

Should We Adopt President Truman's Civil Rights Program?

An NBC Radio Discussion by ALLEN J. ELLENDER HUBERT H. HUMPHREY and LOUIS WIRTH

Including

DEMOCRATIC PARTY PLATFORM ON CIVIL RIGHTS

REPUBLICAN PARTY PLATFORM ON CIVIL RIGHTS

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Around the Round Table . . .

- ALLEN J. ELLENDER, Democrat, United States Senator from Louisiana (1937-49); formerly member Louisiana State House of Representatives (1924-36); lawyer
- HUBERT H. HUMPHREY, Democrat, United States Senator from Minnesota (1949-55); formerly mayor of Minneapolis (1945-48)
- LOUIS WIRTH, professor of sociology, University of Chicago; president of the American Council on Race Relations

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Should President Truman's Civil **Rights Program Be Adopted?**

MR. WIRTH: In his State of the Union Message to the Eighty-first Congress, in January, 1949, just three weeks ago, President Truman said that the driving force behind our progress was our faith in democratic institutions; that the promise of equal rights and equal opportunities, which the founders of our Republic proclaimed to their countrymen and the world, embodied that faith; and that the fulfilment of this promise is among the highest purposes of government. "The civil rights proposals," he said, "that I made to the Eightieth Congress I now repeat to the Eighty-first Congress. I stand squarely behind these proposals."

Do you agree, Senator Ellender, that these ten points which the President mentioned to you in his message last year, and which he said he was still behind, embody the civil rights program as you see it?

SENATOR ELLENDER: Yes, I do. There are many which I am for and some I am not for. I would like to state that three of them especially are very provocative and, I presume, will consume a lot of time in Senate debate.

In order to accomplish his objec-

Congress pass laws usurping the authority of the states to establish the qualifications of its voters-a right expressly guaranteed to the states by the United States Constitution. He would make lynching a federal crime, so that, if a lynching occurred, federal authorities could go into a state, supplant its local police officers, prosecute those officers, and even bring civil suit for damages against the county officials.

MR. WIRTH: You say, then, that one of the important points in the program is anti-lynching legislation?

SENATOR ELLENDER: Yes.

Mr. WIRTH: Do you agree, Senator Humphrey, or are there any other points which you think are a part of the heart of this program?

SENATOR HUMPHREY: I do agree that one of the important points of the program is anti-lynching legislation. But, of course, it also includes anti-poll-tax laws, as the President put it, to provide more adequately the right to vote, or guarantee the right to vote. Then, of course, there is the fair employment practices legislation which the President called for. I do think that this ought to be said: tives, the President would have the President Truman did not just pull

this program out of thin air. This program is the result of a considerable amount of study and investigation of the sociological pattern of the American community. The President's Committee on Civil Rights made an exhaustive study of all matters that pertained to civil rights in this country and recommended this program. And the President, in a very courageous manner, presented the entire program to the Congress of the United States. I stand foursquare behind him. I think that it is a great effort to strengthen our democracy.

MR. WIRTH: This program of civil rights legislation which the President proposed, then, is part of the platform on which he ran. It is part of the platform of the Democratic party and, incidentally, also of the Republican party, is it not, Senator Ellender?

SENATOR ELLENDER: That is correct. The President so advocated it throughout the country.

MR. WIRTH: Might we say that his election was in part an indorsement of that program?

SENATOR HUMPHREY: I would say so, although I imagine that there might be some disagreement here on that. However, it was very evident to me that in some of the key states of the nation, where there are considerable numbers of people who would be directly affected by an active civil rights program, the President carried those strategic states. I look upon this election as a great mandate to the humanitarian purposes which the President outlined.

SENATOR ELLENDER: Well, now, I desire to say that if the records in all states were looked into as to the votes that were taken on November 2, it would show that the states of the Midwest, where a great deal of the farmers are, probably won the election for the President.

MR. WIRTH: You do not refer to my state, Senator Ellender, in which Chicago is located, and which has a good many industrialists?

SENATOR ELLENDER: I think Illinois went for the President.

MR. WIRTH: It certainly did!

SENATOR ELLENDER: The whole state did—even southern Illinois, which is predominantly Republican, went for the President. But I would say that I do not believe that the election means that the Congress would have the right or has received from the President a mandate that this must be done.

SENATOR HUMPHREY: I do not think that any one issue was controlling in this election. I have heard so many people say that the President received a mandate for this or a mandate for that; and I have heard many people say that this group won the election or that that group was the decisive factor. Now, very frankly, I think that this last election was a clear indication that the American people can think about program and



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vote on program and know exactly what they are doing when they make that kind of decision. That is one of the reasons why the farmers voted as they did.

MR. WIRTH: Then I think that we should discuss here why this program should either be enacted or not be enacted. I take it from your statement at the Democratic National Convention, where you made an eloquent plea for civil rights, that you are for this program, Senator Humphrey?

SENATOR HUMPHREY: Yes, indeed, I am for this program. I am for this program because I think that it means the extension of our democratic way of life.

MR. WIRTH: And Senator Ellender, how do you feel about it?

SENATOR ELLENDER: Well, I am for most of the program, except the enactment of a federal statute to permit people to vote in states. I am against an anti-lynching bill. And I am also opposed to this FEPC bill. If you desire me to state why I am opposed, I can give you that.

MR. WIRTH: There might be two reasons. One might be that you are opposed to them on principle. The other is that you are opposed to them because they are inexpedient measures to carry out the objectives. I do not know which it is.

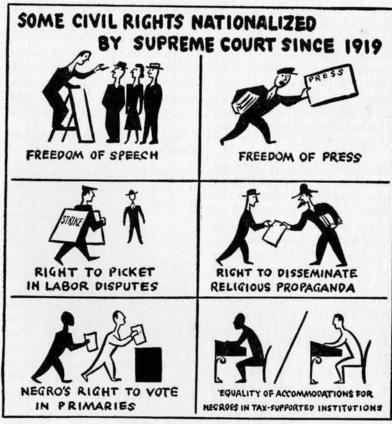
SENATOR ELLENDER: I am opposed to three of the measures because they

are unconstitutional. I am for preserving our Constitution.

SENATOR HUMPHREY: I would like to say that the matter of constitutionality is always, of course, a debatable point and that the only way we ever determine what is constitutional is ultimately by the courts of this country, and the highest body of our courts, known as the Supreme Court. It is for this reason that I am perfectly willing to acknowledge that there are honest differences of opinion about the constitutionality of some of the legislation. But, because of that, may I say that we ought to pass some of this legislation-in fact, all of it. If it is unconstitutional, the Court will so determine. If it is not, the Court will determine.

SENATOR ELLENDER: It looks as though Senator Humphrey has forgotten his oath when he became a senator. He took an oath "to preserve, protect, and defend the Constitution of the United States." I am able to show now that the imposition of a poll-tax statute by the Senate or by the Congress would be directly opposed to the Constitution. It takes no Philadelphia lawyer to know this. Just a layman can read the Constitution and determine that for himself.

SENATOR HUMPHREY: I, of course, am very much concerned about the oath which I took as a United States senator. In fact, I will never forget the great experience, that of taking that oath, and I am out to defend



Ibid.

and uphold the United States Constitution. May I say, however, that there are times when men of great conviction and men of great legal learning have had wide differences of opinion about constitutionality. In my point of view, and from my study of constitutional law, poll-tax legislation is definitely constitutional; anti-lynching legislation is definitely

constitutional; and fair employment practices legislation is definitely constitutional. The Attorney-General of the United States, who is the adviser on constitutional questions to the President of the United States, feels that these legislative matters are constitutional.

SENATOR ELLENDER: I am sure that Senator Humphrey remembers the famous case of Susan Anthony, who suffered imprisonment because she tried to vote in the state of Vermont when the Vermont legislature prevented women from voting. How did that great lady establish women's suffrage in the entire country? By going to the United States Congress and asking for constitutional amendment on the question.

MR. WIRTH: These are ways and means which you senators are going to be arguing about in the next few days and weeks in the Senate, I am sure. But the fundamental question which I think that we want to discuss here is whether it is desirable to reach the objectives which these forms of legislation are designed to achieve. Do we want all our citizens to vote in elections and to be able to hold office? Do we want them to be free from the threat of violence and actual violence as lynching exemplifies? Do we want them to be free to seek the jobs for which they are qualified, irrespective of race, color, creed, or national origin? It seems to me that those are the questions to which we ought to address ourselves for the moment.

SENATOR HUMPHREY: Indeed, those are the questions, and we can argue the legalism of this for hours, and we shall not go into that. I definitely, of course, am of the opinion—and I believe that my colleague, Senator Ellender, must be—that all people in this country should have the right to vote. I also believe, of course, that every person should have a guarantee of personal security. Surely the very creed of American life, the impetus of this whole way of life of ours, is opportunity and equal opportunity and fair opportunity, fair employment opportunities. And it is on that basis that I stand for this legislation.

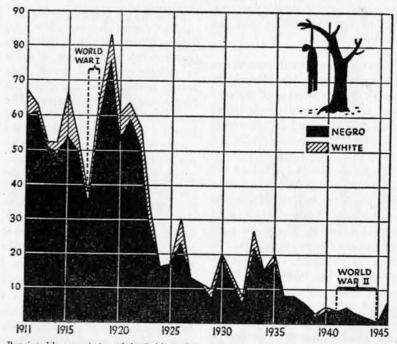
Mr. WIRTH: And you, Senator Ellender?

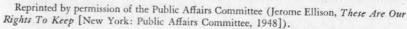
SENATOR ELLENDER: I am for that if it is done in a legal way. If you read the history of our Constitution, some of our forefathers even went so far as to state that, if the right of the states to declare who should vote was denied, the probabilities are that our Constitution would never have been adopted. And we have made marvelous progress. There was a time when all states had poll taxes. It was done the legal way, and today, of our forty-eight states, only seven of them have the poll-tax law. It strikes me very forcibly that, within the next four or five years, all states will pass a law whereby the poll-tax issue will no longer exist.

MR. WIRTH: I take it, then, Senator Ellender, that you too are against white supremacy as a principle.

SENATOR ELLENDER: White supremacy? Well, white leadership. Now that you bring up the subject, I would say that the Negro himself cannot make progress unless he has white leadership. If you call that "supremacy," why suit yourself. But I say that the Negro race as a whole,

NUMBER OF LYNCHINGS, 1911-46





if permitted to go to itself, will invariably go back to barbaric lunacy.

SENATOR HUMPHREY: I would like to take sharp exception to that most recent statement. I would like to say that to me it is a great tribute to the inherent abilities and the capacities of the American Negro to see the remarkable progress that they have made against all these tremendous obstacles. It has only been since 1863 that we have had emancipation for the American Negro. Despite that, some of our most learned scholars, some of our outstanding artists and statesmen, some of our leading people in the musical world, in the field of literature, have come right out of the Negro community. And surely in our great war plants and in our peacetime factories, we are beginning to find that the American Negro, as one group (and, by the way, this civil rights legislation is not just identified with the Negro, and I want to get on that as a broad point)—these men

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and women are beginning to show great capacity for production, for good living, for learning, and for citizenship.

SENATOR ELLENDER: I want to say to my good friend, Mr. Humphrey, that the chief agitators of all this program are the colored people themselves. And as far as I am concerned, I have been in the Senate for the last twelve years, and I cannot see anything but politics in it. Both of our major parties have been doing all in their power to catch the Negro vote in the North. I know this-in fact, I think I know it. There are eight states in the North wherein the Negroes are dominant. I will not say "dominant," but, however they vote, so the election goes. And it is an attempt on the part of Republicans and Democrats to capture that Negro vote which causes the President to come out with this so-called "civil rights program" on the three issues that we are now discussing.

SENATOR HUMPHREY: It is to me elemental as to the advancement of an individual's economic and social security, his own social status, that he must have political freedom and political action. He must have the opportunity for political participation. To me, if the American Negro or any minority group in this country is going to elevate its status, to have a chance to lift itself up by the bootstraps, it must have something to say about the political process and the political program for the nation.

Mr. WIRTH: If you allow me, Senator Ellender, I should like to say that from my field of study, in so far as we have any knowledge at all in respect to what you said about the Negro, and what would happen if he were not supervised by whites, we have no reason to believe that the members of any one racial group cannot learn to do what another racial group has learned to do, given the opportunity, given the encouragement, given the right and the facilities to go ahead. I think that history, in the case of the Negro and other minorities in this country, has demonstrated that.

SENATOR ELLENDER: Well, to some extent, Mr. Wirth, you are correct. I am not an old man, but I have noticed a good deal of progress in my state, and I do not want to hamper that progress. I want it to continue as we have been carrying on. Just as certain as I am speaking, if the Congress should make the mistake to enact legislation of this character, instead of assisting the colored people of the South, it will hurt them a great deal.

MR. WIRTH: It is not merely the colored people of the South: It is, as Senator Humphrey has said, all the minorities in this country. It is also this question: that those people of the South who were once in the South are now in the North. We have had millions of Negroes migrate to

THE MEDIAN ANNUAL INCOME HIGH SCHOOL GRADUATES \$1,454 \$1,454 \$1,074 \$1,074

Ibid. the northern and western cities. In Chicago, for instance, we have had,

EACH COIN REPRESENTS \$50

NEGRO

in the last seven or eight years, an increase of at least 100,000 Negroes over what we had. We have about 390,000 Negroes in Chicago. So it is our problem too, Senator Ellender; not merely yours in Louisiana.

SENATOR HUMPHREY: I want to get the discussion of civil rights legislation and civil rights program off of the sectional basis and out from sectional consideration. I have stated before, and I want to state it again, that there is no part of the United States of America that is without guilt or without sin in so far as discrimination is concerned, whether that discrimination is social, whether it is economic, or whether it is political. I know, and everyone else knows, that in every part of America-in the North, the West, the East, and the South-we have had abuses of civil rights. I have said so many times, and I want to say again to my friend, Senator Ellender of Louisiana, that we are not making a direct frontal attack upon the people of the South. (And, by the way, the people of the South have made great strides in these fields-that I recognize.) I want to say that we have had discrimination in the North. We have had it on the West Coast. We have had it in the New England states and in the eastern seaboard states. And surely we need to be thinking not in

NEGRO

terms of sectional interests but in terms of the whole national welfare.

SENATOR ELLENDER: Senator Humphrey, you ought to read the Congressional Record of past debates on this question. The anti-poll-tax bill is certainly leveled at the South, because the states that do have poll taxes are in the South. And your anti-lynching bill is one which is also directed to the South. Absolutely no question about it! Why do you not put your mobs in Chicago and in California, and in New York-why do you not put them all within the scope of the bill and let your county officials be held responsible? Then see how many votes you are going to get in the Senate, if you so frame your bill as to put that in. I do not mean to say now that I would be for a bill of that character, because it is my honest judgment that it is within the state's power to do that, and not the federal Constitution, unless a federal question, of course, is involved.

SENATOR HUMPHREY: I want to say that surely I believe there are seven states in the South that still have poll taxes. I want those states to go ahead—and surely I would be in full support of their going ahead and removing those poll taxes themselves.

SENATOR ELLENDER: They are doing it now, Senator.

SENATOR HUMPHREY: They are, indeed.

SENATOR ELLENDER: Yes.

SENATOR HUMPHREY: I just want to be sure that that poll tax remains off. Now another thing I want to say is that "lynching" is a tag which we have on legislation. What I am talking about is legislation which guarantees personal security. You are 100 per cent right that we have had mob violence in many other areas of the country. I am just as much against mob violence which is not appropriately prosecuted, where there is not due process of law, where the persons involved are not brought to the bar of justice in the North; I am just as much concerned to see that it takes place in the North as it does in the South, or as it does in the East or the West. And I say, on that piece of legislation particularly, that it surely has universal application in this country. No one can justify the fact that an individual citizen of the United States is not given the protection of due processes of law of this country of ours.

MR. WIRTH: Senator Ellender, you have said that the states ought to have these rights to carry through these forms of legislation in matters such as the suffrage and segregation of the public services, some of which, by the way, are supported by federal aid ...

SENATOR ELLENDER: Yes. They have been doing it since their inception.

MR. WIRTH: ... and the administration of justice. Now, granted that the states are sincere in that demand,



ONE NEGRO DOCTOR FOR EVERY 3,400 NEGROES ONE NEGRO DOCTOR FOR EVERY 3,400 NEGROES ONE DOCTOR FOR EVERY 750 AMERICANS EACH FIGURE REPRESENTS 200 PERSONS Ibid.

does it not seem to be the height of hypocrisy to grant the states the right to deny to any portion of their citizens, on account of race, creed, or color, their elementary rights as citizens of the United States? And is that not in this case the avowed purpose of the states' rights argument?

SENATOR ELLENDER: No. We had the poll tax in Louisiana. We did away with it. Today Negroes are permitted to vote if they want to. We do not deny that right. The same holds true in most of the southern states. Now, there has been an effort, since the Civil War, of course, to maintain white supremacy because of the fact that there were so many colored people in our midst who are uneducated, and who are not far removed from savagery. Of course, the South did try to protect itself in the past. But I want to say to you that in the last thirty years, just to show the progress being made in education, let us say, there is more money spent today in Louisiana to educate our colored people than there was thirty years ago to educate both our colored and whites. Now if that does not spell progress, I would like to know what spells progress.

MR. WIRTH: Incidentally, Senator Ellender, the whole human race is not too far removed from savagery, not merely one part of it.

SENATOR ELLENDER: No; but the Negro is so close that he almost has his foot in Africa.

MR. WIRTH: But every person starts his life anew irrespective of the people who went before him.

SENATOR ELLENDER: I did not want

to go into any personalities, Mr. Wirth. You brought it on yourself, sir, and I do not care to engage in this debate and call out personalities.

MR. WIRTH: Well, all I want to say is that, as far as going back to something primitive, the whole human race is pretty primitive still. We have got a long way to go, and what advances we have made are sometimes offset by setbacks.

SENATOR HUMPHREY: Is there any chance for somebody else to get in on this?

SENATOR ELLENDER: I want to say, in answer to Mr. Wirth, that if the Lord had desired to make everybody equal and everything else, He would not have made a colored man, a red man, a yellow man, and a white man, and so forth. What we are trying to do in the South, irrespective of what you say, is to try to assist the colored people. And, if let alone, we are going to succeed. But do not try to force us to do it.

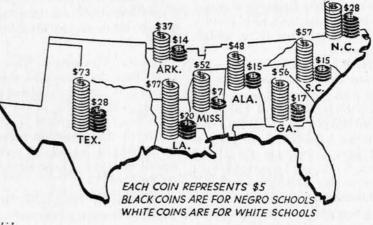
SENATOR HUMPHREY: I must get in on this conversation and into this fine ROUND TABLE by again trying to bring all of us back to the thought that we are not just talking about the American Negro. We have had Ku Klux Klanism in this country; we have had anti-Catholicism in this country; we have had, and we do have, anti-Semitism in this country. And, believe me, I am one of the Americans who believes that every person, regardless of his race, his color, his religious faith, or his creed, has the right to have the full and equal protection of the laws of these United States and has the right to equal opportunities, whether they are economic, political, or social. Now, I reiterate that we have had demonstrations in America where we have had even political parties based upon anti-Catholicism, and I speak as a Protestant. We have had demonstrations in this country where we have had vicious anti-Semitism almost to the point of the ghetto. We have surely had demonstrations in America of race discrimination as far as the American Negro is concerned. I hope that the American people will quit talking about civil rights legislation as if it were directed against just one segment of the American people, because it is not. Civil rights sometimes are denied to people who are poor, and they are white. Civil rights are sometimes denied to people who are rich, and they may be of a different religious faith. Now I am of the opinion that there is no justification-surely no moral justification in my religious faith, and no legal justification, and let me say no political justification in my political philosophy-for such kind of action.

Just one question to Senator Ellender. You say that things are improving?

SENATOR ELLENDER: Yes.

SENATOR HUMPHREY: How about the situation in Georgia, where I recall that my distinguished friend, for-

PER PUPIL EXPENDITURE FOR PUBLIC SCHOOLS IN THE SOUTH, 1940



Ibid.

mer Governor Ellis Arnall, fought for legislation to eliminate the poll tax. Now I find, according to a recent report I have here just before me, an article by Thomas L. Stokes, the well-known columnist, that points out that "now along comes Governor Herman Talmadge, determined to restrict the basic right of franchise. He has proposed to the legislature, which he controls, that it impose an educational test, which can be distorted as it has in other southern states, to prevent Negroes from voting. He proposes restoration of the poll tax. Georgia's Secretary of State estimates that this would reduce voters by one-half."

Now, how do you feel about that, Senator Ellender?

SENATOR ELLENDER: I am against it.

SENATOR HUMPHREY: Thank you. That is a very fine and forthright statement.

SENATOR ELLENDER: I have pending before the Congress now a bill that would cure all this. Let us do it the constitutional way. I have joined Senator Holland to write into our Constitution the proposition. Now, if we do it that way, I am for it. But I think that, under present laws, it is within the province of the states to do it and not the federal Constitution.

SENATOR HUMPHREY: I want just to make one constructive proposal. I would just like to say that one of the things we need to keep in mind a part of this general program of civil rights, which is the real substance of it, and which has been pointed out by Senator Ellender—is education, health and health facilities, hospitals, good wages, minimum wages, and the opportunity for people to protect their living standards, social security, and housing. These things are allimportant.

Now, in line with that, since the senator from Louisiana and the senator from Minnesota do not agree on such things as national FEPC, national anti-poll tax, and national antilynching legislation, I am going to introduce a bill into the United States Senate, and I want to have you give me your support, Senator Ellender, and I want everyone, of course, to give support-a bill to establish in the government of the United States a permanent Federal Commission on Civil Rights. This commission will have a fact-finding agency concerned about the status of civil rights in our country. This commission should be ready to aid in preventing conflicts and in the solution of problems involving civil rights. That is, it should act as a conciliatory service. This commission should be prepared to offer recommendations for the improvement of civil rights practices on a local level-and I emphasize the local level-and on the state and national level. The commission should call attention to emerging civil rights problems on the national and international level, like that which Mr. Wirth mentioned-migration of large numbers of American Negroes to northern cities.

MR. WIRTH: If the cotton-picker comes around, we will have much more of that moving out of the South into the North.

SENATOR HUMPHREY: That is right. Then this commission should consult with state and local and private agencies working in the civil rights area and assist these agencies. Finally, it should seek to improve the civil rights practices of governmental agencies and make reports to the President.

MR. WIRTH: Now, aside from what is before you gentlemen in the Senate of the United States on these specific questions, is it not clear that if these bills are introduced and defeated, they will be defeated in part because of the power that you now have, as senators, of unlimited debate? Is it not necessary, therefore, to curtail this unlimited debate so that we can judge these issues on their merits?

SENATOR HUMPHREY: I surely believe that we must curtail the unlimited right of filibuster, and I will stand that way and vote that way.

MR. WIRTH: Well, the eyes of the world are upon us, and our deeds will demonstrate more than our words whether we mean democracy genuinely.

DEMOCRATIC PARTY PLATFORM STATEMENT ON CIVIL RIGHTS JULY, 1948

*

THE Democratic party is responsible for the great civil rights gains made in recent years in eliminating unfair and illegal discrimination based on race, creed or color.

The Democratic party commits itself to continuing its efforts to eradicate all racial, religious and economic discrimination.

We again state our belief that racial and religious minorities must have the right to live, the right to work, the right to vote, the full and equal protection of the laws, on a basis of equality with all citizens as guaranteed by the Constitution.

We highly commend President Harry Truman for his courageous stand on the issue of civil rights.

We call upon the Congress to support our President in guaranteeing these basic and fundamental rights: (1) the right of full and equal political participation, (2) the right to equal opportunity of employment, (3) the right of security of person, and (4) the right of equal treatment in the service and defense of our nation.

We pledge ourselves to legislation to admit a minimum of 400,000 displaced persons found eligible for United States citizenship without discrimination as to race or religion. We condemn the undemocratic action of the Republican Eightieth Congress in passing an inadequate and bigoted bill for this purpose, which law imposes un-American restrictions based on race and religion upon such admissions....

REPUBLICAN PARTY PLATFORM STATEMENT ON CIVIL RIGHTS JUNE, 1948

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CONSTANT and effective insistence on the personal dignity of the individual and his right to complete justice without regard to race, creed or color, is a fundamental American principle.

We aim always to unite and to strengthen; never to weaken or divide. In such a brotherhood will we Americans get results. Thus we will overcome all obstacles....

Lynching, or any other form of mob violence anywhere, is a disgrace to any civilized State and we favor the prompt enactment of legislation to end this infamy.

One of the basic principles of this Republic is the equality of all individuals in their right to life, liberty and the pursuit of happiness. This principle is enunciated in the Declaration of Independence and embodied in the Constitution of the United States; it was vindicated on the field of battle and became the cornerstone of this Republic. This right of equal opportunity to work and to advance in life should never be limited on any individual because of race, religion, color, or country of origin. We favor the enactment and just enforcement of such Federal legislation as may be necessary to maintain this right at all times in every part of this Republic.

We favor the abolition of the poll tax as a requisite to voting.

We are opposed to the idea of racial segregation in the Armed Services of the United States....

We favor equality of educational opportunity for all and the promotion of education and educational facilities....

We favor self-government for the residents of the Nation's Capital....

More on This Topic



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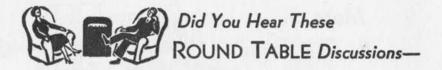
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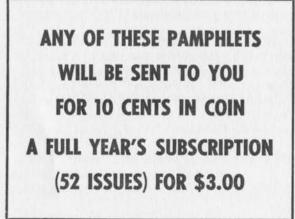
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