DEADLOCK IN CONGRESS

The country's change in mood regarding racial and religious tolerance encouraged civil-rights advocates to hope for a similar alteration in the attitude of Congress, which had been consistently unresponsive to pleas for equal-justice legislation, at least for black Americans. The facility with which the House of Representatives restricted the arbitrary power of the Rules Committee on January 4, 1949, was a comfort, although everyone recognized that the Senate, in which southerners held grimly to the power of the filibuster, was the key to legislative progress. Everyone was also aware that the Senate would have to tighten the cloture rule before civil-rights measures could be brought to a vote.

Traditionally reluctant to limit debate, the Senate had adopted Rule XXII in 1917, which provided that debate on a "pending measure" could be terminated by a two-thirds vote. While presiding one day during the special session of 1948, Senator Vandenberg chose to interpret the rule in a narrow, legalistic fashion and sustained Senator Russell's point of order that cloture could not be applied to debate on a "motion," only on the measure itself. In view of the obvious fact that a motion to consider a bill had to precede a vote on the measure, the effect of Vandenberg's ruling was to nullify Rule XXII and to grant southerners the opportunity to debate endlessly on motions to consider civil-rights bills.¹

Two courses of action were available. The Senate could amend Rule XXII to apply to a motion as well as to the measure itself, or it could seek another ruling from the new presiding officer, Vice-President Barkley. The Republican leadership chose the former method and backed the Hayden-Wherry Resolution, reported from committee...
on February 17, 1949, which provided for the application of cloture at any point by a two-thirds vote of those present. Senate Democrats, led by Majority Leader Scott Lucas, held back, seeking to determine the best course of action, although Lucas himself personally favored a stronger “gag” rule, one that would terminate debate by a majority of the entire membership.2

The paucity of Democratic support for the Hayden-Wherry Resolution—indeed, the absence of any concerted Democratic effort to amend the rules—worried and irritated civil-rights advocates. Seeking to apply pressure, Walter White denounced the “pattern of evasion” of certain members of the Senate; and the NAACP sent telegrams to its sixteen hundred branches, urging a grass-roots movement to press senators to vote in favor of a rule that would allow cloture by majority vote. White also wired the president, complaining, “Not one Democrat has as yet fought for or even spoken out to end filibusters. We are perturbed. We trust our perturbation is premature, despite evidence to the contrary.”3

Despite this protest and a similar one from A. Philip Randolph, the White House did not respond. As Philleo Nash noted in an interoffice memorandum: “I know of nothing we could say at this point, except that the matter is entirely congressional. This would be so unsatisfactory that I am sure it is better to say nothing.”4 Since the election, the president had carefully stressed congressional prerogatives in several news conferences, while expressing hope for enactment of his proposed legislation. At the opening of the new Congress, the administration obviously did not want to jeopardize its relationship, and thereby its program, by publicly interfering with the determination of Senate rules.

Moreover, Senate Democratic leaders were faced with a delicate situation. In the process of organizing the Senate and in determining legislative priorities, they had to consider the possibility that a protracted debate over civil-rights legislation might imperil the president’s entire Fair Deal program. They were also caught in a triangular squeeze between the Republican attempt to seize, or at least to share, credit for facilitating passage of civil-rights legislation, the refusal of southerners to consider any genuine compromise of the cloture rule, and the demands of many civil-rights organizations to change Rule XXII so that a simple majority could invoke cloture.

Indeed, on February 5, representatives of twenty-one organizations met in New York, where they adopted a resolution calling for bipartisan support of an amendment to Rule XXII to permit cloture by
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a majority of senators present. And the demand could not be dismissed as the ravings of a few impotents, for the participants included representatives from the CIO, the AFL, the NAACP, the ACLU, ADA, the National Catholic Welfare Conference, the American Jewish Congress, the American Council on Human Rights, the American Jewish Committee, the National Newspaper Publishers Association, the National Council for a Permanent FEPC, the National Baptist Convention, and the AME Church and the AME Zion Church. It was an impressive demonstration of interracial and interreligious solidarity and a pregnant reminder of the political potential of such a coalition. In short, the Democratic leadership in the Senate was on the spot.

While Lucas equivocated and while the Hayden-Wherry Resolution languished in committee, Senator William F. Knowland of California sought to perpetuate the initial Republican advantage by moving to bring to a vote his own bill to limit cloture. In a rare display of unanimity, every Democratic senator voted against the motion, which was defeated by a vote of fifty-six to thirty-one. Senator Lucas was furious and accused Republicans of attempting to determine the calendar of a Democratic-organized Senate. Although Lucas promised to take up the issue of cloture in “due time,” Senator Wayne Morse caustically retorted that the Democrats were seeking “to keep civil rights in the background, because they know it will split their party wide open.”

Whatever was passing through the mind of the new majority leader, he was obviously off to a poor start. Finally, on February 16, with the Hayden-Wherry Resolution about to emerge from committee, the report went out that Democrats and Republicans would unite to support the amendment but that it would not be brought to the floor until February 28. Lucas indicated, however, that he would set aside the resolution whenever priority legislation was ready for action. He had botched it again. To civil-rights advocates, nothing was more important than equal-justice legislation.

At this point, the president intervened. Meeting with Lucas and other Democratic leaders on February 28, Truman directed his congressional lieutenants to meet the issue “head-on,” even if it meant delaying consideration of other legislation. That afternoon, Lucas moved to consider the Hayden-Wherry Resolution, and the anticipated southern filibuster began. For nearly two weeks, southern wails echoed throughout the Senate chamber. Senator John L. McClellan raised the Red bogey in labeling cloture a compromise with communism, and J. William Fulbright somehow found passages from the encyclopedia
pertinent to the issue at hand. In his maiden effort in the Senate, Lyndon Johnson rose to denounce cloture as “the deadliest weapon in the arsenal of parliamentary procedures,” against which “a minority has no defense.” When the NAACP urged Senator Lucas to hold round-the-clock sessions in an effort to break the filibuster, the majority leader demurred on the grounds that the tactic might kill older members.

While the filibuster was in progress, Truman ventured his own views on cloture in a news conference on March 3. In response to questions, the president stated flatly that he would reduce the requirement for cloture to a majority of those present, if he “had anything to do with it.” Of course, he had nothing to do with it at this point, but his endorsement of the position taken by the twenty-one civil-rights organizations a month earlier set off a cacophony in the Senate. Senator Wherry charged that Truman had “tossed a monkey wrench” into efforts for a workable cloture rule, while Russell of Georgia now claimed proof for his accusations of a conspiracy on the part of the administration. Even Senator Lucas felt compelled to disagree with the president and reaffirmed his position in favor of requiring only a majority of the membership for cloture. At the same time, to soothe southern sensibilities, if only because important legislation other than civil rights was at stake, he offered the guarantee that a majority of the Senate’s Democrats would support cloture by a two-thirds majority if southerners would permit a vote on the issue. Predictably, the southern senators rejected the overture.

But northern Democrats still held a trump, or so they thought. As early as March 1, Lucas had indicated that he would circulate a petition proposing another ruling on cloture by the new presiding officer, Vice-President Barkley. But the petition was momentarily delayed when several senators argued that southerners had not been “sufficiently provocative,” although Senators Knowland and Lucas subsequently collected the signatures of seventeen Democrats and sixteen Republicans, which they presented to Barkley on March 10.

Although Truman was taking the sun in Key West, Florida, he followed events closely through contact with White House assistants. On March 8, for example, Charles Murphy dispatched a long message to the president in which he pointed out the necessity for senatorial action on cloture in the near future. Important legislation was piling up, Murphy noted, such as bills on housing, repeal of Taft-Hartley, extension of rent controls, deficiency appropriations, and extension of the European Recovery Program; and the only hope appeared to be a
favorable ruling by the vice-president. This was the key vote, he reasoned, and the president agreed. Responding to Murphy, Truman urged the Democratic leadership to “carry our fight to a successful conclusion. We shouldn’t show any weakness and if Barkley’s ruling can be sustained we will be in pretty fair shape.” Senator Lucas, however, was less optimistic and informed the White House on March 8 that he did not have the votes to uphold a favorable ruling.12

Lucas was correct. On March 10 Vice-President Barkley ruled favorably on the petition, which permitted the application of cloture to a motion as well as to the measure itself and in effect reversed Vandenberg’s decision in 1948. But Senator Russell quickly appealed the ruling of the chair, and on the following day, by a vote of forty-six to forty-one, the Senate overruled Barkley’s decision. It was a crushing blow for the administration and for civil-rights advocates everywhere. Twenty-three Republicans had united with twenty southern and three western Democrats to keep the South in the saddle.13

In the numerous post-mortem analyses, there were spastic criticisms of nearly everyone. In a refrain that would become increasingly familiar, some critics rebuked Lucas for his “timid strategy and fumbling leadership.” One member of the NAACP board of directors singled out Walter White for special criticism: his “inept leadership” in not mobilizing the support of other organizations, said Alfred Baker Lewis, led directly to the defeat of Barkley’s ruling. In his column in the Chicago Defender, White admitted that organized pressure on individual senators was lacking, so much so that “senator after senator told me that he had seen no great interest in the civil rights program”; but White was not about to criticize himself.14

Nor was President Truman immune. The Afro-American contended that a “smarter” president would have made civil rights a bipartisan matter, and there were grumblings about his absence from Washington. The most outspoken criticism came from the New York Times, which declared it “scarcely disputable” that the president’s “impromptu” endorsement of cloture by a mere majority “came at the least fortunate moment in the whole discussion, alarmed the moderates, stiffened the die-hards.” Perhaps, but civil-rights advocates did not think so. Except for the Courier, nearly all Negro newspapers, black columnists, and civil-rights organizations had praised Truman for his position on cloture. Moreover, despite the certainty of the New York Times, what impact Truman’s statement had was disputable, for no hard evidence indicates that it changed a single senatorial mind or lost a vote.15
Despite such scattershot criticism, there was virtual unanimity concerning the responsibility of Senate Republicans. In a careful analysis of the vote, Robert K. Carr demonstrated that a coalition of midwestern Republicans and southern Democrats was largely to blame. Of the eighteen Republicans from the Midwest, fourteen voted to overrule Barkley, whereas eight of the nine New England Republicans voted to sustain the ruling. Condemnation was bitter and generally unrestrained. Walter White denounced the "GOP reactionaries" and wondered if "the famous initials of Abe Lincoln's party should henceforth read 'Gone Old Party'?" The Afro-American confessed its error in supporting Republicans during the campaign of 1948, and a columnist for the Chicago Defender tersely concluded that "the Elephant has embraced the Skunk."\(^{16}\) The memory of the vote of March 11 would linger long in the minds of black Americans.

Nor were the roles of individual Republicans ignored in the criticism. Although Knowland and Taft voted to sustain Barkley's ruling, Wherry and Vandenberg did not, and Vandenberg may have been the key figure in the entire affair. On March 2 he had released his fellow Republicans from any obligations of personal or party loyalty to his ruling of August 1948. However, in an impassioned address on March 11, only hours prior to the final vote, Vandenberg struck hard at Barkley's "ingenious thesis," which he considered an affront to legislative due process. It was also a personal affront, and Vandenberg's pride was obviously involved. His speech may not have changed a single vote, but it was impressive. "We are lost," groaned several Democrats following his address, while Walter White contended that Vandenberg "cost us from five to seven votes. He has given an aura of respectability to those who wanted an excuse to vote to upset Mr. Barkley."\(^{17}\)

The vote on the Barkley ruling was fraught with meaning. The debacle highlighted the reluctance of most Republicans to support civil-rights legislation because of the party's more conservative position on social and economic matters and illustrated the power of a Republican-southern-Democratic coalition. The geographical distribution of the vote was also a painful reminder to Negro leaders of the limitations of black power at the polls. Although the Negro vote might constitute the balance of power in a close presidential contest, it did not exercise the same political muscle with respect to the Senate, where only a handful of senators had to fret about a large black constituency. Thus, western Democratic senators, such as McCarran of Nevada and McFarland and Hayden of Arizona, could vote against the Barkley ruling.
with the assurance of impunity, and there was nothing that civil-rights advocates could do about it. Finally, the ruling itself was vital for the future of civil-rights legislation. From the vantage point of 1952, Roy Wilkins considered it the most "crucial vote on civil rights in the past ten years," not only because it "would have paved the way for shutting off the filibuster on the motion to take up FEPC" but, more important, because it would "have forestalled the adoption of the infamous Wherry-Hayden Rule 22 on filibusters which stands as a permanent roadblock to civil-rights legislation."\textsuperscript{18}

Wilkins was referring to the so-called compromise that followed in the wake of the defeat of the Barkley ruling, when Senators Wherry and Hayden sponsored a substitute amendment for their original cloture resolution. Although the substitute sanctioned the application of cloture to a motion, it was obviously designed to appeal to the South, for it required a "constitutional" two-thirds majority—that is, two-thirds of the entire membership rather than the current requirement of two-thirds of those present—to invoke cloture. Moreover, the amendment prohibited the application of cloture to a motion to amend Rule XXII in the future.\textsuperscript{19}

In short, Vandenberg's ruling in 1948 and the Senate's defeat of Barkley's ruling in 1949 led to the adoption of a new rule that increased the power of the South to frustrate enactment of civil-rights legislation. Although thirty Democrats and twenty-two Republicans had signed the petition endorsing the Wherry-Hayden amendment, which all but guaranteed its passage, administration Democrats led by Senator Lucas sought to delay the inevitable. But Lucas had lost control of the Senate. Tempers flared, even among friends of civil rights. Walter White frantically wired senators that "a vote for the Wherry substitute resolution means that the Senate will never pass any civil-rights legislation or ever amend Rule 22 again." It was of no use. On March 17, 1949, the Senate voted sixty-three to twenty-three to approve the substitute resolution, and the fight was over. Only fifteen Democrats, led by the hapless Lucas, and eight Republicans had held out to the bitter end.\textsuperscript{20}

It was a subdued Harry Truman who greeted reporters at his news conference on March 18 in Key West. Asked if he still hoped to win senatorial approval of civil-rights legislation, he refused to comment "because the matter hasn't reached the conclusion." Asked about the rumor that the Senate had agreed to pass only a poll-tax bill, he offered no comment, except to point out that he only advised the Congress and that the United States had three "independent prongs" of government.
Faced with the expiration of rent control on March 31 and with a growing backlog of bills, particularly appropriations for the Marshall Plan, Truman was obviously shoring up his political fences. Yet the following week, during a news conference in the White House, he expressed hope that “we will get that program through.”

But the NAACP was no longer thinking in terms of winning the total program. At its April meeting, following the cloture debacle, the Board of Directors departed from precedent and voted to “establish priority of FEPC over all other legislation on civil rights.” Previously, the organization had insisted that all parts of the civil-rights package were of equal importance, although ever since the war it had been clear that civil-rights supporters considered the FEPC first among equals.

Regardless of the adoption and the feared effects of the new cloture rule, the Truman administration proceeded with its plans to push civil rights. Even while the filibuster was in progress, members of the White House staff were drafting legislative proposals, which they circulated to various executive agencies for recommendations and approval. In the meantime, Representative Mary Norton introduced the administration’s anti-poll-tax bill in the House on March 3, and by the end of the month the administration’s complete program was ready for introduction.

For the moment, however, the White House stalled. In response to an inquiry from Mrs. Norton, the president advised her on April 5 that he would “rather not discuss it publicly until we are sure exactly where we stand.” The statement was deliberately nebulous, perhaps because the 1948 appropriations for the European Recovery Program had expired on April 3 and authorization for new funds would not clear both houses until April 13. Whatever the case, on April 28, Senator McGrath introduced the administration’s civil-rights program in the Senate, an ambitious package obviously meant to encompass most of the president’s recommendations in his special message of February 2, 1948.

Aside from the bills concerning lynching, the poll tax, and a compulsory FEPC, the program included a surprise omnibus bill, which proposed some legislative novelties. The bill called for the establishment of an executive commission on civil rights, creation of a joint congressional committee on civil rights, elevation of the Civil Rights Section of the Department of Justice to a full division headed by an assistant attorney general, amendment of existing civil-rights statutes to close loopholes, additional guarantees to protect the right to vote,
and prohibition of discrimination and segregation in interstate commerce. In the House, Emanuel Celler sponsored the omnibus and anti-lynching bills, and Adam Clayton Powell, erstwhile Truman critic, introduced the administration's FEPC proposal.25

For ten days in May, a parade of witnesses, mostly favorable to the bill, passed before Powell's subcommittee. The white South, of course, had its day; and Congressman Laurie C. Battle of Alabama appeared to denounce the FEPC as "unconstitutional, unenforceable, and unwise." Congressman Charles E. Bennett of Florida suggested that Communists and "a lot of pretty wild people, with pretty long hair" in the North were behind the scheme to destroy the South's "traditional democracy," which prompted Chairman Powell to retort that it was the president's bill, not the Communist party's. Clare E. Hoffman, a Republican congressman from Michigan, saw it as "another step toward dictatorship." He was also certain that one objective of the FEPC was to encourage "social intermingling" and intermarriage among the races. Nor was he alone in having this obsession. The candid and offhand testimony of one southern congressman clearly exposed a man hung up on the fear of interracial sex.26

The testimony in favor of the bill was more impressive and more to the point. Secretary of Labor Maurice Tobin vigorously supported the administration's bill, particularly because of its strong enforcement provisions, but assured his audience that its authority would not be invoked precipitantly or arbitrarily. Felix S. Cohen, representing the Association on American Indian Affairs, eloquently argued that the Indian's problem was more economic than social, for "Indians are the last to be hired and the first to be fired." Herman Edelsberg of the Anti-Defamation League, in reply to the argument that Congress could not legislate love or legislate prejudice out of existence, pointed out, "The bill is not aimed at prejudice, the bill is aimed at discrimination, at overt acts which you might call the bitter fruits of prejudice."27

In further testimony, Mike Masaoka of the Japanese-American Citizens League, though conceding "tremendous improvement" in employment practices since prewar days, presented an impressive array of statistics documenting the degrees of employment discrimination against Japanese-Americans as one moved from the West Coast, where prejudice was still rampant, to New York, where the situation was "heartwarming." Masaoka attributed the bright prospects in New York to the state's fair employment practices law. He also made it clear that his plea for a federal FEPC embraced the cause of all minorities in America. Clarence Mitchell of the NAACP argued that
the bill would strike at discrimination in employment in both North and South; and he reported on an investigation of fifty-one firms in eighteen states, which revealed that only eleven employed blacks in skilled positions and that only five of twenty-nine with apprentice-training programs would admit Negroes.28

Finally, the Department of State reintroduced Dean Acheson’s statement of 1946 concerning the adverse effects of discrimination on America’s international relations. Indeed, on May 20, Congressman Powell observed that all witnesses favorable to the bill had stressed the international implications of white America’s prejudice against darker minorities. This contrasted with the absence of such testimony and such observations during hearings in 1945 and 1946.29 The cold war was obviously exercising an impact on domestic affairs in more ways than one. Opponents of fair employment practices legislation alleged that the proposal was a Communist conspiracy from within; proponents argued more plausibly that the cold war from without demanded that America put its house in order.

One of those who appeared before Powell’s subcommittee to speak against a compulsory FEPC was Congressman Brooks Hays of Arkansas, who had been designated as the spokesman for several moderate southerners. By this time, Hays was widely known for his so-called Arkansas plan for compromise on civil rights, which he had presented in a speech to the House in February 1949. His program called for a constitutional amendment to outlaw the poll tax, a modified antilynching law that would permit federal intervention only when local authorities failed to act, abandonment of attempts to deal legislatively with segregation in interstate transportation, and establishment of a counseling service in the Labor Department in lieu of a compulsory FEPC.30

On February 5, when a member of the White House staff apprised Truman of Hays’s interest in seeking compromise, the president ignored the overture; and in July he personally informed Senator Russell that the Arkansas plan was unacceptable. Aside from his own personal feelings, Truman had to consider the political implications of any move on his part to dilute his program, which he had already described as the minimum in order to achieve equal justice in America. Most civil-rights advocates considered Hays’s program a surrender to the South rather than a step in the right direction. As Thomas L. Stokes put it in commending Hays for his courage, the so-called compromise begged “the essential issue involved. This is that there are basic rights guaranteed in the Constitution which hardly can be compromised in justice. They have been compromised since the Civil War, which
seems too long. The weakness of the southern position is the assumption that there is anything to compromise in the first instance.\textsuperscript{31}

Obviously, Truman already had enough troubles with Congress without inviting the bitter opposition of the civil-rights coalition, tenuous and temporary as that coalition might be. The entire Fair Deal program, however, was in jeopardy, along with other priority items of the administration. Thus, on May 24, following a meeting with the president, congressional leaders announced their hope to adjourn by July 31, unless Congress failed to act on the three “top must” measures—consent to the North Atlantic Pact, extension of the Reciprocal Trade Agreement program, and repeal of Taft-Hartley.\textsuperscript{32}

The determination of priorities distressed the critics. The ADA, noting the absence of civil-rights and social-welfare measures, accused Democrats of hoisting the “flag of surrender.” Despite the president’s attempt to temper the announcement of his congressional leaders, and despite his comment on May 25 that he would continue to press for enactment of his program, the criticism came thick and fast. The NAACP released a statement that spared the president but lashed at the leadership of both parties and the “faint-heartedness” of some liberal Democrats. The June issue of the \textit{Crisis} was even less generous. Expressing its shock at the “runout” on the party’s pledges, the NAACP organ warned that if “Mr. Truman and his congressional leaders fail at this point to apprehend the extent of the growing doubts and disillusionment they may understand them more clearly after the 1950 election.”\textsuperscript{33}

The administration moved quickly to heal the breach. After meeting with the president and with the members of the Senate Democratic Policy Committee on May 31, Senator Lucas distributed a prepared statement that promised to extend the congressional session beyond July 31 to enact “the most urgent proposals” of the president. Although he did not specifically identify the “urgent proposals,” Lucas pledged “every effort” to enact civil-rights legislation in spite of the Wherry-Hayden rule on cloture.\textsuperscript{34}

The statement only partially accomplished its intent to mitigate black criticism. On June 20 Roy Wilkins reminded White House Assistant David Niles that Negro hopes for “a stout effort” to change the Senate rules had been “dashed” since January 1. Now Congress was “fiddling around” with a weak antilynching bill and with the “wholly unsatisfactory attack on the poll tax through constitutional amendment.” Wilkins’s distress with administration leaders in Congress was clear, and his letter was apparently an appeal for Truman to intervene
more directly in the question of congressional priorities. Others were equally critical of the leadership of both parties in Congress. Robert R. Church, perennial Republican and chairman of the black Republican American Committee, fumed that the "illegitimate intimacy between a majority of Republican senators with southern poll tax Dixiecrats is a national scandal and a disgrace to the party of Abraham Lincoln." 35

Faced with the penchant of some Republican congressmen to look south for political comfort and with the tendency of some northern and western Democrats to wander far from the party's program, the president was confronted with the necessity of an urgent search for votes. There were, of course, many gratuitous suggestions from well-intentioned sources, such as that a bipartisan approach to civil rights was needed or that additional pressure should be applied on recalcitrant senators. But no one could present a precise formula, except to emphasize the president's power of patronage. And that, as Truman well knew from his own senatorial experience, was a slender reed. Some also suggested that he punish Dixiecrat congressmen following his victory in 1948 by denying them key chairmanships and by withdrawing patronage. Truman, however, quickly and wisely dissociated himself from this route. In his news conference of December 2, 1948, he pointed out that the designations of committee assignments was a matter for Congress; and it was soon apparent that he would not distribute patronage on the basis of party loyalty during the 1948 campaign. 36 In submitting an ambitious program to a new Congress, Truman needed all the good will and support that he could muster from members of his own party; and to urge reprisals in congressional assignments might cost him the allegiance of several Democrats who otherwise had little sympathy, either personally or ideologically, with their southern colleagues. Having served in the Senate himself, Truman was intimately familiar with Congress's jealousy of its prerogatives.

Of course, there were some actions that could not be tolerated, particularly the defection of southern members of the Democratic National Committee during the 1948 campaign. With the president's blessing, the new chairman of the committee, William M. Boyle, Jr., announced in August 1949 the expulsion of six southern members representing the states of South Carolina, Mississippi, Alabama, and Georgia. J. Strom Thurmond was one of the casualties. 37

Moreover, although the president would not seek revenge for past congressional defections, he made it clear in his news conference of April 28, 1949, that he expected support of his present program. Appropriately enough, Truman's statement coincided with Senator McGrath's
presentation of the administration’s civil-rights program to Congress. To reporters, Truman stated flatly that the voting records of Democrats in Congress on the Fair Deal would determine the allocation of patronage, which might or might not affect Dixiecrats, depending on their future votes. Senator McGrath preferred to apply it to past records as well, though he accepted the presidential statement with the acknowledgement that “he makes the appointments.”

Truman’s announcement immediately set off a flurry of speculation and heated rhetoric. The Chicago Defender reported that Congressman John H. Rankin of Mississippi had already “felt the lash of the president’s patronage whip in the appointment of two Mississippi postmasters on whom he was not consulted by the White House.” When a Mississippi physician accused the president of denying patronage to the entire delegation of his state, Truman replied that he “hadn’t heard about it.” Yet there was some substance to the charge, for it was repeated by Congressman John Bell Williams of Mississippi, who complained that the White House had yet to approve any postmaster appointments for his state. Moreover, the office of L. Mendel Rivers, congressman from South Carolina, reported that the Census Bureau director had advised Rivers that his name did not appear on a White House list for recommendations for appointments to that agency.

Actually, the White House staff had been keeping close tabs on congressional voting for some time and had devised a scorecard of “Hold” and “Clear” lists concerning appointments. The strategy was simple. Some appointments were held up indefinitely, so much so that after the congressional elections of 1950 narrowed the Democratic majorities in both houses, thereby increasing southern power within the party, Congressman E. C. Gathings of Arkansas expressed the hope that “maybe some southern postmasters will finally be appointed.”

Important vacancies had to be filled as soon as possible, but the president simply ignored the recommendations of some who fought his program. And here he ran into trouble. In the fall of 1949, for example, Truman appointed Neil Andrews as an interim federal judge in the northern district of Georgia without consulting Senators Russell and George. In August of 1950 the senators had their revenge when the Senate refused to confirm Andrews in a voice vote. No one questioned the judge’s qualifications, but the president had violated the hoary tradition of “senatorial courtesy.” At the same time the Senate rejected the nomination of Carroll O. Switzer as judge for the southern district of Iowa, after Democratic Senator Guy M. Gillette termed the nomination a “direct affront.” The Senate also rejected the nomina-
tion of Martin A. Hutchinson to the Federal Trade Commission, after Senators Harry F. Byrd and A. Willis Robertson of Virginia had declared Hutchinson unfit for the position.

Truman could not win. While the Senate rejected some of his nominations on the grounds of “senatorial courtesy,” others criticized him for allowing some southerners to retain their customary patronage. Moreover, it was always clear that some southern congressmen preferred the loss of patronage to the accusation that they supported parts of the president’s program, which could be more damaging when election time rolled around.42

Another problem that plagued the president during the Eighty-first Congress was the inclination of certain senators to use civil rights as a political football. The game began in the first session over the administration’s housing bill, when Republican Senators John Bricker of Ohio and Harry Cain of Washington, who led the opposition to public housing, proposed an amendment prohibiting discrimination in all units authorized by the bill. It was a shrewd maneuver. Aware that support for public housing came mainly from northern liberal and southern senators, Bricker and Cain sought to drive a wedge between the two traditionally inharmonious groups, thus destroying any chance for passage of the bill.43

It was a nasty situation and led to a split in the civil-rights coalition, both within and without the Senate. The NAACP, the American Council on Human Relations, and the National Negro Congress were willing to take a chance that the bill with the amendment would not be defeated, while the National Council of Negro Women and other organizations were not. In the House, the two black congressmen went opposite ways, with Adam Clayton Powell favoring such an amendment, while William Dawson, reflecting the strategy of the administration, concluded that addition of antidiscriminatory provisions would insure the defeat of the housing bill. A similar breach occurred in the Senate when Wayne Morse and Paul Douglas, although civil-rights champions, vigorously spoke against adoption of the Bricker-Cain amendment, which they considered tantamount to a vote against public housing itself. It was again the old question of priorities.44

On April 21 the Senate rejected the Bricker-Cain proposal, 49 to 31, and the House buried a similar amendment on June 29 by a vote of 168 to 130. This led to passage of the housing bill shortly thereafter. The Housing Act of 1949, which called for the construction of 810,000 public housing units over the next six years, was the greatest domestic triumph of the Eighty-first Congress. Neither Congress nor subsequent
administrations fulfilled the commitment, however, so that by 1964 only 356,203 units had been constructed.\textsuperscript{45}

A similar donnybrook developed with respect to federal aid for education, although injection of the issue of separation of church and state meant that a religious complication was added to that of a conflict over race. The Senate bill, which the president privately preferred,\textsuperscript{46} would have allowed the states, if they so chose, to allocate federal funds to parochial schools for textbooks and for school bus service; it would also have required states with segregated schools to provide “just and equitable apportionment” of federal funds between white and black systems. The NAACP drafted an amendment to the bill that would have denied federal aid to those states with segregated schools, and Senator Henry Cabot Lodge was persuaded to sponsor it in the Senate. In contrast to Bricker, Lodge was sincere, though he was also naive if he entertained any hope of its adoption. The opposition was strong and included Hubert Humphrey, who contended that the issue of civil rights should be fought on civil-rights bills alone. “As much as I detest segregation,” he noted, “I love education more.” On May 3 the Senate overwhelmingly rejected the amendment by a vote of sixty-five to sixteen, and on May 5 a bipartisan coalition voted fifty-eight to fifteen to pass the bill itself.\textsuperscript{47}

The NAACP, however, refused to concede defeat, and on May 9 its board of directors passed a resolution to continue the fight. In a letter to the branches, Acting Secretary Roy Wilkins outlined the new strategy of seeking to amend the House bill on federal aid to education. In view of the developments in the House, that hope was tragically misplaced. Graham A. Barden of North Carolina chaired the hearings and reported a bill to the full Committee on Education and Labor that differed markedly from the Senate bill in at least two respects. It eliminated completely the guarantee for equal allotment of funds to black and to white school systems and prohibited the use of any federal money for parochial schools on the grounds that such procedure violated the constitutional guarantee of separation of church and state.\textsuperscript{48}

The situation quickly became hopeless. John Lesinski, chairman of the full committee, accused Barden of drafting an anti-Negro, anti-Catholic bill that dripped “with bigotry and racial prejudice” and promised that the bill would never emerge from his committee. House Majority Leader John McCormack, also a Catholic, chimed in with similar accusations. Francis Cardinal Spellman also found the issue irresistible and attacked Barden as a “new apostle of bigotry.” This led to Cardinal Spellman’s celebrated dispute with Eleanor Roosevelt,
who defended Barden because of the religious issue involved. As Lesinski had promised, the bill never emerged from committee. 49

Straight civil-rights bills fared little better, although the House did pass Mary Norton’s anti-poll-tax bill on July 26 by a strong bipartisan vote of 273 to 116, the fifth time in seven years that the lower house had approved such a bill. But no one was excited about its prospects in the Senate, and the bill died in the Senate Rules and Administration Subcommittee, chaired by John Stennis of Mississippi. The House Judiciary Committee failed to report an antilynching bill, while the Senate Judiciary Committee approved Republican Homer Ferguson’s bill on June 6 rather than those offered by Humphrey and McGrath, which provided for much stiffer penalties. But the Senate bill went nowhere, despite the propaganda and agitation that accompanied the lynching of a young black in Georgia. The NAACP opposed the Ferguson bill anyway—as ineffective and much too weak. There was even less action on the administration’s omnibus bills, which failed to reach the full committee of either house. 50

Truman’s elevation of Senator McGrath to attorney general also added a serious complication, for Senator Pat McCarran, head of the Senate Judiciary Committee, appointed James Eastland of Mississippi to succeed McGrath as chairman of the subcommittee responsible for all civil-rights bills in the Senate, except for those involving the FEPC and the poll tax. “We are mighty sorry about this,” editorialized the Call. “President Truman has made a gallant fight for civil rights,” although he could not dictate to the Senate. “But what else can we do but hold the Democrats responsible?” Nor was Truman happy about it. In his news conference of September 15, when asked for his reaction to the appointment of Eastland, he snapped a “No Comment,” with an exclamation point. 51

Finally, as expected, Congress failed to pass an FEPC bill, although civil-rights pressure here was intense. On June 2, 1949, spokesmen for the NAACP, the AFL, the CIO, ADA, and various Jewish organizations met with a White House adviser to urge first priority for FEPC legislation; and on July 7 they delivered the same opinion to Senator Lucas. In a conference on September 9, Democratic leaders in the Senate agreed to place the FEPC first on the civil-rights agenda. The president was already committed. In a meeting on August 30 with Adolph Sabath, chairman of the House Rules Committee, Truman requested that the FEPC be considered as “must” legislation when the House resumed full sessions on September 21. Although the Committee on Education and Labor had reported the bill in August, Sabath
promised nothing except to see “what can be done.” The corresponding committee in the Senate, however, did not report the bill until October, and then without any recommendation.52 Nonetheless, something had been accomplished, if only that the path had been cleared for prompt consideration of the FEPC in the second session. Official confirmation of postponement came on October 3, following the president’s regular conference with legislative leaders, when Senator Lucas promised early action on the FEPC in the second session. He also noted that the decision to postpone civil-rights legislation until 1950 was made after consultation with the “principal minority groups of the country,” although there had been some grumbling from the ADA, the American Council on Human Rights, and the Courier.53

It had not been a satisfying legislative year for black Americans. There were a few benefits, though one had to strain to find them. For one thing, the appropriations for Howard University were the largest in the history of that institution. A black columnist was pleased that Congress had refused appropriations to the District of Columbia Redevelopment Land Agency for the purchase or condemnation of homes in the Marshall Heights area, for the result would have been the displacement of blacks by whites. The Afro-American was happy about the passage of the Housing Act and the increase in the minimum wage from forty to seventy-five cents an hour but complained that civil-rights bills, “those hardy perennials,” again had “withered on the vine.”54

The refusal of Congress to enact the administration’s national health-insurance program was also a matter of concern. The Chicago Defender viewed the program as one of the largest potential benefits “for Negroes and low income groups . . . since the passage of social security and minimum wage legislation under the Roosevelt New Deal,” and most black leaders agreed. Yet the National Medical Association (NMA), reflecting some of the conservatism of the American Medical Association and perhaps influenced by its intense campaign of opposition, adjourned its annual meeting without taking a position on the plan. This prompted the NMA’s new president to declare that “if you support the stand against Truman, you will receive a pat on the back from the AMA, but condemnation from ten million Negroes and the NAACP.”55

The legislative successes of 1949 were all too few, and civil-rights supporters were largely impartial in criticizing both parties in Congress while remaining generally favorable to the president. The Amsterdam News described the situation and the dilemma. The Republi-
can party, declared the editor, “is pictured as—and frequently is—the party of archconservatism, opposed to social changes that are needed by underpaid and handicapped groups such as Negroes. The Democratic party claims to be—and sometimes is—the party of liberal reform. But the Democratic party is also the party of the reactionary South.” The editor concluded that President Truman, although well-meaning and sincere, “knows perfectly well that he is a prisoner of his party.”

Perhaps—but Truman did not think so, and in the fall of 1949 he fired a concentrated barrage of statements in favor of human rights that had not been equaled by any earlier president. Some of the rhetoric, of course, had an obvious connection with the cold war. In accepting the honorary chairmanship of National Brotherhood Week, he contended that “America is dedicated to the conviction that all people are entitled by the gift of God to equal rights and freedoms even though they may differ in religious persuasion, in social and political views or in racial origin.” The following day, October 6, he reaffirmed his commitment to eventual integration of the armed forces. On October 24, when laying the cornerstone for the United Nations building in New York City, he paid tribute to the UN for its devotion to “fostering respect for human rights.” In taking part in a program on “Religion in American Life” on October 30, he asserted that America’s strength was its spiritual faith, a faith that “makes us determined that every citizen in our own land shall have an equal right and an equal opportunity to grow in wisdom and in stature, and to play his part in the affairs of our nation.” Speaking in St. Paul on November 3, as part of Minnesota’s Truman Day celebration, he minced no words in holding that “all Americans are entitled to equal rights and equal opportunities under the law, and to equal participation in our national life, free from fear and discrimination.” The pronouncements were coming in such rapid fire that the Call predicted that when the record of the Truman era was fully written, “among the surprising things about it will be the way in which the Democratic president . . . stood firm in the pledge to make Negroes equal before the law.”

The high points of November, however, were speeches before two prominent human-rights organizations. Speaking at a luncheon of the National Conference of Christians and Jews, Truman eulogized the members of his audience for their “fight against the forces of intolerance, to bring light to the dark by-ways of prejudice, and to spread the spirit of tolerance and brotherhood which unites our country.” He also referred to his recommendations for legislation, contending that “in
view of the fundamental faith of this country and the clear language of our Constitution, I do not see how we can do otherwise than adopt such legislation."58

In his address to the annual meeting of the National Council of Negro Women, he devoted most of his remarks to the United Nations, which the NCNW was honoring as part of its convention. But he did not overlook the opportunity to discuss "the extension of freedom and opportunity to all our citizens without racial or religious discrimination," noting that "we are awakened as never before to the true meaning of equality—equality in the economic world. We are going to continue to advance in our program of bringing equal rights and equal opportunities to all citizens. In that great cause," he concluded, "there is no retreat and no retirement."59

The statement was pure Truman in content if not in form, and for more reasons than one. In particular, his plea for economic equality was neither a verbal slip nor a speechwriter’s inspiration of the moment. Truman had never accepted the idea of intermarriage or of intense socialization, which he called "social equality" and which he would continue to oppose long after leaving the presidency. But economic equality was another matter; and if segregation interfered with that right, then it had to go. On December 6, 1949, the first anniversary of the UN’s Universal Declaration of Human Rights, he climaxed his appeal for justice and tolerance with a proclamation declaring December 10, 1949—and that day in each succeeding year—as United Nations Human Rights Day.60

Meanwhile the White House staff was quietly working in other directions. In November, Elmer Staats of the Budget Bureau informed Stephen J. Spingarn, a White House assistant, of the inadequate budget request of the Justice Department for its Civil Rights Section. In particular, the section had only seven lawyers in contrast with eight in 1948, and of the thousands of complaints received annually, only a few were investigated and even fewer prosecuted. In view of congressional inaction on the presidential request to elevate the section to a division, Spingarn suggested to Clark Clifford that the administration ought to increase the present size of the section to fifteen. Moreover, Spingarn asserted that such action "would be further assurance that the administration meant business in the civil rights field and would offset the legislative defeats in this field which we are likely to receive in 1950." When Clifford postponed decision, then left with the president for Key West, Spingarn approached Charles Murphy, Clifford’s assistant, who in turn talked with Attorney General McGrath.
The new attorney general was more than agreeable and responded with a request for fifteen additional lawyers in the Civil Rights Section, which both Staats and Spingarn considered excessive and cut to a total of fifteen.61

The upshot of the matter was that Truman's budget message for fiscal year 1951, delivered to Congress on January 9, 1950, included a request for an additional $110,000 for the Justice Department's Criminal Division, primarily for "a substantial expansion" in the civil-rights program. The president's budget message also contained the usual pleas for appropriations to finance the proposed creation of a Fair Employment Practices Commission, a permanent Commission on Civil Rights, and the appointment of an assistant attorney general to supervise a civil-rights division in the Department of Justice.62

Civil-rights champions were pleased not only with the budget statement but also with the president's State of the Union message of January 4, 1950, in which he gave no hint of retreat or compromise on civil rights. In some ways, the statement of 1950 was stronger than that of 1949, or at least it was more specific. In addition to his request for enactment of legislation to guarantee "democratic rights" and "economic opportunity," he specifically urged statehood for Hawaii and Alaska, home rule for the District of Columbia, and more self-government for the island possessions. He also expressed his disenchantment with some of the actions of Congress. "Some of those proposals have been before the Congress for a long time," he concluded. "Those who oppose them, as well as those who favor them, should recognize that it is the duty of the elected representatives of the people to let these proposals come to a vote."63

Cloture was the problem, as both the president and civil-rights advocates realized. Although the NAACP had been caught napping during the fight over the Barkley ruling in March 1949, it had no intention of nodding again. In mid October 1949, representatives of various NAACP branches met in New York to map strategy for pressure activities in the second session and to call an organizational meeting on November 10 to establish the National Emergency Civil Rights Mobilization. At that meeting, various church, labor, civic, and trade associations began formulating detailed plans for a meeting of delegates from sixty organizations in Washington on January 15–17, 1950, for the purpose of lobbying for civil-rights legislation. The group, however, was cautious about its invitations and fended off attempts of the Civil Rights Congress to infiltrate the movement.64 Given the growing hysteria concerning communism, it was difficult enough to preserve the
legitimacy of civil rights without the additional burden of a suspect organization.

With Walter White on leave, secretly honeymoonsing on a world tour as a member of the “Round the World Town Meeting,” Roy Wilkins had become the acting secretary of the NAACP, which led to his appointment as chairman of the mobilization. Although Wilkins lacked White’s contacts at the White House, he quickly sought to persuade the president to address the mobilization’s convention. David Niles vetoed the idea, but did agree with Spingarn’s suggestion that Truman receive a delegation from the conference. Spingarn was particularly concerned that Truman “set at rest the rumors inspired by Negro Wallaceites and Republican sources that the president gives lip service only to the civil-rights program. Since the likelihood of enactment of any consequential civil-rights legislation in 1950 seems remote, it would appear to be particularly desirable that the president . . . demonstrate (as we know to be the case) that he means what he has said about civil-rights legislation.”

The mobilization was more successful than anticipated, at least in its propaganda value and in demonstrating interorganizational, interracial, and interreligious unity. Although representatives of the NAACP constituted a majority of the more than 4,000 delegates, the attendance figures of other organizations were impressive, with 383 from the CIO, 350 from the Anti-Defamation League, 185 from the American Jewish Congress, and 119 from the AFL, as well as many delegates from other concerned organizations. Of equal importance, the delegates came from thirty-three states, “a spread,” according to Roy Wilkins, “never before achieved by any other delegation to Washington.”

The most significant result of the conference was the agreement on legislative priorities. Organized labor subordinated its opposition to Taft-Hartley, as did the various Jewish organizations to the Displaced Persons Act, to vote top priority to the enactment of FEPC legislation in the second session of the Eighty-first Congress. It was a long way from the bleak, lonely days of 1939 and 1940, and the NAACP was ecstatic with the “ever-expanding support for legislation to extend equal economic, social and political rights to all American citizens.”

Armed with the unanimity of the conferees, Roy Wilkins led a delegation to the White House for an audience with the president. As Wilkins began reading a prepared statement that appealed for support in pushing FEPC legislation through Congress, Truman interrupted to point out, “You don’t need to make that speech to me, it needs to be
made to senators and congressmen.” He informed the delegates that congressional leaders had assured him that they would bring civil rights to a vote, even “if it takes all summer,” and noted also that his program was necessary “if we are going to maintain our leadership in the world.” In the course of his remarks, Truman pointed to the recent passage of a resolution in the Rules Committee, which he termed “a blow that is serious and backward-looking. I am doing everything possible to have that motion beaten when it comes up for consideration on the floor of the House.”

The president was referring to the action of the Rules Committee on January 13, 1950, when members voted nine to two to repeal the “twenty-one day rule” adopted the year before. The administration was alarmed, for the rule had permitted chairmen of standing committees to by-pass the Rules Committee during the first session. Moreover, of immediate concern was the fate of the House FEPC bill, which the Rules Committee had refused to report—an action that prompted John Lesinski of the House Education and Labor Committee to announce his intention of bringing up the bill under the twenty-one-day rule on January 23. Should the House sustain the resolution of the Rules Committee, that opportunity would be lost.

The administration quickly mobilized its forces, suggesting to minority groups that a vote for the resolution was a vote against civil rights; and the president himself enlisted the aid of Speaker Rayburn and House Majority Leader McCormack. At the same time, members of the National Emergency Civil Rights Mobilization buttonholed and pressured congressmen to defeat what they termed “the Dixiecrat effort to restore the old power of the Rules Committee to bottle up civil rights and social welfare legislation.” On January 20, after Speaker Rayburn insisted that the entire Fair Deal program was at stake, the House rejected the resolution of the Rules Committee by a healthy margin of 236 to 183. Upholding the administration were 171 Democrats, 64 Republicans, and Marcantonio of the American Labor party. Those opposed included 98 Republicans and 85 Democrats, with nearly all of the latter from below the Mason-Dixon line, which clearly revealed the central position of civil rights in the effort to restore the power of the Rules Committee.

The way now seemed clear for Lesinski to move for House consideration of FEPC under the twenty-one-day rule. Yet there might be trouble, for Speaker Rayburn, who did not enjoy a reputation as a civil-rights enthusiast, had consistently refused to indicate if he would recognize Lesinski for that purpose. Adam Clayton Powell, for one,
suspected the worst and wired the president, demanding that he in­
struct Rayburn to recognize Lesinski or all was lost. He also reminded
Truman that he had personally instructed congressional leaders in the
past concerning such bills as those on social security and the minimum
wage. In view of past differences between the congressman and the
president, the tone of the telegram was impolitic, and it failed to have
its intended effect. On January 22 Rayburn announced his intention
to ignore Lesinski on the grounds that the “atmosphere” of the House
was not “right” for consideration of the FEPC.\footnote{11}

Obviously, there was something wrong with the atmosphere some­
where, and Congressman Marcantonio of the American Labor party
quickly located it within both parties as well as in the White House.
The question arose early in the president’s news conference of Febru­
ary 2, and Truman was forced to admit that he had not requested
Rayburn to recognize Lesinski. “I didn’t ask him to recognize any­
body,” he stated. “That’s the business of the speaker. He has been in
charge of that, and nobody can tell him whom to recognize.”\footnote{12}
Perhaps—although in this instance Truman seemed to be genuflecting too
much in the direction of the Hill. As Powell had pointed out in his
telegram, the president did not always refrain from urging the “Big
Four”—the Democratic leaders in Congress—to move on other priority
items of the administration.

Actually, Truman was probably influenced by a combination of
the old question of priorities and a sense of futility over Rayburn’s
attitude, for there was no good reason to question Truman’s sincerity
concerning the enactment of effective civil-rights legislation. On Janu­
ary 12, 1950, for example, he had agreed with an assistant’s suggestion
that Charles Murphy approach Attorney General McGrath to persuade
him to use whatever influence he possessed with his former colleagues
on the Senate Judiciary Committee to bring the omnibus bill to the
Senate floor. Despite rumors of a harmony meeting between northern
and southern Democrats, Truman made it abundantly clear that he
would not accede to Dixie overtures. In a meeting with Congressman
Brooks Hays, he listened courteously but indicated that his own FEPC
proposal was not negotiable. Given the unwillingness of civil-rights
organizations to accept diluted proposals, he probably had no choice
anyway. In his news conference of January 27 Truman indicated his
refusal to accept a voluntary FEPC, and when queried about an or­
ganized southern attempt to present a negotiable civil-rights package,
he responded tersely: “My compromise is in my civil-rights message.”\footnote{73}

Clearly, the president had made up his mind. On February 9,
when a reporter asked if he cared to comment on the bill recently introduced in the Virginia House of Delegates to abolish segregation in the state, he said, “No. That is Virginia’s business,” but then volunteered that he was “glad to hear it, however.” Obviously, the pressure of civil-rights stalwarts did not require this type of comment. Nor was it necessary, for political reasons, for him to extemporize on civil rights on February 15 to the Attorney Generals Conference on Law Enforcement Problems, meeting in the capital, where he expressed his desire “to emphasize particularly equality of opportunity. I think every child in the nation, regardless of his race, creed or color, should have the right to a proper education,” he contended. “And when he has finished that education, he ought to have the right in industry to fair treatment in employment.”

In the meantime, Congress again became embroiled in civil-rights matters. There was great alarm over the new statement of policy adopted by House and Senate Republicans and released to the press on February 7, 1950. It was sad enough when the statement declared that “the major domestic issue today is liberty against socialism,” which was precisely the argument of many who opposed enactment of FEPC legislation. But it was altogether tragic that it made only a passing, general reference to civil rights. The statement read: “The right of equal opportunity to work, to vote, to advance in life and to be protected under the law should never be limited in any individual because of race, religion, color, or country of origin. Therefore, we shall continue to sponsor legislation to protect the rights of minorities.”

Such a position was virtually meaningless, and some of the strongest criticism came from Republicans. In view of the fact that the party had selected a Lincoln Day rally as the occasion for issuing the manifesto, Congressman Jacob Javits regretted that it “did not declare unequivocally for FEPC, antilynching and anti-poll-tax legislation in the best Lincoln tradition,” while Senator Lodge deplored the absence of any commitment to break the southern filibuster. Unable to suppress his disappointment, Senator Irving Ives argued that the statement fell far short of the Republican platform of 1948, “particularly on civil rights, labor-management relations and social responsibility.” The Afro-American was bitter. “Instead of a strong, aggressive document,” wrote the editor, “the 2,000-word GOP statement turns out to be another anti-Democratic pronouncement with a measly 49 words addressed to civil rights.”

The policy announcement had immediate relevance, for northern House Democrats were searching desperately for ways to bring the
FEPC bill to the floor. Confronted with Rayburn’s opposition and with the apparent lack of any real commitment on the part of most House Republicans, they wondered if it was worth the effort. Nonetheless, the House had to act if an FEPC bill were ever to reach the statute books, for Senate Democrats had decided to await the action of the lower chamber, where admittedly the chances of passage were much greater because of the absence of the filibuster.77

The “House-first” strategy on FEPC legislation was a new wrinkle and put administration Democrats to the test. After repeated failures to force it out of the Rules Committee, and after both Powell and Franklin D. Roosevelt, Jr., were unable to obtain the required 218 signatures on a discharge petition, which most House Republicans boycotted, civil-rights Democrats seized upon the device known as “Calendar Wednesday.” Under this procedure, Speaker Rayburn was required to recognize chairmen of standing committees on successive Wednesdays, at which time they could introduce legislation. Chairman Lesinski’s turn came on February 22, 1950, and FEPC was finally on the floor. But the customary bickering and parliamentary maneuvering permitted Republican Samuel K. McConnell of Pennsylvania to introduce a substitute FEPC bill, which expressed opposition to discrimination and proposed a commission to investigate and to recommend, but which did not provide for effective powers of enforcement.78

On February 23 a coalition of southern Democrats and conservative Republicans carried the day and adopted the McConnell amendment by a vote of 222 to 178. As the NAACP put it, “The friends of FEPC are the 178 Congressmen who voted against the McConnell amendment,” which included 128 Democrats, 49 Republicans, and Marcantonio; the “enemies” were the 104 Republicans and 118 Democrats who supported it. On a motion to recommit the bill to committee for further study, the “friends” of FEPC shifted tactics and voted against the bill on the grounds that referral to committee would kill FEPC in the House for the remainder of the session and that the presence of even a weak bill would force the Senate to act.79

The decision to oppose recommittal belonged to Roy Wilkins and Congressman Dawson, which prompted a few criticisms in the Negro press. One columnist contended that “Roy used poor judgment” and suggested the recall of Walter White to “active duty.” But if there was disagreement over a tactical situation, there was unanimity concerning the McConnell bill’s lack of merit. Although Truman ducked a question during his news conference of February 23, his answer was clear enough to indicate his opposition. Faced with a southern filibuster in
the Senate no matter what type of FEPC was under consideration, Senator Lucas promised to take up the Senate's much stronger bill and to ignore McConnell's proposal.80

It was now up to the Senate, and no one was particularly sanguine, for coupled with the southern resort to the filibuster was Senator Lucas's tendency to procrastinate. Indeed, much of the growing disenchantment with the administration stemmed from the majority leader's refusal to abide by his promise in October 1949 to place FEPC first on the agenda in the second session. In this, Lucas was not alone, for the White House was generally a willing ally as well as an occasional promoter of decisions to postpone a showdown on FEPC. Thus, when Truman departed for Key West in March 1950, a White House assistant, remembering the criticism showered on the president because of his absence during the Barkley ruling in March 1949, wondered if it would not be advisable to avoid Senate action on FEPC until his return around April 10. More to the point, on April 11 Truman urged Senator Lucas to give priority to foreign-aid measures, particularly appropriations for the third year of the Marshall Plan, which he considered "more important at this time" than controversial domestic items; and the Senate Democratic Policy Committee quickly agreed.81

The decision sparked the usual complaints. Roy Wilkins, for one, wired the White House, expressing his shock and dismay for the "continued delay and evasion on the part of the Democratic leadership in the Senate." White House Assistant David Niles responded, explaining the president's position and assuring the NAACP leader of his determination to bring FEPC legislation to a vote. Truman himself sought to soften the criticism during his news conference of April 13, when he explained the necessity for immediate action on Marshall Plan appropriations. He also promised that "FEPC will be carried to the logical conclusion, and every effort will be made to pass FEPC promptly without starting a filibuster against an international matter that is of vital importance to the whole world." In response to another question, the president implied that he regarded all forms of segregation as discriminatory.82

It was not enough for some of the critics. In an editorial entitled "The Sad and Gloomy Truth," the Courier accused Truman of continuing "to kid Negroes," for everyone knew that civil-rights legislation was "completely dead." And as the president prepared to depart on a short speaking tour, ministers of the African Methodist Episcopal
Church requested members of their congregations to stand quietly during his addresses and refuse to applaud.  

The Senate showdown took place on May 19, although not before Lucas had permitted southerners to filibuster the FEPC bill in an easy, lackadaisical manner, with plenty of time for everyone to prepare for dinner. On that day, a motion for cloture on the bill, which now required two-thirds of the entire Senate, went down by a vote of thirty-two to fifty-two, twelve short of the required number. As usual, the NAACP subjected the vote to intense scrutiny. Of the fifty-two votes in favor of cloture, the Democrats produced only nineteen as against thirty-three Republicans, while twenty-six Democrats (five from outside the South) and six Republicans were opposed. Moreover, there were twelve absentees, ten of whom were not southerners. On the basis of these figures, the Crisis concluded: “So neither the Republicans nor the northern Democrats can blame the Dixiecrats. Cloture on FEPC was blocked by northern and western senators of both parties, nine Republicans and twelve Democrats.” Actually, the magazine was a bit too impartial, although others were also disposed to equalize the responsibility. Given the fact that it was an administration-backed bill, the Democrats gave a sorry performance, which Walter White subsequently admitted in pointing to the “very bad” record of Senate Democrats.

Although Truman himself escaped most of the criticism, the administration moved quickly to repair the political damage. When the Fahy Committee on Equality of Treatment and Opportunity in the Armed Services, which had been created by executive order in 1948, prepared to submit its report to the president on May 22, 1950, the White House staff drafted a statement relating the report to the Senate’s actions on FEPC. On May 22 the president released the statement, in which he praised the Fahy Committee for its diligence in preparing the way, “within the reasonably near future,” for equality within the military. In concluding, he referred to the commotion in the Senate over the fair employment practices bill, contending that the accomplishments of the Fahy Committee illustrated the value of a commission in the “admittedly difficult field” of civil rights. “I hope the Senate will take this report into consideration as it debates the merits of FEPC,” he continued, “and that, as I urged in my State of the Union Message in January, it will permit this important measure to come to a vote.” He was referring, of course, to a vote on FEPC itself rather than on a motion to consider the bill, which was what the vote of May 19 was about. Nor did he have a watered-down compromise in
mind. During his news conference of May 25, he stated flatly that he would not accept the McConnell version of FEPC.85

White southerners were naturally unhappy with the accomplishments of the Fahy Committee in moving toward integration of the armed forces and attempted to destroy legislatively what the president was accomplishing administratively. In deference to the wishes of Senator Russell, the Senate Armed Services Committee amended the administration’s selective-service bill to permit draftees and volunteers the option of selecting a segregated unit, which, according to Russell, both white and black southerners preferred. When the bill appeared on the floor, Senator Lucas and Senator Leverett Saltonstall, Republican of Massachusetts, introduced identical amendments to eliminate the provision; and the Senate adopted the Lucas version on June 21, 1950, by a bipartisan vote of forty-two to twenty-nine. But Russell refused to surrender and sponsored another amendment that called for a poll of the entire military, stipulating that if a majority of men from thirty-six states preferred segregation, they would be assigned to segregated units; if they favored integration instead, the amendment would be voided. But the same coalition beat it down by a vote of forty-five to twenty-seven.86

In the meantime, Senate Democrats and the White House were girding for a final battle over FEPC, with another vote on the motion to consider the bill scheduled for July 12. The White House staff prepared carefully, and divided senators into four categories according to their past votes on FEPC. It was plain that pressure had to be applied. “We should not go to the polls in November with only the poor showing we made on May 19,” one assistant warned; and he called for “every possible effort . . . to have the 30 potential civil rights Democrats present and voting on July 12.” To achieve this purpose, Murphy and Spingarn urged the president to wage “an all-out campaign,” although realistically they noted: “It looks as though cloture will be unsuccessful in any case, but it seems desirable to get as high a Democratic vote as possible.”87 Truman gave them the green light, and the staff quickly contacted Senator Lucas and William Boyle, chairman of the Democratic National Committee. Lucas was already buttonholing senators and sending out telegrams, and Boyle quickly telegraphed Democratic party officials throughout the country, requesting their assistance in securing full attendance in the Senate in support of the president and the party platform.88

The vote on July 12, however, confirmed the suspicions of everyone, when the Senate failed to invoke cloture on the motion to con-
consider FEPC by a vote of thirty-three to fifty-five, nine short of a two-thirds majority. Although the Democratic vote for cloture was an improvement over that of May 19, it was not enough to offset six Republican votes against cloture. If the administration hoped that the second effort would neutralize some of the criticism, it was disappointed, for the Negro press was replete with commentary on the divided nature of the Democratic party. Nor were Republicans spared. The Afro-American, for one, maintained that Taft's leadership "prevented the Senate from passing even a watered-down FEPC bill." Some also blamed the Wherry-Hayden resolution, under which cloture required a two-thirds vote of the entire membership; although the fifty-five of eighty-eight votes of July 12 would still have fallen short of cloture under the old rule.

The failure to achieve cloture on July 12, 1950, spelled the end of efforts to pass an FEPC bill in the Eighty-first Congress. Indeed, events seemed to work against its enactment. The bill had long been suspect, and southerners were not alone in accusing it of being Communist-inspired, particularly after Senator Joseph R. McCarthy began his fear campaign in February 1950. Moreover, the outbreak of the Korean War in June necessitated a drastic reshifting of administrative priorities, both at the moment and in the future, although one NAACP leader argued that the war made it imperative to enact FEPC legislation, "not only because our country can no longer enjoy the luxury of wasted industrial manpower but also because our men in Korea need to know in their hearts and minds that they are not fighting in vain." The war did seem to offer a lever, which A. Philip Randolph was quick to grasp. Taking a page from his own past—in particular, the pressure that the March on Washington Movement had exerted on President Roosevelt to create an executive FEPC—the black labor leader urged another executive order to cope with the problems of another war. As the months passed, others took up the cry.

It was a sad year legislatively for civil rights. Although the president appealed twice in 1950 for home rule for the District of Columbia, the House District Committee refused to act on a Senate bill, passed during the first session, which provided for a modicum of self-government. Congress also ignored the president's request for appropriations to expand the Civil Rights Section of the Department of Justice. In fact, the hearings on the matter were a farce. Six of the eight Democratic members of the Senate subcommittee of the Committee on Appropriations were from the South, and Chairman Pat McCarran was no civil-rights advocate. In the course of the testimony,
some even questioned the legitimacy of the Civil Rights Section itself, which had functioned since 1939. Federal aid to education went nowhere, for it was still hung up on the knotty religious question of public assistance to parochial schools.91

Yet three of the president's recommendations in his special message of February 1948 were able to survive the congressional obstacle course. In July, Congress authorized Puerto Ricans to vote on reorganizing their government as a commonwealth in association with the United States. Under this plan, which was implemented in 1952, Puerto Rico became free, as long as it was consonant with the federal constitution, to decide its internal affairs, including taxes. Also in July 1950, Congress granted to the people of Guam citizenship, a bill of rights, local self-government, and an independent court system. Another of Truman's 1948 recommendations cleared Congress, on August 28, but not without grievous injury to its purpose. This was an amendment to the Nationality Act of 1940. The White House was of two minds about the bill, and its staff prepared both acceptance and veto messages, with the Justice Department and Budget Bureau in favor of the veto. The first section of the amendment contained what the president wanted, granting the right of naturalization to those Asians, mostly Japanese, who still lacked that privilege. Section two was something else. It denied naturalization to those who had belonged to a totalitarian party within ten years prior to the initiation of proceedings and provided for cancellation of citizenship for membership in such an organization within five years after naturalization.92

Truman chose to checkmate the spread of what would soon be called McCarthyism. In his veto message of September 9, 1950, he praised section one, but said that section two was "so vague and ill-defined that no one can tell what it may mean or how it may be applied." Moreover, he maintained that the act would create "a twilight species of second-class citizens, persons who could be deprived of citizenship on technical grounds, through their ignorance or lack of judgment." He then urged Congress to reconsider the amendment, preserving section one and removing "those ill-advised provisions" in section two. "At a time when the United Nations' Forces are fighting gallantly to uphold the principles of freedom and democracy in Korea," he concluded, "it would be unworthy of our tradition if we continue now to deny the right of citizenship to American residents of Asiatic origin."93 Had Truman known then what he learned later, that on September 23 Congress would vote to override his veto of the Internal Security Act, which contained some of the same provisions as section
two, he might have signed the amendment to the Nationality Act. As it turned out, he lost on both counts. Having urged and received congressional cooperation in legislating against communism abroad, the president was finding it difficult to cool congressional fever over communism at home.

The Truman administration's concern for the American Indian was also apparent during the Eighty-first Congress. Part of the government's awareness stemmed from the increasing activities of Indians themselves, who were demonstrating a disposition to organize and to propagandize in the postwar period. Prior to the war, most of the organizations devoted to the welfare of Indians were composed of and led by concerned whites. In 1944, however, Indians from all over the country met to establish the National Congress of Americans Indians, which strove to become the red man's counterpart to the NAACP. By 1950 the organization claimed a membership of one hundred thousand and operated from an office in Washington, D.C.94

Nonetheless, red men had little political strength. Although the Indian population was rapidly approaching the half-million mark by 1950, Indian leaders and white compatriots were acutely aware of the limitations of red power on election day. In a speech to a black audience in 1949, Charles Eagle Plume of the Montana Blackfeet placed part of the responsibility for their tragic economic situation—"The Georgia Negro eats better than the American Indian"—on the political fact that Indians could not "carry a single county in the nation" on election day. And it was the Indian's economic plight, not his power at the polls, that prompted the Truman administration to propose a program of relief and rehabilitation, particularly for the long-suffering Navajos and Hopis of the American Southwest.95

On December 2, 1947, the president reported publicly on the dismal situation facing the tribes of New Mexico and Arizona, outlining executive action to alleviate hunger and requesting stopgap appropriations for the winter, which Congress quickly approved. He also promised to submit to Congress a long-range program to help solve Indian problems. Privately, he directed Secretary of the Interior Julius L. Krug to draft the proposed legislation, which Krug submitted to the White House in February 1948 and, with presidential approval, to Congress shortly thereafter.96

The bill, dubbed the Navajo-Hopi rehabilitation bill, proposed a ten-year program, with an initial appropriation of nearly ninety million dollars for agricultural, commercial, and industrial development and for improved health, educational, and housing facilities. Although the
proposal failed to pass the Eightieth Congress, it got an unexpected boost when opponents of the Marshall Plan decided that something should be done first to relieve economic distress at home; thus the Navajo soon became part of the crusade against communism. Not to be outstripped, opponents of the administration's Navajo program also invoked the specter of communism in labeling the bill an attempt to "sovietize" the American Indian.  

During the legislative deliberations of 1949, passage of the bill seemed certain until it became ensnared in the problem of discrimination by the states of New Mexico and Arizona in distributing benefits to the Indians. In this particular case, Arizona and New Mexico denied all social-security benefits to the Indians, pleading an inability to match federal payments because of their large Indian population. Critics pointed out that the remaining forty-six states somehow found the financial means to carry their end of the program, though in all fairness it should be noted that the other states did not have as many large reservations exempt from state taxation.

In July 1948, Oscar Chapman, Under Secretary of Interior, urged the president to press the Social Security Board to enforce the law and to withhold all social-security funds from the two states until they abandoned their discriminatory policy. "The spectacle of Indian dependent children and old people starving in Arizona and New Mexico because they are excluded from Social Security benefits," Chapman warned, "would besmirch the record of this administration for faithfully executing the humane requirements of the Social Security Law.

The administration was in a quandary, for it was not that simple. If the states of New Mexico and Arizona continued to deny payments to their Indians, starvation and disease would result; if the Social Security Board withheld all federal funds, white and red alike would suffer. Under pressure from the Social Security Administration, New Mexico and Arizona agreed to permit Indians to apply for social security, which had the effect of buying time but only until it became painfully apparent that no applications would be approved.

In 1949 senators from the two states introduced a bill that would have required the federal government to pay up to 80 or 90 percent of the social-security benefits to reservation Indians of New Mexico and Arizona. As one critic put it, "They now ask Congress to discriminate in favor of Indians to overcome the effect of their own discrimination against members of that race." Although Congress did not approve this particular proposal, it did incorporate its provisions into section nine of the administration's Navajo-Hopi rehabilitation bill, increasing
the federal share of social-security payments from 60 to 92 percent. Section nine also proposed to transfer jurisdiction over inheritance and water rights from tribal authority and federal courts to the state courts of New Mexico and Arizona, which was enough to make any Indian advocate shudder.\(^{100}\)

Despite the bill's overall merit, protests poured into the White House, including one from the Navajo Tribal Council, urging a presidential veto. In nearly every case, the protests embraced both parts of section nine, although the Navajo Tribal Council, for obvious reasons, did not object to the social-security provision. Others did. For example, Oliver La Farge contended that federal assumption of 90 percent of social-security payments was "a vital breach in the non-discrimination provisions of the Social Security Law. It segregates the Navajo and Hopi peoples . . . for special treatment under that law. By so doing it establishes a dangerous precedent, and jeopardizes the rights under the Social Security Law of all other Indian groups and of other minorities."\(^{101}\)

Although members of the White House staff and cabinet officials were less than enthusiastic about the social-security provision in the bill, they realized that it was one solution to the government's dilemma. Oscar Chapman was reconciled to its inclusion, recognizing that it permitted a better solution in the future and also constituted "the sugar which spurred this bill along." The proposal to transfer authority to the state courts, however, was another matter, and on October 17, 1949, the president vetoed the bill on these grounds. He deliberately said nothing about the social-security proposal and promised to approve the bill if Congress deleted the "objectionable provisions" of section nine. Congress quickly responded, and on April 19, 1950, Truman signed the bill.\(^{102}\) A solution, however temporary and unsatisfactory, had been found to the problem of social-security benefits for the Indians of New Mexico and Arizona.

The Indians of New Mexico, and opponents of segregation everywhere, received another boost when the president signed a bill in October 1949 appropriating matching federal funds for the construction and continued support of a nonprofit general hospital in Albuquerque. According to Truman, the bill would "encourage the integration of hospital facilities for the care of Indians and non-Indians in the same community." Although he regretted that Congress had deleted "the meritorious provisions which would have guaranteed complete protection for Indian patients against possible future discriminatory practices," he was satisfied with the assurance of the Interior Department
that it could insure nondiscriminatory practices through a judicious administration of future funds. Moreover, county officials had promised "that no forms of discrimination or segregated services were ever intended, nor will they be permitted, in the operation or maintenance of the hospital." Accordingly, Truman approved the bill, confident that "fair and equal treatment will be accorded all patients of the hospital." The future sustained the president's faith, for the hospital in Albuquerque, financed jointly by federal and state appropriations, subsequently became the model for construction of hospital facilities elsewhere in Indian country.

Indians and their allies had good reason for optimism in 1950. By his actions in 1949 and 1950, Truman had indicated his continuing desire to include the "forgotten American" in his civil-rights program, a commitment that began with the Indian Claims Act of 1946. The government's amicus curiae briefs in the Indian voting cases in Arizona and New Mexico in 1948, the economic-rehabilitation program for the Navajo and Hopi tribes in 1950, and the president's public opposition to the traditionally segregated facilities for Indians in much of the West gave promise of more to come. So, too, did the president's appointment of Oscar Chapman as Secretary of the Interior in 1949, a move that brought universal applause from Indian organizations everywhere and that represented one of the best appointments during the Truman administration. Chapman's nomination encouraged the belief that some order might be established in the Bureau of Indian Affairs, which had seemed to function haphazardly since John Collier's resignation in 1945. Moreover, in March 1950, the president appointed Dillon S. Myer, renowned for his achievements as head of the War Relocation Authority, as commissioner of Indian Affairs. That action also suggested that justice and order would replace what too often in the past had appeared to be indifference or vacillation. The future promised great hope but would deliver disappointment, in part because of Myer.

The future would also deliver additional disappointment to those who advocated civil-rights legislation, but the record of Congress in 1949–1950 was poor. For the Negro specifically, Congress had passed nothing substantial, although the House had approved an anti-poll-tax bill in 1949 and a toothless FEPC bill in 1950. Neither measure had had a chance in the Senate. The president's determination of priorities, the ineffectiveness of patronage in securing loyalty to the administration's program, the midwestern-southern Democratic coalition, and the senatorial rule on cloture had combined to produce defeat on civil rights. The responsibility was broad, and both parties had to share it.