legislation.

During a campaign radio broadcast, Scott accused Truman of double talk and double dealing in his promise to enact a full civil rights program. "What has blocked Republican efforts to enact real civil rights legislation in the past," he stated, "has always been a filibuster or the threat of a filibuster by Democratic members of the Senate."⁴² As Chairman of the Republican Party, Scott took the initiative in appointing ten subcommittees to study such national problems as agriculture, labor, industry, and civil rights. In the Civil Rights plank of the 1948 Republican Party platform, the proposals which Scott helped write included a federal anti-lynching law; federal laws to maintain the "right of equal opportunity to work and advance in life"; and the abolition of the poll tax as a prerequisite to voting, for which Scott fought so long in Congress. One of the proposals dealt with the opposition to "the idea of racial segregation in the armed services of the United States."⁴³

Although Scott continued to deliver speeches attacking Truman and his Administration on its failure in civil rights and other domestic and foreign issues, Dewey did not continue this type of fighting campaign.

⁴² Quoted in Cong. Rec., 81st Cong., 1st Sess., A842 (Feb. 22, 1949). See also Chapter II, page 28.

⁴³ Official Report - Twenty-Eighth Republican National Convention (Washington: The Republican National Committee, 1948), p. 191.

Instead the Republican Presidential candidate continued a soft campaign with speeches consisting of platitudes and harmless statements on national unity.⁴⁴

The effectiveness of Truman's "give-em-hell" campaign appealed to everyone in the United States except the usually reliable Gallup Poll. The early returns flashed to the Republican headquarters at the Statler Hotel in Washington and followed at first the general forecast. Dewey won in the state of New York and was ahead of Truman in the northeast. But the celebration of a Republican victory quickly ended as Truman began sweeping the traditional midwest Republican strongholds of Ohio, Iowa, Wisconsin, and Illinois.⁴⁵

In the wake of Dewey's defeat, Scott became the scapegoat for the brunt of criticism over the loss. In the ensuing year as National Chairman, Scott found himself in the center of a power struggle in determining control of the party's political philosophy. Due to Scott's liberal philosophy, several attempts were made by the conservative faction of the party to oust him from the chairmanship. After narrowly winning a roll call vote which would have unseated him, Scott decided to resign so that a man could be chosen that would bring cohesiveness to the party organization.⁴⁶

The newly elected conservative national chairman was Guy George

⁴⁴Scott, Come To the Party, p. 38.

⁴⁵Ibid., p. 44.

⁴⁶Ibid., p. 63.

Gabrielson of New Jersey. Under his leadership the National Committee of the Republican Party became little more than a Presidential campaign committee for Senator Robert A. Taft. The party continued to remain split over political ideology with the new chairman.⁴⁷ But Scott's resignation freed him to return to the serious work of the Eighty-first Congress.

In 1948, President Truman issued an Executive Order 9980, which barred discrimination in the hiring or treatment of federal employees. The order also created a Fair Employment Board in the Civil Service Commission to review complaints. In the Eighty-first Congress, H. R. 4453 was introduced by Representative Adam Clayton Powell of New York to provide for a compulsory FEPC with broad powers and provisions to use the courts for enforcement.⁴⁸ Congressman Scott and seven other House members issued a statement in February 1950, saying:

The existence of discrimination in employment is recognized by everyone. The need for a Federal law to eliminate such discrimination is generally conceded. That need cannot be met unless we enact a law with real enforcement provisions and not the mere statement of a lofty principle.⁴⁹

Although Scott hoped to see H. R. 4453 enacted as his group stated, a substitute amendment was added to the bill which provided instead for a voluntary FEPC which lacked any enforcement powers. This substitute

⁴⁷ Ibid., p. 65.

⁴⁸ Cong. Rec., 81st Cong., 1st Sess., 5382 (April 29, 1949).

⁴⁹ Quoted in Cong. Rec., 81st Cong., 2nd Sess., A1297 (Feb. 21, 1950).

amendment was quickly pushed through Congress by southern Democrats and conservative Republicans. In the Senate an attempt to enact the same substitute amendment caused President Truman to reject any suggestion of a voluntary FEPC and turn down the new compromise. This inability of the Democrats to pass an effective FEPC bill gave Republicans an important issue in the Presidential campaign.⁵⁰

In April 1950, Scott joined with a group of other liberal Republicans to form a counterpart of the Democrats' Americans for Democratic Action. The main rallying point for this new group was civil rights. In a letter entitled, "Declaration of Republican Principles," sent to all Republican leaders, these Republicans reiterated the need for new civil rights legislation and urged Republican Congressmen to support the cloture rule to end the delaying tactics used to prevent passage of civil rights legislation. Unfortunately, the group which would have been known as the Republican Committee for American Action failed to gain the support from Republican Congressmen it needed to become a permanent organization.⁵¹ However, the group did represent the growing interest which was being shown by some Congressmen for new civil rights legislation.

In the Eighty-second Congress, Scott helped other Congressmen realize the need for reform in civil rights by opposing H. R. 314, a

⁵⁰U. S. Public Papers of the Presidents of the United States: Harry S. Truman, 1945-1953, 1950, Document 23.

⁵¹New York Times, April 22, 1950, p. 11.

bill calling for a separate veterans' hospital for Negroes in Franklin County, Virginia. In a lengthy attack upon segregated facilities, Scott said:

The best and strongest reason for opposing this bill is its designation as a hospital for Negro veterans. If a man is good enough to risk his life for his country, his country ought to be big enough to extend to him equal treatment regardless of race, or creed, or color.⁵²

The efforts which Scott and other Congressmen put toward opposing the veterans' hospital bill H. R. 314 were rewarded on June 6, when the House defeated the bill 223 to 117.⁵³

Besides the effort Scott placed on civil rights reform in Congress, he found time to work for the nomination of Dwight D. Eisenhower as the 1952 Republican Presidential candidate. Upon Eisenhower's acceptance of the nomination, Scott was chosen regional campaign coordinator for the South. As southern coordinator Scott refused to have Eisenhower stay at segregated hotels. Instead, Eisenhower flew into southern cities for only a day of campaigning or stayed overnight aboard the non-segregated campaign train.⁵⁴ As a previous National Chairman, Scott also was involved with the Party's plank on civil rights. The 1952 plank dealt again with such things as federal action to eliminate lynching, federal action to eliminate the poll tax, elimination of segregation in the District of Columbia, and enactment of an FEPC law.

⁵²Cong. Rec., 82nd Cong., 1st Sess., 6202 (May 29, 1952).

⁵³Ibid., 6201.

⁵⁴Scott, Come To the Party, p. 108.

On November 4, the long months of campaigning ended with the election of Eisenhower as the new President. Although Scott did a minimum of campaigning in his own district, he was re-elected to a sixth term.

It would naturally be assumed that Scott's career in the House culminated with the successful enactment of the Civil Rights Act of 1957. But in March 1957, Scott won the Pennsylvania Republican organization's endorsement for the Senate seat being vacated by Republican Senator Edward Martin. Scott's Democratic opponent was Pennsylvania Governor George N. Leader. Although Scott became the dark-horse in the campaign, his ability to gain the votes of the large industrial areas in Pennsylvania resulted in a major upset for Leader. Scott's victory made him the state's strongest Republican leader as he moved to the Senate as the only Republican to survive the Democratic sweep in Pennsylvania's statewide elections.⁵⁵

As a Senator, Scott immediately joined with other liberal Senators to continue the effort for more effective legislation in the area of civil rights. Scott soon became a member of a bipartisan group which was seeking to create new legislation from recommendations made by the Civil Rights Commission.⁵⁶ To many it would have seemed that the enactment of the Civil Rights Act of 1957 would have culminated Scott's achievements in civil rights. But in the Senate Scott continued to work

⁵⁵William G. Weart, "Lawrence Wins in Pennsylvania," New York Times, November 23, 1958, p. 23.

⁵⁶Scott, Come To the Party, p. 179. See also Chapter I, page 16, and Chapter II, page 33.

for more effective legislation which eventually resulted in the passage of the Civil Rights Act of 1960, and the massive Civil Rights Act of 1964 and 1965. Scott's election to the Senate only proved to heighten his efforts and desire to see that all Americans be treated as first class citizens.

CHAPTER IV

SCOTT'S SENATE POSITION ON CIVIL RIGHTS TO 1965

On July 15, 1959, Hugh Scott, the newly elected Senator from Pennsylvania, spoke before the fiftieth annual convention of the National Association for the Advancement of Colored People. Ironically, his speech echoed the position that many Americans were beginning to assume with respect to the importance and need for more civil rights legislation. In part, Scott said:

I intend to fight for civil liberties--win, lose, or draw. We must win. If we fail to provide the protection necessary to allow our citizens to claim the rights which we have said are theirs, then we all lose. The only winners will be the lawless, the bigots, and the hoodlums.¹

The first major step in civil rights legislation occurred in 1957, when Scott and other liberal Congressmen joined forces to enact a new law, the first new civil rights act since 1875. But the real significance of that legislation lay not so much in its provisions, but in the recognition of federal responsibility and the historic reversal of the federal policy of hands-off in regard to civil rights matters.²

At the same time Negro attitudes were changing. In what is often described as the "revolution of expectations," Negroes were experiencing a new sense of self-respect and a new self-image resulting from the

¹Cong. Rec., 90th Cong., 2nd Sess., 670 (Jan. 23, 1968).

²John Hope Franklin, From Slavery to Freedom (3rd Ed., New York: Alfred A. Knopf, 1967), p. 622.

civil rights movement and their own advancement. The new laws and court decisions led to an intensification of Negro expectations and sudden disappointment in the limitations of various legal and legislative programs. This continued frustration resulted in an increase of nonviolent direct action in the late 1950's, finally culminating in the student sit-ins of 1960 and the launching of what is best known as the "Civil Rights Revolution."³

As this pressure mounted, it ultimately resulted in new civil rights legislation. Again, as in the House of Representatives, Senator Hugh Scott's name became synonymous with this new legislation. As Senator Scott often remarked, "During my years in both the House and Senate I sponsored or cosponsored more legislation on civil rights than on any other one subject."⁴

When Scott entered the Eighty-sixth Congress as a new Senator, many civil rights bills were introduced in reaction to the new Negro movement. Eventually, in Congress a split occurred between those who favored moderate legislation, proposed by the Eisenhower Administration and backed by House and Senate leaders, and liberals desiring stronger legislation, favored by a majority of northern Democrats and approximately one-third of the northern Republicans. The provision which separated the moderates from the liberals in 1959 was again Part III,

³National Advisory Commission on Civil Disorders, Rejection and Protest, pp. 106-107.

⁴Cong. Rec., 88th Cong., 1st Sess., 13777 (July 31, 1963).

which was previously stricken from the Civil Rights Act of 1957. The Administration carefully avoided asking for Part III among its proposals and now vigorously opposed its addition by Congress.⁵

Senator Scott favored all of the Administration's proposals on civil rights and wanted to go even further. As cosponsor of the additional bill S. 3001, Scott said:

I am a cosponsor of an additional bill which restores part III, which was stricken from the Civil Rights Act of 1957. It would give the Attorney General authority to initiate a civil injunction to prevent interference with civil rights. . . . I intend to fight for each of these proposals. My constituents can be sure that I will judge each bill on its merits and will do everything in my power to help enact sound civil rights legislation without regard to the person or party which is sponsoring the particular measure.⁶

Scott's name was among the list of bipartisan members of Congress who not only supported Part III, but recommended legislation to provide the Federal Government with authority to develop and enforce, through the courts, school desegregation. Eventually, House Judiciary Subcommittee No. 5 gave their approval to a bill which contained the Administration's proposals and Part III. But in the House Judiciary Committee, Part III and the Administration's proposals for aid to areas desegregating schools and for establishing a Commission on Equal Job Opportunity were deleted. Since the Rules Committee seemed determined not to act on the civil rights bill, a motion was filed to discharge the bill.⁷

⁵ Rathbun, Revolution in Civil Rights, p. 41.

⁶ Cong. Rec., 86th Cong., 2nd Sess., 3371 (Feb. 24, 1960).

⁷ Ibid., 86th Cong., 1st Sess., 17632 (Sept. 1, 1959).

In the Senate little hope was given to having a civil rights bill passed through the Senate Judiciary Committee since it had never before passed such a bill. But throughout this session Senator Scott continued to advocate a strong civil rights program by sponsoring numerous bills. Scott proposed such bills as S. 942, to create a Commission on Equal Job Opportunities Under Government Contracts; S. 2868, to prohibit states from imposing any poll tax on voting in Federal elections; and S. 3001, which gave Part III powers to the Justice Department and authorized the Federal Government to develop and enforce school desegregation plans.⁸ Unfortunately, all of Scott's bills were defeated in committees controlled by southern Senators opposed to civil rights legislation.

However, the Senate Judiciary Constitutional Rights Subcommittee reported a two-part civil rights bill July 15. This bill would have required maintaining voting records and extended the Civil Rights Commission for two years. But when the bill became deadlocked in the full Committee, several Senators threatened to add civil rights amendments to other types of bills. To prevent this from happening Majority Leader Lyndon Johnson and Minority Leader Everett Dirksen agreed to bring civil rights legislation up for debate on February 15, 1960.⁹

An exception to the lack of civil rights legislation passed in 1959 was the extension of the Civil Rights Commission for two years and an appropriation of \$500,000 to it. But this occurred only after a

⁸Ibid., 91st Cong., 2nd Sess., E6306 (July 7, 1970).

⁹Ibid., 86th Cong., 1st Sess., 19567 (Sept. 14, 1959).

rider was attached to the House-passed Mutual Security Programs' appropriation bill. During a speech in behalf of the Civil Rights Commission extension, Senator Scott projected his hope for future civil rights legislation, "Since we can do no more--confronted, as we are, by the realities at this session, I look forward to the session in 1960, to the enactment of an effective Civil Rights Act."¹⁰

Scott's prediction for more effective civil rights legislation seemed even more feasible when, close to adjournment, the Senate Judiciary Constitutional Amendments Subcommittee approved a proposed constitutional amendment (S. J. Res. 126) to abolish the poll tax and other property qualifications for voting in elections. One of the co-sponsors of this amendment was Senator Scott, who as early as 1942 had begun to speak out against the unequal tax.¹¹

Although Congress adjourned without enacting new civil rights legislation, other branches of the Federal Government showed no hesitation in enlarging their activities in the field of civil rights through the provisions granted in the 1957 Act. The Commission on Civil Rights held hearings on Negro voting in several cities and learned that qualified Negro voters were being regularly denied the right to vote by certain white southern registrars. Initially, the Justice Department filed suits in Alabama, Georgia, and Louisiana charging that registrars failed

¹⁰Quoted in Cong. Rec., 86th Cong., 2nd Sess., 1957 (Sept. 12, 1959). See also Chapter II, page 33.

¹¹Ibid., 86th Cong., 1st Sess., 15215 (Aug. 6, 1959).

to register qualified Negro voters solely because of their race. Although the Supreme Court upheld the legality of the suits, the bitterness with which the suits were challenged in the South made it obviously clear that the Act needed stronger provisions to prevent registrars from escaping its power.¹²

Senator Scott attacked the Democrats for not working together to pass a more effective civil rights bill:

What we have witnessed here was indeed vigor, but it was the vigor of a group of undertakers engaged in a mass burial. . . . The authors of this eloquence joined in a mass operation to destroy, by a parliamentary tactic, without debate, without consideration, and without any desire to permit anyone to discuss the civil rights of Americans, a civil rights program which might have been enacted by a Congress of men of good will intent on keeping their promises.¹³

In the next Congress the passage of the Civil Rights Act of 1960 became a direct outgrowth of the 1957 Act. Again a bipartisan majority in Congress predominated over both those who wanted more federal intervention in civil rights and those who wanted none at all. Essentially the bill enacted in 1960 was based upon the Eisenhower Administration's proposals. It required the Republicans and northern Democrats to work together to achieve its passage. In 1960, liberal Congressmen such as Senator Hugh Scott, Senators Jacob Javits and Kenneth Keating of New York, and Senator Hubert Humphrey of Minnesota proposed various amendments

¹²United States Commission on Civil Rights, Report: 1959, "Voting: Findings and Recommendations" (Washington: Government Printing Office, 1959), IX, 140.

¹³Cong. Rec., 86th Cong., 2nd Sess., 16023 (Aug. 9, 1960).

to the earlier Act's voting rights provisions. The Administration's chief provisions dealt with authorizing judges to appoint referees to help Negroes register and vote when local officials failed to do so. Another provision called for the placing of criminal penalties on such practices as bombings, bomb threats, and mob action intended to obstruct court orders, without limiting it to only racial incidents.¹⁴

During the lengthy debates over the 1960 bill, it was evident that moderate civil rights Congressmen such as Senate Majority Leader Johnson and Minority Leader Dirksen were in control. But debate remained sharp as liberal Senators attempted to strengthen the House-passed civil rights bill by suggesting strong alternative amendments.¹⁵

Early in the new Congress Senator Scott reaffirmed his own position on civil rights by saying:

Mr. President, as the Senate begins its deliberations on civil rights legislation, I would like to make very clear my own position on this very vital subject. I believe that there is not adequate Federal legislation now to assure all people of their civil rights and civil liberties.¹⁶

During the session Scott sponsored or cosponsored many bills dealing with civil rights.

However, southern Congressmen worked effectively to filibuster or

¹⁴ Bernard Schwartz (ed.), Statutory History of the U. S.: Civil Rights, "Special Message To Congress by the President, Dwight D. Eisenhower," February 5, 1960 (New York: Chelsea House, 1970), II, 947.

¹⁵ Cong. Rec., 86th Cong., 2nd Sess., 5745 (Mar. 16, 1960).

¹⁶ Ibid., 3371 (Feb. 24, 1960).

kill any amendments to civil rights bills which were distasteful to them. In the final analysis the South appeared to be the more successful of the two minority groups in preventing new amendments from passing. During the southern filibuster concerning voter registration, Scott found time to inject some of his own brand of political humor. To wear down the filibuster the Senate held grueling round-the-clock sessions. Consequently, Senators opposed to the filibuster needed to be on hand for off-beat quorum calls, and this required that cots be set up in the Supreme Court Chamber so that these Senators could sleep in shifts. Democratic presidential-hopeful John F. Kennedy was continually absent from these important sessions, and in his absence Scott wrote him an open letter purporting to keep him posted on the events in the Senate. In part, the letter read, "Well, we don't want to bore you, Jack. . . . If you have time, drop in and if not, just send one of the other Kennedy's down."¹⁷ Scott's letter came just previous to the presidential nominating conventions. On July 3 Congress stopped business and recessed until August 8,¹⁸

As both political parties met to nominate a presidential candidate, few Americans were aware of the involved debates in Congress over civil rights. But by the end of the conventions the issue of racial discrimination changed from a matter of moderate righteousness throughout the country to one of vital concern. The Republicans and Democrats

¹⁷Quoted in Hugh Scott, Come To the Party, p. 167.

¹⁸Cong. Rec., 86th Cong., 2nd Sess., 15729 (July 2, 1960)

who in 1956 avoided a stand on the Supreme Court decision now tried to rival each other in enthusiasm. Neither party could fail to recognize that the question of the Negroes' status truly was a major campaign issue. There were already more than one million registered Negro voters in twelve southern states. In approximately six of the eight most populated states in the country, Negroes held the deciding vote in a closely contested election.¹⁹

The Democratic convention adopted the strongest civil rights plank in its party's history. The Democrats proposed legislation to: eliminate literacy tests and poll taxes where they still existed as voting requirements, require federal aid to school districts beginning desegregation, authorize the Justice Department to bring school suits, and use executive order to end discrimination in federally assisted housing. The Democrats even proposed to create a new Fair Employment Practices Commission.²⁰

In Chicago the Republicans met to choose a presidential candidate from among two leading contenders, Richard Nixon and Nelson Rockefeller. Senator Scott attended the convention not only as a Nixon supporter, but officially as General Counsel to the National Committee. Eventually, a confrontation occurred over the draft platform, and only a Nixon-Rockefeller compromise resolved it. For Scott the compromise represented a victory for civil rights. One of the by-products of the compromise was

¹⁹Franklin, Slavery to Freedom, p. 625.

²⁰New York Times, July 12, 1960, p. 22.

an agreement to revise the civil rights plank and commit the party to "aggressive action to remove the remaining vestiges of segregation or discrimination in all areas of national life."²¹

But the new agreement to strengthen the civil rights plank was made after a more generalized plank had already been agreed to by southern delegates and approved by the Platform Committee. The responsibility for changing the originally approved civil rights plank for a stronger one fell to Hugh Scott, General Counsel of the National Committee. Fortunately, Scott found support in the rules that enabled the Platform Committee to approve a new plank by a simple majority vote. After a great deal of discussion and high pressure campaigning by Nixon forces, enough votes were gathered to adopt the stronger plank.²²

The stronger version of the Republicans' civil rights plank included many proposals previously made by the Democrats. But it also proposed legislation to: end discrimination in federally assisted housing, prohibit segregation in public transportation, and oppose the use of federal funds to build segregated community facilities.²³

The success which Scott achieved in enabling the Republican Platform Committee to adopt a stronger civil rights plank caused both political parties to present bold stands on racial equality and justice. Scott and other liberal Republicans hoped to help their party avoid

²¹ Ibid., July 27, 1960, p. 18.

²² Scott, Come To the Party, p. 170.

²³ New York Times, July 27, 1960, p. 18.

being guilty of what Theodore White observed in his book, The Making of the President 1960, when he said, "To ignore the Negro vote and Negro insistence on civil rights must be either an act of absolute folly--or one of absolute calculation."²⁴

Immediately after the presidential nominating conventions, Congress reconvened for the August session. Since both political parties adopted strong civil rights planks in their platforms, the Eisenhower Administration requested that the two provisions on Part III and aid to areas facing school desegregation previously dropped by Congress now be enacted. But northern and southern Democrats in the Senate joined in voting on a motion to table the two provisions. The tabling motion passed, and threats by Scott and other liberal Senators failed to force further voting on civil rights in August. However, the failure of the Democrats to enact the legislation caused the resentment of Senator Scott of Pennsylvania and Senator Keating of New York, who decided to introduce a bill which stated the legislative terms and proposals which the Democrats had recently adopted in their civil rights plank. The Senators then requested that the bill lie on the table until the session ended.²⁵

During the Presidential campaign of 1960, it became apparent that Senator Kennedy, the Democratic nominee, was far outdistancing his

²⁴Theodore H. White, The Making of the President 1960 (New York: Atheneum, 1961), p. 203.

²⁵Cong. Rec., 86th Cong., 2nd Sess., 15938 (Aug. 8, 1960).

Republican opponent, Vice-President Nixon, in the quest for the Negro vote. Long before his nomination Kennedy held discussions with his Negro staff members to help him understand the problems which faced Negroes as well as their aspirations. In the campaign Kennedy continually criticized the Republicans for not doing more to advance the Negroes' cause. In particular, he attacked President Eisenhower for not ending discrimination in federally supported housing and declared that it could be done "with the stroke of a pen. . . ." ²⁶

In January 1960, Congress reconvened and in the area of civil rights pressure was increased on the House Rules Committee to release the bill reported to it by the Judiciary Committee in August 1959. As the discharge petition gained signatures, Congressmen from both parties voiced partisan statements on the lack of civil rights progress. On February 15, 1960, Majority Leader Johnson began the Senate debate on civil rights. Eventually, civil rights amendments were added to a minor House-passed bill, and this brought on a filibuster from southern Senators which lasted from February 29 to March 8. ²⁷

During the filibuster, a bipartisan group of Senate liberals met to offer a petition to invoke cloture to end the filibuster. Senator Scott sided with the bipartisan group and said, "I am ready to vote for cloture at any time. . . ." ²⁸ Both Majority Leader Johnson and Minority

²⁶Quoted in Theodore C. Sorensen, Kennedy (New York: Harper and Row, 1965), p. 480.

²⁷Cong. Rec., 86th Cong., 2nd Sess., 2445 (Feb. 15, 1960).

²⁸Ibid., 7563 (April 7, 1960).

Leader Dirksen were against the cloture move. Although a cloture vote was taken, it was rejected by a roll-call vote of 42-53. With four of the ninety-nine Senators absent, this was twenty-two votes shy of the necessary two-thirds of the Senators present and voting.²⁹

On March 30, the Senate finally received a House-passed civil rights bill. Eventually amendments were voted on by the Senate to all parts of the bill except for the amendment dealing with the referee plan. This provision was an outgrowth of the 1957 Civil Rights Act which was designed to further help Negroes register and vote. A controversy developed over the proposals for federal registrars. The Civil Rights Commission in its 1959 report recommended court-appointed voting referees as favored by the Administration, or federal enrollment officers, suggested as a compromise to the Administration's provision.³⁰

The registrar proposal required the Civil Rights Commission to investigate charges made against state registrars who refused to register qualified voters because of their race, color, religion, or national origin. Actual cases of discrimination were referred directly to the President, who then appointed a federal officer to assume registering voters until the state officials assumed the task on a nondiscriminatory basis.³¹

²⁹Ibid., 5118 (Mar. 10, 1960).

³⁰United States Commission on Civil Rights, Report: 1959, "Voting: Findings," p. 141.

³¹Ibid.

Basically, the Administration's referee proposal put most of the responsibility for guaranteeing voting rights in the courts. A civil suit would be brought in a federal court by the Justice Department under the 1957 Act. The suit would seek an injunction against those persons denying, or about to deny, anyone of his right to vote in a primary or general federal election because of race, color, religion, or national origin. If the court found that a pattern of discrimination was present, Negroes in the area could turn to the court and ask to be registered. Either a judge or a voting referee appointed by the judge would then determine if the Negro was qualified to vote. If the Negro was heard by a referee, the hearings would be ex parte (without cross-examination by opponents) and the referee would report to the court the Negroes he found qualified. If any state official refused to register the qualified Negro or count his ballot, then he could be subject to contempt of court.³²

The House eventually passed the voting rights provision but added an amendment which restored some measure of the referee's power to supervise voting and ballot counting. In the Senate, the referee's plan was also adopted. But this was approved after two changes were made to pacify southern objections. The first change, offered by Senator Estes Kefauver of Tennessee, required deleting part of the provision calling for the Negroes' appearance before a voting referee to be ex parte, and instead added a provision making these hearings public. Many liberal

³²Ibid.

Senators rejected this amendment. Senator Scott remarked:

If this procedure is to be in a hearing and in the presence of a room full of a great many people, most of whom would be hostile to the applicant, the effect of the amendment will be to create a climate of intimidation, and to prevent people from exercising their right to register and to vote.³³

Because of the objections by numerous Senators, the Kefauver amendment was defeated and a substitute amendment restored the House provision requiring ex parte hearings to be held before the voting referee.

The other Senate amendment dealt with provisional acceptance of ballots cast by persons who applied for registration to a voting referee twenty or more days before the election and whose court case remained pending. However, many Senators were split over the statement which required that the applicant be qualified to vote under state law. But the amendment finally won acceptance and was passed. On May 6, President Eisenhower signed the 1960 Civil Rights Act into law.³⁴

Of course, Senator Scott was hopeful that even stronger civil rights provisions could have been passed with the Civil Rights Act of 1960. Two bills which Scott cosponsored, including one establishing a Commission on Equal Job Opportunity and one offering federal assistance to school agencies going through desegregation, met disappointing defeat. But Scott felt that a major step was achieved in civil rights action when the Senate approved Senator Spessard L. Holland Democrat of

³³Cong. Rec., 86th Cong., 2nd Sess., 6935 (Mar. 30, 1960).

³⁴U. S. Public Papers of the Presidents: Dwight D. Eisenhower, 1953-1961, 1960, Document 137.

Florida's proposal, in the form of a constitutional amendment to abolish the poll tax as a qualification for voting in federal elections. Although the House Judiciary Committee deleted the measure after it finally achieved Senate acceptance, many Congressmen vowed to fight to repeal it by constitutional amendment in the next Congress.³⁵

The heart of the 1960 Act was the voting rights provisions of Title 6, but this later proved to be very weak. Although the Department of Justice increased its activity, the Act provided little benefit to disfranchised Negroes. The retention of costly case-by-case enforcement, the hesitation of southern judges to find patterns of discrimination or to authorize the appointment of federal referees, and the shift in disfranchisement tactics from blatant to a more subtle version marked the weaknesses of the Act.³⁶ These developments pointed out that still further legislation needed to be passed.

Naturally, Negroes during this period were preoccupied with civil rights, and this became more apparent in the Presidential campaign. Their decision to support candidates and parties centered around this vital concern.

In the South, Negroes set aside Protestant inclinations to cast their votes for a Catholic Presidential candidate who they regarded as being more prepared to advance the cause of civil rights. Northern

³⁵Cong. Rec., 86th Cong., 2nd Sess., 1754 (Feb. 2, 1960).

³⁶John H. McCord (ed.), With All Deliberate Speed: Civil Rights Theory and Reality (Chicago: University of Illinois Press, 1969), p. 33.

Negroes, extremely aware of their influential voting power, were determined to use it to aid those of their race who were unable to vote because of disfranchisement. In the closest Presidential election in the history of the United States, Negroes had every reason to believe that they were directly responsible for the election of John F. Kennedy. Kennedy received a larger percentage of the Negro vote than Adlai Stevenson had in 1956. In traditional Democratic areas of the North, the pluralities were even larger. In the Democratic areas of the South, Kennedy gained votes even though the local Democrats' racist views turned Negroes to vote for Republicans in the past. Negroes now felt that they had truly achieved a share in the New Frontier.³⁷

With John Kennedy as President, the federal activity in civil rights greatly increased. But the President had no aspiring plans for new legislation to elevate the Negro in America. Instead, he hoped to expand executive action, especially in areas where federal authority was already most complete and unquestionable. The President relied on the Justice Department and his brother, Attorney General Robert Kennedy, to use negotiation and litigation to secure voting rights. In establishing the Committee on Equal Employment Opportunity headed by Vice-President Johnson, the President hoped to increase Negro employment in federally connected programs. The President also appointed Negroes to important federal positions with little hesitation.³⁸

³⁷Lewis (ed.), Portrait of a Decade, p. 116.

³⁸U. S. Public Papers of the Presidents: John F. Kennedy, 1961-1963, 1961, Document 68.

Although the Administration succeeded in promoting racial equality through executive action, difficulties developed over what to do with its own civil rights promises. Because Congress was divided so narrowly on most of the legislation the President considered extremely important, the Administration decided not to irritate top southern Democratic committee chairmen by pressing for civil rights bills. In this way they hoped Southerners would support other Administration proposals.³⁹

But liberal Congressmen in both the House and Senate attempted to push for stronger civil rights legislation. In the Senate, Hugh Scott supported all bills which dealt with civil rights. Again, as in previous sessions of Congress, Scott worked for the passage of amendments to end the cloture rule, abolish the poll tax, enforce strict penalties on lynching, and make permanent the Civil Rights Commission.

Senator Scott wasted little time in speaking out against the Administration's failure in civil rights. In a speech before the first session of the Eighty-seventh Congress, Scott said:

. . . that in the field of civil rights nothing has been done. This indicates what may be commendable modesty on the part of the administration. If the administration does not plan to proceed in the civil rights field, it is indeed modest for them not to offer any plan. However, we did not hear this modesty in the golden period of promises. It is only in the drab era of nonperformance where one now finds the administration unprepared to offer anything in the civil rights field except the integration of the Washington Redskins.⁴⁰

³⁹Franklin, Slavery to Freedom, p. 626.

⁴⁰Cong. Rec., 87th Cong., 1st Sess., 7340 (May 4, 1961).

The only civil rights legislation which the Administration supported and which Congress enacted in 1961 was the extension of the Civil Rights Commission for two more years. Scott's frustration over civil rights was evident in a speech made before the Senate in August 1961:

Amendments . . . which would add provisions that would implement the civil rights proposals are important amendments, amendments promised by the platforms of both political parties, amendments which would enlarge and dignify the rights of human beings. . . . We know this administration does not intend to have civil rights legislation acted up. It feels the executive department can handle all these matters. It does not believe in its platform. It does not believe that civil rights legislation should be adopted. . . . Nothing is going to happen except the extension of the Civil Rights Commission.⁴¹

Scott's words gained validity as other civil rights proposals were offered in the Senate as amendments to various bills, but these received no White House support and were defeated.

In the second session of the Eighty-seventh Congress increased pressure was applied to the Kennedy Administration to secure more equal rights for Negroes. This pressure was applied by Negro organizations such as the Congress of Racial Equality, which sent "Freedom Riders" into the South to test the practices and laws of segregation in interstate transportation. Strong Negro protests occurred in New Rochelle, New York, Chicago, and Englewood, New Jersey, over the slow pace of school desegregation.⁴²

⁴¹ Ibid., 88th Cong., 1st Sess., 13777-8 (July 31, 1963).

⁴² Franklin, Slavery to Freedom, p. 638.

In Congress, the Administration continued to avoid general civil rights legislation. But it gave its support to two proposals in the voting rights area, already the topic of enactments in 1957 and 1960. One of these proposals, a constitutional amendment outlawing the poll tax as a voting requirement in federal elections and primaries, won both House and Senate approval. As cosponsor of the anti-poll tax bill Scott remarked, ". . . so long as some are denied the right to vote through the imposition of legalisms, which are sadly and all too often designed to deny the right of some to vote in order to permit the continued right of others to rule, injustice continues."⁴³ In both chambers of Congress a two-thirds majority vote was secured to enable the anti-poll tax bill to pass. Finally in 1964 thirty-eight states ratified the constitutional amendment enabling the anti-poll tax bill to become the new Twenty-fourth Amendment.

In the other Administration-backed bill, an attempt was made to make anyone with a sixth-grade education eligible to pass a literacy test for voting in federal elections. As an advocate of the bill, Scott said, "This is a moderate bill. It is certainly not all that should be done in this field of constitutional rights, but it is progress and a step in the right direction."⁴⁴ Unfortunately, a southern filibuster marked the defeat of the literacy test bill in 1962. Scott and other liberal Senators attempted to end the filibuster by twice invoking the

⁴³ Cong. Rec., 87th Cong., 2nd Sess., 8173 (May 10, 1962).

⁴⁴ Ibid.

cloture motion. However, the cloture motion was defeated and the bill was shelved indefinitely.

Another significant development in the Eighty-seventh Congress was the report submitted by a bipartisan group of Senators seeking action on legislative recommendations of the Civil Rights Commission. The Senators were Joseph Clark, Democrat of Pennsylvania, Paul Douglas, Democrat of Illinois, George Hart, Democrat of Michigan, Jacob Javits and Kenneth Keating, Republicans of New York, and Hugh Scott, Republican of Pennsylvania. In issuing a joint resolution the Senators said:

We therefore will introduce on Tuesday bills based on all twenty-seven of the Commission's legislative recommendations. We have endorsed other measures in the past, such as Part III and FEPC, on which we still strongly urge action, and we recognize that many constructive amendments could be made to the bill and resolutions we are offering Tuesday.⁴⁵

As Scott's share of the effort, he asserted the need for President Kennedy to issue his long-promised executive order forbidding racial discrimination in federally-financed housing. In addition, Scott introduced two bills, Senate Resolution 313, which would grant mortgage credit for housing loans to low income families without discrimination, and Senate bill S2982, dealing with racial discrimination in federally-assisted housing. In introducing his bills Scott remarked:

Unfortunately, there has been little effort on the part of the Federal Government to insure equal housing opportunities. . . . Federal housing assistance has been denied to some of our fellow Americans because of their race. Thus, housing is not freely available on equal terms to everyone who can afford it.⁴⁶

⁴⁵Ibid., 3877 (Mar. 13, 1962).

⁴⁶Ibid., 3890.

Except for the fair housing issue, all proposals made by the six member bipartisan bloc of Senators foreshadowed provisions of the Civil Rights Act that was eventually passed in 1964 by the Eighty-eighth Congress.⁴⁷

By 1963 a new sense of urgency returned to the civil rights movement. Massive unemployment and poverty resulted in Negro groups organizing massive demonstrations throughout the United States under the slogan of "Freedom Now." By the end of the year, demonstrations in 800 cities and towns took place. In August a quarter of a million people, about 20 percent white, participated in a gigantic March on Washington to dramatize the need for jobs and to press for Federal action in civil rights.⁴⁸

In light of this increased Negro pressure for action, President Kennedy submitted to Congress a widened version of a relatively slim civil rights package. Senator Scott took time in Congress to reflect on his own civil rights philosophy: "For me, civil rights has always been a matter of principle, not politics. I believe in the dignity of the human being. I believe that when dignity is violated, it is necessary to enact laws to protect it."⁴⁹

Many Congressmen not previously associated with civil rights jumped to add their voices in the new cry for legislation. But as the

⁴⁷Scott, Come To the Party, p. 179.

⁴⁸National Advisory Commission on Civil Disorders, Rejection and Protest, p. 109.

⁴⁹Cong. Rec., 88th Cong., 1st Sess., 13777 (July 31, 1963).

Senate Judiciary Committee continued to hold up the civil rights bill,

Scott again spoke out:

Mr. President, today we are faced with one of the great crises in our history because we did not act sooner to bring the promises of America to all Americans. . . . The present crisis in civil rights has made a great many more people aware of the extent and the seriousness of this problem to the national welfare. But for me it is only the most recent stake in a long, long battle. I have been fighting in the Congress for strong, responsible civil rights legislation for over two decades and I have not done so for partisan political purposes.⁵⁰

During the first session of the Eighty-eighth Congress, Scott introduced civil rights legislation dealing with housing. As sponsor of these bills Scott said:

I am happy to report that since early 1962, when I introduced legislation to implement the Civil Rights Commission's report on housing, several steps have been taken to reduce discrimination in housing. . . . The present administration's approach to the problem of housing discrimination has been too much a piecemeal operation.⁵¹

As a member of the Senate Commerce Committee, Scott was instrumental in having a civil rights bill, S. 1732, approved. But to avoid a filibuster the Senate leadership decided to wait until the House passed the civil rights bill, S. 1732, the following year, but this bill was set aside in favor of the omnibus bill.⁵²

In 1964 the critical groundwork required to pass a civil rights bill was accomplished in the House. The Administration and civil rights

⁵⁰ Ibid., 13776.

⁵¹ Ibid., 5113 (Mar. 28, 1963).

⁵² Ibid., 11252 (June 20, 1963).

supporters had to design a bill which would receive sufficient bipartisan support to survive southern opposition. Eventually a bill was formally reported on November 20, 1962, but it was not approved for floor action by the House Rules Committee until the end of the year.⁵³

But Negro hopes were shaken on November 22, 1963, with the murder of President Kennedy in Dallas. Five days later the new President Lyndon B. Johnson addressed Congress, and he set civil rights as a priority item for Congressional action. The new bill was based on legislation President Kennedy submitted to Congress in 1963 and which had cleared the House Judiciary Committee shortly before the assassination. On January 30, 1964, the House Rules Committee granted a rule to allow only ten hours of debate on the civil rights bill and then open it to amendment. Fortunately, the bill's major provisions remained, despite southern attempts to alter them. In February, the Civil Rights bill was passed in the House 290-130.⁵⁴ The substantial majority which approved the bill in the House represented the intense lobbying which had occurred. In the Senate Scott and other civil rights advocates braced themselves for a tough struggle.

Under the leadership of Senator Hubert Humphrey, the liberals were organized as never before for the three month long Senate civil rights debate. Senator Scott was appointed a Republican captain, whose duties were to defend and discuss title V of the bill concerning the

⁵³ Rathbun, Revolution in Civil Rights, p. 50.

⁵⁴ Cong. Rec., 88th Cong., 2nd Sess., 2804 (Feb. 10, 1964).

Civil Rights Commission, and to respond to southern speakers during debate. In explaining title V of the Civil Rights Bill of 1964, Scott as a floor captain remarked:

For many in this country, the Commission on Civil Rights is a symbol of the tremendous struggle to secure equal rights for all Americans. . . . It is designed to apply the law and the proceedings held under the law with uniformity, equality, and equal justice in any part of the confines of the United States.⁵⁵

On March 26, 1964, the Senate began formal consideration of the bill. By March 30, the southern bloc of Senators headed by Senator Richard B. Russell, Democrat of Georgia, began a filibuster. Senator Scott reacted to the Senate filibuster by saying:

The rules which permit unlimited debate will now be abused by those who seek to defeat civil rights legislation. This is the legislation recommended by the late President Kennedy and I am a principal cosponsor. The opponents of this bill can filibuster for weeks or for months. If the Senate goes into 24-hour session, I have in my office a cot, a coffee pot, and some canned goods. I'm going to fight the filibuster and at the end of it I'll be on the Senate floor ready to fight for the civil rights bill--for every provision, for every word. This legislation is right and I know it. And let me make a prediction. We're going to pass it.⁵⁶

As Scott predicted, after three months of the filibuster a petition was filed for cloture. For the first time in its history, the Senate on June 10 voted to close off debate on a civil rights filibuster. Scott along with other Senators voted 71-29 for cloture. On June 19, exactly one year after the bill was submitted to Congress by President Kennedy,

⁵⁵ Ibid., 6473 (Mar. 26, 1964).

⁵⁶ Ibid., 6483.

it was passed.⁵⁷

The Civil Rights Act of 1964 was the most far-reaching civil rights legislation passed since the Reconstruction era. The eleven titles of the act were designed to take the civil rights movement out of the streets, by creating a wide assortment of methods to eliminate even the worst forms of discrimination practiced by Federal, State, and private individuals.⁵⁸

Senator Scott made important contributions to the new act. He and the six Senators who comprised the bipartisan bloc suggesting broad civil rights legislation in 1962 now saw many of them enacted as provisions of the Civil Rights Act of 1964. Further, as Republican captain of title V during the actual civil rights debates, Scott's efforts had successfully won extension of the Civil Rights Commission for four years.

In the Congressional elections which took place in 1964, Scott won re-election to the Senate. As with the previous Congress, civil rights again became the dominant issue. Although the passage of the Civil Rights Act of 1964 caused a decline in discrimination in some areas, the period after its enactment was marked by strong resistance to its enforcement and even violence in some places. Despite the voting provisions of the 1964 Act, the disfranchisement of Negroes was still commonplace in many areas of the South. The violence which erupted in

⁵⁷Ibid., 13327 (June 10, 1964).

⁵⁸U. S. Public Papers of the Presidents: Lyndon B. Johnson, 1963-1969, 1964, Document 446.

several southern states with regard to voting registration drives caused President Johnson to ask Congress for additional legislation to protect the rights of voters.⁵⁹

The Administration's bill was based on the Fifteenth Amendment to the Constitution, which requires that no person shall be denied the right to vote on account of race, color, creed or national origin. The bill gave the Attorney General power to appoint federal examiners to supervise voter registration in states where fewer than fifty percent of voting age residents were registered in the 1964 Presidential election. The bill also set stiff penalties for interference with voter rights and prohibited states from setting new voter qualification laws without court approval.⁶⁰

Senator Scott immediately became one of the cosponsors of the voting rights bill, S. 1564, which was based mainly on the 1963 Civil Rights Commission's recommendations. Scott said of the bill:

The right to vote is fundamental to our way of life. It is a tragedy that we must further guarantee by new legislation that right which the Constitution and subsequent amendments guarantee to all citizens. . . . These measures would eliminate once and for all the insidious methods of limiting the vote to a select few. . . .⁶¹

In the Senate, the Administration's bill was reported out of the Judiciary Committee on April 9. Senator Scott and other members of the

⁵⁹Ibid., 1965, Document 107.

⁶⁰Ibid., pp. 287-291.

⁶¹Cong. Rec., 89th Cong., 1st Sess., 4989 (Mar. 15, 1965).

Committee added amendments which actually strengthened the bill. Scott introduced an amendment, S. 1654, which made private citizens and state officials liable for interfering with voter rights. On the Senate floor, southern opponents tried to alter the bill's main provisions by proposing many amendments instead of filibustering. To limit the debate a petition for a cloture motion was filed. Senator Scott joined with nine Republicans and twenty-nine Democrats in signing the cloture petition. On May 25, the cloture petition was approved for only the second time in history by a vote of 70-30. With unusual swiftness the Senate approved the bill 77-19. By August 6, the Civil Rights Act of 1965 was signed into law by President Johnson. It was the most comprehensive voting rights legislation to gain Congressional approval in ninety-five years. At the signing ceremony the President said the Act would "Strike away the last major shackle of those the Negro's fierce and ancient bonds."⁶²

The efforts of Scott and other Senators were well rewarded as the 1965 Act provided the impetus for the registration of nearly a quarter of a million new Negro voters by the end of the year. In fact, during 1965 Negroes won seats in the Georgia legislature and to city councils of several southern cities.⁶³

In the Ninetieth Congress, Senator Scott remarked about his

⁶²U. S. Public Papers of the Presidents: Johnson, 1965, Document 409.

⁶³Franklin, Slavery to Freedom, p. 640.

concern for civil rights legislation by saying:

I have been a Member of Congress for more than 25 years. . . . In that quarter of a century, I have sponsored or cosponsored nearly 100 civil rights bills, designed to protect the rights of all Americans, in public schools, hospitals, public accommodations, voting, housing and a whole spectrum of areas under attack by those who would deny those rights. I have fought lynchings, poll taxes, bombings, and many other forms of violence that have been used to deny people their rights. I am proud to report that much of that legislation is now the law of the land. In that quarter of a century, I have risen often in the House or the Senate to plead the cause of civil rights legislation.⁶⁴

Senator Scott has continually struggled to obtain equal rights in the areas of voting, housing, education, and employment. To Hugh Scott the idea of equality for all Americans has been the overwhelming influence in his votes and in his civil rights activity throughout his House and Senate career.

⁶⁴Cong. Rec., 90th Cong., 2nd Sess., 669 (Jan. 23, 1968).

CHAPTER V

CONCLUSION

Racial prejudice has been part of the history of the United States for over three hundred years. Yet few Americans truly understand the many rigid social, economic, and educational barriers which have prevented Negroes from participating fully in American life.

The federal government until recently moved with agonizing slowness to reassert itself on behalf of fair and equal treatment for all Americans. In fact, the Supreme Court first established major decisions on civil rights and civil liberties during the forties and early fifties. These decisions began to undermine the barriers of racial discrimination. Eventually the growing size of the northern Negro vote in national elections and the concern of white Americans shook Congress into action. Although Congress had to overcome southern obstruction and opposition, it finally enacted in 1957 the first federal civil rights legislation in eighty-two years. Among the congressmen most directly responsible for this legislation was Representative Hugh Scott of Pennsylvania.

Since Scott was a Republican Representative from a district in which few blacks resided, it did not increase his chances for re-election to support civil rights legislation. As early as 1942 Scott spoke out for anti-poll tax and anti-lynching legislation and funding of the FEPC. Often Scott crossed party lines to support civil rights measures introduced by Democrats. Before 1956 only meager attempts were made in

Congress to enact civil rights legislation; however, Scott was one of the few congressmen that consistently supported early civil rights bills. For over twenty-five years Scott worked in both the House and the Senate to bring about legislation designed to help the Negro in his struggle for equal rights. During those twenty-five years, Scott introduced more bills dealing with civil rights than on any other subject. Much of the legislation which Senator Scott proposed has now become the law of the land. For him the desire to see that all men achieve first class citizenship has remained one of his special interests and concerns in Congress.

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