Innovation, Inevitability, and Credibility: Tracking the Origins of Black Civil Rights Issues

Matthew B. Platt*

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*Department of Political Science, University of Rochester plat@mail.rochester.edu
Title VIII of the Civil Rights Act of 1964 is among the most underrated achievements in black agenda setting. Rather than addressing segregation (as in Titles II-IV) or employment discrimination (as in Title VII), Title VIII takes the potentially radical step of having the Census Bureau collect data on the voting age population, the number of people registered to vote, and the number of people casting votes by race, color, and national origin. This seemingly mundane mandate for data collection is actually rooted in a long-standing black policy proposal to have Congress enforce Section 2 of the Fourteenth Amendment (Chicago Defender 1964). The result of such enforcement would be to limit southern representation to the proportion of the population that is actually allowed to vote, thus reducing southerners’ power to obstruct progressive legislation in the House. When we take these policy origins into account, Title VIII is transformed from innocuous government record-keeping to the first step in a radical restructuring of Congress. Title VIII illustrates how we underestimate both the practical and symbolic importance of such landmarks as the Civil Rights Act of 1964 when we do not account for the broader agenda setting process. More importantly, failing to consider the origins of black issue legislation ignores the purposive efforts of political entrepreneurs, and instead, casts black issues as inevitable products of American political developments. In this paper, I seek to pierce that aura of inevitability by asking, what accounts for shifts in the issue content of the congressional black agenda?

I address this question by tracking the origins of- and changes in black civil rights issues from the 66th to the 80th Congress. Rather than offering a deductive theory and searching for confirmatory statistical evidence, this paper makes use of Proquest’s Historical Black Newspaper database to place black civil rights priorities within the proper historical context. That context then provides the basis for a narrative that informs and is informed by the theoretical literatures of social movements, black politics, and agenda setting more broadly. In particular, these literatures suggest that the credibility of problem definitions and policy solutions – in terms of both policymakers’ and citizens’ perspectives – is essential to the introduction of policy innovations onto the agenda (Kingdon 1995; Mintrom 1997; King, Bentele and Soule 2007; Wood and Vedlitz 2007). By examining the differential impacts of presidential statements, reports from civil rights commissions, rulings by the Supreme Court, party platforms, and the actions of black advocacy organizations this narrative
can shed new light on how credibility is attributed to policy proposals. In that sense, this research can make a contribution to the study of agenda setting more generally.

The remainder of the paper proceeds in four sections. Section 1 explains the basic data that is used to construct the narrative and provides a brief review of the relevant literature. Section 2 begins the story of black issue change by examining the emergence of anti-lynching and anti-segregation campaigns during the interwar years. Section 3 moves the narrative through World War II to understand the shift away from lynching toward the fight for voting rights and fair employment. Section 4 places shifts in black civil rights issues into the context of larger theoretical concerns in the literature, and Section 3 builds on those concerns by using the 80th Congress as an example of how electoral politics, presidential leadership, and black advocacy combine to shape the agenda. Finally, Section 6 concludes with a discussion of how the case of black civil rights issues in Congress is helpful to a larger understanding about the role of credibility in policy innovation and policy changes over time. Title VIII of the Civil Rights Act was neither innocuous nor inevitable. Instead, like the other civil rights policies of that era, it was the result of years of policy debate and issue advocacy. This paper seeks to begin telling those stories.

1 Definitions, Data, and Points of Departure

The first step in devising a narrative of black policy change from 1918 to 1948 is to define what black issues actually are. Regardless of individuals’ self-identification, people who are recognized by society as being phenotypically black are vulnerable to racism, and that shared vulnerability can be the basis of political solidarity (Shelby 2005). Therefore, I define black issues as policies that attempt to fight racism and/or promote racial justice in the United States. In a less abstract sense, black issues must satisfy at least one of the following conditions:

1. **Anti-Racist**: Policies that erect legal protections against racial discrimination and remedies for the negative effects of past discrimination. Hate crime legislation, civil rights bills, the voting rights acts, minority set asides, and affirmative action are all examples of this criterion.

2. **Cultural**: Cultural policies are those landmarks, commemorations, holidays, and monuments that celebrate black achievements and history while simultaneously undermining negative
racial stereotypes of inferiority.

3. **Social Welfare**: Social welfare is limited to policies which explicitly address some racial disparity; explicitly attempt to remedy urban poverty; and those which disproportionately impact black Americans. These policies must foster non-stigmatizing, non-discriminatory social programs such as full employment, a guaranteed income, federal control over programs, or an opposition to work requirements. This encompasses a wide range of policies from expanding benefits under AFDC to funding research on sickle cell anemia to increasing federal funding of elementary and secondary education.

These three criteria were then applied to every bill introduced in Congress from 1947 to 1998 to determine whether these bills addressed black issues or not. The Congressional Bills Project (Adler and Wilkerson 2007) provided the underlying data on bills, and it codes every bill as falling into one of nineteen distinct policy categories. For the purpose of this paper, only those black issue bills that fell within the Congressional Bill Project’s category of “Civil Rights, Minority Issues, and Civil Liberties” are considered. Most of these bills were classified as black issues using the Anti-Racist criterion described above.

Using this unique data on black civil rights bills, I first identified the types of issues that Congress had recognized prior to the major civil rights victories of 1964 and 1965. Four issues comprised the dominant focus of black civil rights during this period: protection against mob violence, voting rights, segregation, and employment discrimination. The next step was to search for articles in black newspapers about those four issues. These searches were conducted using the database of Historical Black Newspapers provided by Proquest. This database allows one to search and retrieve full text articles from *The Chicago Defender*, *Los Angeles Sentinel*, *New Amsterdam News*, *Pittsburgh Courier*, and *The Atlanta Daily World*. It should be noted that the aim in these searches was not to compile an exhaustive collection of all articles that discuss particular black civil rights issues. Instead, the articles are used to place the bills in context, and serve as the building blocks for the narrative of black issue change. However, before we can delve into the story of congressional recognition of black civil rights issues, the story must first be grounded within the literature.

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¹“Congressional recognition” is the term I use to describe when a bill on a given issue has been introduced in Congress. This term stands in contrast to the “congressional attention” that Jones and Baumgartner (2005) use to discuss hearings.
Change in black civil rights issues over time has not been the subject of much research. Studies of the civil rights movement are primarily concerned with the dynamics of the movement in terms of mobilization, organizational structure, and leadership roles (Morris 1984; Payne 1995; Robnett 1996; McAdam 1999; Jenkins, Jacobs and Agnone 2003). More recently, there has been greater attention to how movement activities translated into policy responsiveness from the government (Morris 1993; Skrentny 1998; Santoro 2002; Meyer and Minkoff 2004; Luders 2006; Skrentny 2006), and the black politics literature offers insight into how that responsiveness was (or was not) implemented through practical policies on the ground (Wolman and Thomas 1970; Walton 1988; Button 1989; Smith 1996; Andrews 2001). Taken together, these studies provide a fairly comprehensive base of knowledge about the civil rights era, but none of them actually address questions of agenda setting. More recent research from Olzak and Ryo (2007) connects protest activity to placing black civil rights issues on the formal agenda; however, they deal with black issues only in the aggregate rather than tracking the emergence of particular policy proposals. Conversely, Hamilton and Hamilton (1997) are interested in the particular policy initiatives of the National Association for the Advancement of Colored People (NAACP) and the National Urban League (NUL), but the emphasis is on enactment rather than agenda setting. In addition, Hamilton and Hamilton construct their study to follow the material-based issue priorities of the NAACP and NUL rather than tracing how Congress shifts it priorities for rights-based issues.\footnote{See Walton and Smith (2003) for a good discussion of the differences between rights-based and material-based issues.} Basically, like Title VIII of the 1964 Civil Rights Act, shifting attention within black civil rights issues has been ignored, so an important contribution of this work is merely in raising the question.

Needless to say, the aim of this paper is not simply to ask questions but to provide some answers as well. The central concept of agenda setting is that issue policies and problems are endogenous (Cobb and Elder 1972; Schattschneider 1975; Cobb, Ross and Ross 1976; Baumgartner and Jones 1993; Kingdon 1995; Jones and Baumgartner 2005). Items reach the agenda because political actors are able to define problems such that they introduce new participants into the political fray, thus disrupting established gatekeepers’ control. Mintrom (1997) refines this argument by stressing that policy innovations must be labeled “credible” in order to be adopted on the agenda,
and this credibility can result through either a diffusion process from other branches of government or through entrepreneurial skill. King, Bentele and Soule (2007) build on Mintrom’s work by showing that Congressional attention to civil rights issues grows over time as various “rights-related” problems become mutually legitimating. Similarly, Skrentny (2006) makes the point that non-black minority groups have had greater access to civil rights as a result of black Americans’ and women’s struggles for political, social, and economic equality.

While these studies address the credibility and legitimacy of issues from the perspectives of policymakers, Wood and Vedlitz (2007) extend this idea to how individual citizens define problems. Building on the aggregated threshold model of problem definition derived by Wood and Doan (2003), Wood and Vedlitz argue that individuals’ evaluations of problems are generally stable. However, that stability can be disrupted by exogenous shocks, such as authoritative new sources of information, and when individuals perceive that they are out of sync with the public definition of problems. In that sense, when policy innovations have crossed some threshold of credibility among the public, this can lead to a cascade effect of rapidly transforming how people accept new issues and problems. Given this brief review of the literature, shifts in black civil rights issues should be driven by how political actors are able to offer new, credible definitions of problems and/or policy solutions for those problems. The contribution of this work is to determine how competing interests – political parties, branches of government, and black advocacy organizations – make the claim that their civil rights programs are the most credible. This exploration of shifts in congressional recognition of black civil rights issues sheds light on the specific questions about the origins of the policy issues that culminate in the 1964 Civil Rights Act, but it also addresses a more general interest in the interplay between government institutions and outsider interest groups to set the policy agenda.

2 Lynching and Segregation in the Interwar Period

The trail for black civil rights issues leads back to 1918 when Leonidas Dyer (R-MO) introduced the first bill that made lynching a national offense (Chicago Defender 1918). More specifically, the Dyer bill would make each member of the mob guilty of murder and hold law enforcement officers
accountable through a $5,000 fine and a maximum five-year prison sentence. Interestingly, the impetus for introduction of the Dyer bill was the lynching of a white German man in Collinsville, IL. Although no meaningful actions were taken on the anti-lynching bill in that Congress, the issue entered the 66th Congress with a notably higher profile. The NAACP listed Dyer’s federal anti-lynching bill as the most pressing issue on a questionnaire distributed to the potential candidates for president in 1920 (Chicago Defender 1920b), and the bill was reported out of the House Judiciary Committee, of which Dyer was the chair (Chicago Defender 1920a). Segregation in interstate transportation also emerged as an issue in 1919 as Congress debated legislation about railroads. After attempts to include a ban on segregated rail cars failed in the House, William Monroe Trotter, secretary of the National Equal Rights League (NERL), urged the chairman of the Republican National Committee to pressure the GOP-controlled senate to take up the anti-segregation amendment in return for black voters’ loyalty to the party (Chicago Defender 1919b). Trotter warned that failure to act would make segregated travel a campaign issue for the Republicans to address in the fall election (Chicago Defender 1919a), and indeed the ban against segregation on railroads was the third issue on the NAACP’s policy questionnaire for presidential hopefuls (Chicago Defender 1920b).

Segregation on interstate carriers continued to be recognized by the 67th Congress thanks to the sponsorship of Congressman Martin Madden (R-IL); however, all of the energy was behind passage of the Dyer anti-lynching bill. With that end in mind, Trotter’s NERL cautioned President Harding not to let a call for a civil rights committee serve as a substitute for action on either the Madden or Dyer bills (Chicago Defender 1921c). Substituting a study panel for action was particularly risky for the Dyer bill because opponents in the Senate were arguing that studying lynching was the only federal action allowed by the constitution (Chicago Defender 1921b). In response to such opposition, James Weldon Johnson, executive secretary of the NAACP, called on black people to send telegrams in support of anti-lynching legislation, arguing that a vote against the Dyer bill was tantamount to a vote in favor of lynching (Chicago Defender 1921a). Despite Johnson’s warnings of electoral retribution for the lack of Republican support, the Dyer bill was stalled by the Senate Judiciary Committee after passing the House (Chicago Defender 1922b,a). While the
ban on segregated travel seems to fade from congressional recognition, the next eight years simply repeated this story for lynching. Black organizations, such as the NAACP, mobilized people to pressure Congress (Chicago Defender 1923); the Republican Party supported the passage of anti-lynching legislation through inclusion on the party platform and pronouncements from President Calvin Coolidge (Chicago Defender 1925a; Lautier 1927, 1928); and inevitably the bill would be killed by the threat (or use) of a filibuster in the Senate (Chicago Defender 1925b; Brown 1925).

By 1934 the cast of characters had changed, but the script was largely the same. Rather than the Dyer bill, Senators Edward Costigan (D-CO) and Robert Wagner (D-NY) were the names attached to the anti-lynching legislation drafted by the NAACP (Pittsburgh Courier 1934b). At the start of 1934, the NAACP made plans to spend $15,000 on the lobbying effort for passage of Costigan-Wagner and the Young People’s Forum was engaged in daily mailings of 200 form letters asking members to support the anti-lynching effort (Atlanta Daily World 1934b). During the Senate hearings on the bill, witnesses defined the problem of lynching as a tool of intimidation that generally has the tacit support of local law enforcement (Pittsburgh Courier 1934a), so only federal intervention would be sufficient to bring the perpetrators of mob violence to justice. There was a surge of support for Costigan-Wagner in response to grass-roots mobilization and the rise in reported lynchings over the summer. Nonetheless, President Roosevelt was unresponsive to Walter White’s pleadings to have Costigan-Wagner listed as “must” legislation, so the 74th Congress ended without passage of a federal anti-lynching law (Pittsburgh Courier 1934c; Atlanta Daily World 1934a; Pittsburgh Courier 1934b).

The 75th Congress began on an optimistic note with twenty-four anti-lynching bills introduced in Congress, including one by Arthur Mitchell (D-IL) that would make the death/injury of a prisoner in custody a crime in itself (Atlanta Daily World 1935; Pittsburgh Courier 1935a). This newfound enthusiasm proved to be for naught when the Costigan-Wagner bill was killed by a southern filibuster in May of 1935 (Pittsburgh Courier 1935b). Although the NAACP remained hopeful due to the successful use of a discharge petition in the House (Chicago Defender 1935; NY Amsterdam News 1936), the Senate refused to reconsider anti-lynching legislation during the

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3Records appear to be missing in the black newspaper database from 1931 to 1934.
second session (Chicago Defender 1936a) – not even a watered down plan to merely study the lynchings reported in 1935 (Chicago Defender 1936b).

At the start of the 75th Congress, it seemed like the NAACP’s optimism was well placed. While Hatton Sumners (D-TX), chairman of the House Judiciary Committee, denounced the forty pending anti-lynching bills as unconstitutional invasions of states’ rights, 2,500 students staged a demonstration in New York City to support passage of a federal anti-lynching bill (LA Sentinel 1937b). This enthusiasm on the ground was matched by responsiveness in the House. By mid-April, proponents of anti-lynching legislation – now named after Representative Joseph Gavagan (D-NY) – once again discharged the bill from the judiciary committee and passed it in the full House (LA Sentinel 1937a). With such speedy action taken in the House, anti-lynching supporters in the Senate were cautiously optimistic. The NAACP launched a campaign to send 100,000 telegrams to the new Senate Majority Leader, Alben Barkley (D-KY), and they counted sixty-five votes – a filibuster proof majority – to finally get a federal lynching bill through the Senate (Chicago Defender 1937a,b). Ultimately, the optimism proved misplaced. Southerners in the Senate launched a filibuster in August of 1937 that stretched into the second session of Congress before efforts to pass the anti-lynching bill were abandoned (Pittsburgh Courier 1937; Atlanta Daily World 1938b). Despite street protests by the Youth Councils for the NAACP and National Negro Congress (NNC), President Roosevelt’s only concession was a proposal to use the FBI to investigate incidents of lynching; a proposal that Walter White initially dismissed as inadequate for solving the problem and too vague to comment upon (Atlanta Daily World 1938a).

At the same time that anti-lynching legislation was dying from the prolonged filibuster, there was a resurgence in efforts to ban segregation in interstate travel. The NAACP began taking steps to legally challenge segregated rail cars traveling from Illinois to Alabama (Chicago Defender 1937c). However, the most important development was driven by Arthur Mitchell, the sole black member of Congress. Although Mitchell did introduce legislation that banned segregated travel in 1938, his more important efforts came in the form of a law suit against a railroad company that denied him first class accommodations on a trip to Arkansas (Chicago Defender 1938a,c). The Interstate Commerce Commission (ICC) ruled against Mitchell, but the publicity attached to a
case of discrimination against a member of Congress was important in reestablishing segregation in interstate travel as a national issue (Chicago Defender 1938b).

The trajectories for federal anti-lynching legislation and the ban on segregated travel raise vital questions about presidential leadership, black advocacy organizations, and descriptive representation. Both a federal anti-lynching law and a ban on segregated travel were recognized as important issues by the 66th Congress. However, the former remained on the agenda for the next twenty years, while the latter disappeared from the public agenda. Presidential support explains some of this difference. Unlike the efforts against segregation, the anti-lynching bill was placed on the Republican Party platform in 1920 (Chicago Defender 1923), and President Coolidge consistently pledged his support for the measure (NY Amsterdam News 1923; Chicago Defender 1925a; Lautier 1927, 1928). Conversely, the ban on segregated travel never received a presidential seal of approval. Indeed, the executive branch (in the form of the ICC) was actively hostile to black Americans’ fight against “separate but equal” accommodations (Chicago Defender 1938b). Similarly, a lack of presidential support can be seen in the failure to actually pass an anti-lynching bill. Anti-lynching legislation was not passed by the House in the 71st Congress due in part to the indifference of President Herbert Hoover (NY Amsterdam News 1930), and both Presidents Harding and Coolidge seemed to equivocate on the crucial question of whether anti-lynching bills exceeded the federal government’s constitutional authority (Chicago Defender 1921c; Lautier 1927). Lastly, FDR’s unwillingness to commit to a strong anti-lynching bill allowed the southern bloc of the Democratic Party to filibuster with impunity (Atlanta Daily World 1934a, 1938a). The credibility and legitimacy of issue proposals are vital to how they progress through the policy process (Kingdon 1995; Mintrom 1997; Wood and Vedlitz 2007; King, Bentele and Soule 2007). Rhetorical support from Presidents Coolidge and Roosevelt helped anti-lynching legislation pass the House, but since neither president backed up their rhetoric with decisive actions, federal lynching laws were doomed to die in the Senate.

In addition to highlighting the role of presidential leadership, the above stories about lynching and segregation also shed light on the agenda setting efforts of black people themselves. Black advocacy groups during the interwar years seem to fulfill a variety of roles: drafting anti-lynching legislation, mobilizing constituents to put pressure on their elected members of Congress, and
lobbying presidents to take stronger stances of support. However, we see that these efforts by themselves were rarely sufficient to substantially impact congressional activity. Instead, it was when the NAACP was able to take advantage of changes in the context – such as a rise in lynching over the summer – that they were able to craft a more compelling policy narrative to build support for discharging anti-lynching bills (Atlanta Daily World 1934a). Black advocacy organizations are also important in altering the focus of debate. This is illustrated most clearly by the NAACP’s reaction to the failed Gavagan bill in the 75th Congress. Rather than asking members of Congress to support passage of anti-lynching legislation, the NAACP shifted focus to gaining pledges of support for votes on cloture (Chicago Defender 1938e,d). McBeth et al. (2007) argue that such tactical shifts seek to define the opposition as constraining benefits for a few while distributing costs widely. In this instance, the NAACP argued that southern aristocrats used the filibuster to consolidate their own political and economic power at the expense of majority rule and progressive policies that would benefit the masses. As we proceed through the story, it is important to take note of how attacks against the filibuster were framed to broaden the base of support for black civil rights issues.

3 The War at Home: FEPC and the Fight Against Poll Taxes

The 76th Congress began with lynching still at the top of the black civil rights agenda, but the euphoric atmosphere of the 75th Congress had clearly faded. Instead of receiving presidential support, Vice President Garner put forth a compromise lynching bill that authorized the FBI to investigate incidents of lynching and report their findings (Chicago Defender 1939b). Although the NAACP rejected the administration’s compromise as inadequate, by April there were only eighty-two of the required 218 signatures for a discharge petition (Chicago Defender 1939c). The Gavagan bill had already passed the House at the same point in the 75th Congress. In response to this sluggish start of the anti-lynching effort, the NAACP launched a petition drive, but the 110,000 signatures they received were insufficient to spur action before Congress’s summer adjournment (Chicago Defender 1939a).

The outbreak of war in Europe did provide the needed spark. Walter White, executive secretary
of the NAACP, said that America cannot fight again for Democracy abroad until the scourge of lynching is ended at home (Chicago Defender 1939d). This argument seems to have held some weight as the House passed the Gavagan anti-lynching bill at the start of the second session of Congress in 1940 (Atlanta Daily World 1940b); Senator Robert Wagner (D-NY) declared that passage of a federal lynching law in the Senate was a critical test of American Democracy (Chicago Defender 1940c); and Congressman Lee Geyer (D-CA) introduced legislation to ban poll taxes as a requirement for voting in federal elections (Chicago Defender 1940d). Despite these attempts to link black civil rights issues at home to the larger fight for freedom and democracy abroad, Senate Majority Leader Alben Barkley argued that he would not fight against a filibuster of anti-lynching legislation because that would delay war preparation efforts (Chicago Defender 1940e,a). Some reports suggested that the Republicans and Democrats had conspired to eliminate anti-lynching legislation as a campaign issue for the general election, so neither party felt pressured to take action (Turner 1940). The Geyer anti-poll tax bill was able to garner support from advocacy organizations, including a protest demonstration in Birmingham, AL led by the Southern Negro Youth Congress (Chicago Defender 1940b; Atlanta Daily World 1940a; NY Amsterdam News 1940). However, that grass roots support was not translated into meaningful action by members of Congress. By September of 1940 only forty signatures had been gathered for a discharge petition (Atlanta Daily World 1940a). The outbreak of World War II led to a newfound concern for black voting rights, but it also served as an excuse for abandoning the fight against lynching.

This shift in emphasis from anti-lynching to voting rights was more evident in the 77th Congress. Symbolically the shift was apparent in Joseph Gavagan’s introduction of anti-poll tax legislation in addition to his standard proposal for a federal lynching law (NY Amsterdam News 1941). Nonetheless, there was virtually no action taken on either poll taxes or lynching during 1941. In the second session of Congress the Senate began to hold hearings on Claude Pepper’s (D-FL) anti-poll tax legislation, the senate equivalent of the Geyer bill, and Edgar Brown of the National Negro Council called for the reduction of southern representation in the House from seventy-eight to twenty-one in accordance with the 14th Amendment (Atlanta Daily World 1942). While hearings dragged on in the Senate, the NAACP, National Negro Congress, and the National Committee to Abolish the
Poll Tax continued to put pressure on members of Congress to discharge the Geyer anti-poll tax bill in the House (Chicago Defender 1942c, b; Pittsburgh Courier 1942b; Chicago Defender 1942e). These efforts finally bore fruit when the bill was successfully discharged and passed in October 1942 (Pittsburgh Courier 1942a; NY Amsterdam News 1942a). Seemingly in response to the victory against poll taxes in the House, two fourteen year old boys were lynched in Mississippi, leading the NAACP to make renewed calls for President Roosevelt to offer strong support for anti-lynching legislation (Chicago Defender 1942d). Although the Pepper anti-poll tax bill was finally reported out of committee (Chicago Defender 1942a), a southern filibuster once again killed black civil rights legislation (NY Amsterdam News 1942c). This latest feat of southern obstruction prompted the American Civil Liberties Union (ACLU) to suggest using the judiciary to ban poll taxes, but the NAACP maintained that such anti-democratic filibusters during wartime would ultimately backfire against the southern bloc (NY Amsterdam News 1942b).

As the ban on poll taxes became the dominant black civil rights issue in the 77th Congress, another front in the fight for racial equality was also opened: fair employment. In July 1941 President Roosevelt issued Executive Order 8802 as a concession to A. Philip Randolph’s March on Washington Movement (Hamilton and Hamilton 1997). That order created the Fair Employment Practices Commission (FEPC), which was charged with investigating allegations of job discrimination in defense industries. By August of 1942 the previously independent FEPC was shifted under the jurisdiction of the War Manpower Commission, so it was now reliant upon Congress to appropriate funds for its continued existence (Pittsburgh Courier 1942c). Apparently, neither the members of the FEPC nor the leaders of the March on Washington Movement had been informed about these plans. In response, Randolph publicly denounced the subjection of FEPC to congressional budgetary control, and he predicted that the body would “be hamstrung, sabotaged, and probably ultimately destroyed,” (Pittsburgh Courier 1942d). In addition to these concerns, the FEPC was criticized by black opinion leaders for canceling hearings on the discriminatory practices of southern railroad companies. Some reports suggested that the commission was being purposefully weakened in response to its hearings on steel manufacturers in Birmingham, AL (Chicago Defender 1943a). Out of these circumstances a new consensus emerged, a permanent FEPC with
enforcement powers was needed to have a meaningful impact on racial discrimination in employ-
ment (Pittsburgh Courier 1943). With Vito Marcantonio’s (D-NY) introduction of a bill to create
a permanent FEPC, the issue of fair employment practices was officially recognized by Congress
(Atlanta Daily World 1943b).

Marcantonio’s bill was only the first step toward creating a permanent FEPC. A. Philip Ran-
dolph took the next step by creating the National Council for a Permanent FEPC and drafting a
legislative alternative to Marcantonio’s proposal (Johnson 1943; Chicago Defender 1943c). Ran-
dolph’s bill expanded the jurisdiction of the FEPC to cover all companies engaged in interstate
commerce, foreign commerce, those receiving government contracts, and unions (Randolph 1944).
Meanwhile, attacks mounted against the existing FEPC. The Comptroller General ruled that the
agency did not have authority to review government contracts (Chicago Defender 1943b); Senator
Richard Russell (D-GA) led an attempt to de-fund all executive agencies that were not created via
congressional initiatives (Atlanta Daily World 1944); the House was launching investigative hear-
ings (Chicago Defender 1944d); and Representative Malcolm Tarver (D-GA) almost succeeded in
attaching an appropriations amendment that would have eliminated all funding for FEPC (Pitts-
burgh Courier 1944a). Basically, the 78th Congress was focused primarily on destroying the existing
FEPC, rather than taking any meaningful action toward creating a more permanent or powerful
bulwark against employment discrimination (Johnson 1944a). Nonetheless, there were some rea-
sons for optimism. Walter White, Mary McLeod Bethune, and Channing Tobias received a pledge
from President Roosevelt that creation of a permanent FEPC will be designated as “must” legis-
lation in the 79th Congress (Johnson 1944b), and the Republicans included a permanent FEPC as
part of their platform for the 1944 general election (NY Amsterdam News 1944). Given these two
developments and an increased number of liberal Democrats in the House, Representative Mary
Norton (D-NJ), chair of the House Labor Committee, predicted that FEPC would be passed in the
next congress (Pittsburgh Courier 1944b).

Conversely, efforts to abolish the poll tax progressed further in the legislative process, but
there were not any particular hopes for future success. The National Committee to Abolish the
Poll Tax officially endorsed the anti-poll tax bills sponsored by Joseph Baldwin (R-NY) in the
House and Claude Pepper (D-FL) in the Senate (Chicago Defender 1943a). However, it was the Marcantonio poll tax bill that was actually discharged and passed in the House (NY Amsterdam News 1943a,b). Supporters of the poll tax ban hoped that early action in the House would provide a strategic advantage against a prolonged southern filibuster in the Senate, but the chair of the Senate Judiciary Committee, Frederick Van Nuys (D-IN), gave away this advantage by delaying hearings until the fall. This lack of action by the Senate prompted critics to denounce Congress for adopting an “anti-Negro posture” (McAplin 1943), and the National Negro Congress mobilized New York voters to put increased pressure on Senators Meade and Wagner to support both cloture and final passage of the poll tax ban (Atlanta Daily World 1943c). In November the anti-poll tax bill finally emerged from the Senate Judiciary Committee, and it was immediately greeted by the promise of a filibuster and a proposal to abolish poll taxes through constitutional amendment rather than by statute (Atlanta Daily World 1943a). True to their word, the southern filibuster held strong until cloture was defeated in May by a vote of 36 to 44 (Chicago Defender 1944e).

In contrast to the statements of support for FEPC, President Roosevelt simply offered a vague campaign affirmation that all citizens should have the right to vote regardless of race (Atwater 1944), and the Republican platform called for a constitutional amendment to abolish poll taxes – a plan that was solidly opposed by Walter White and the NAACP (Chicago Defender 1944c,b). These tepid endorsements from the two parties show that neither was willing to put much force behind efforts to ban poll taxes. Without such support, there was no reason to believe that anti-poll tax legislation would succeed where anti-lynching bills had failed. Heading into the 79th Congress, the filibuster still seemed insurmountable.

Undaunted by their past failures, the National Committee to Abolish the Poll Tax boldly predicted that the repeal of poll taxes in Georgia marked a growing southern majority who supported the poll tax ban (Spraggs 1945a). Just as in previous years, anti-poll tax legislation was discharged from committee in May (McAlpin 1945b), and southern congressmen actually spoke in favor of the bill when it was passed by the House in June (Pittsburgh Courier 1945a). Unfortunately for supporters of abolishing poll taxes, southern support in the House did not carry over into the Senate. Instead, poll tax legislation was met once again by the filibuster. The NAACP urged its members
to pressure senators to defeat amendments seeking to substitute a constitutional amendment for
the statutory ban, and the National Committee to Abolish the Poll Tax designated March 24-30 as
a special week for delegations to demand action on the poll tax ban in the Senate (Atlanta Daily
World 1945b; Chicago Defender 1946c). Nonetheless, in June 1946 Alben Barkley (D-KY), Senate
Majority Leader, announced that poll tax legislation would not be considered for the remainder of
the Congress due to the specter of a prolonged filibuster (Chicago Defender 1946b).

Given this strict opposition to abolishing the poll tax, it is not surprising that the promise of
FEPC also went unfulfilled. The 79th Congress began with multiple members of Congress offering
legislation to create a permanent FEPC, and several states moved toward adopting their own
laws against employment discrimination (McAlpin 1945a; Chicago Defender 1945a). In May 1945
these earlier signs of encouragement had already given way to more desperate calls for action. A
Philip Randolph said that without an FEPC there would be riots and bloodshed due to the lack
of job security for black Americans (Mackay 1945; Spraggs 1945b), and Malcolm Ross, chair of
the temporary FEPC, echoed this warning in September 1945 (Pittsburgh Courier 1945b). Both
warnings fell on deaf ears. Black organizations called for heightened levels of activism as tools to
both pressure Congress to take action and in retaliation should Congress fail to act (NY Amsterdam
News 1945a; Chicago Defender 1945e; NY Amsterdam News 1945b; Lautier 1945; Randolph 1946),
but the proponents of FEPC were fighting a losing battle on two fronts.

On one front, legislation to create a permanent FEPC was locked in committees in both the
House and Senate, and on the other front, the temporary FEPC was in jeopardy of having its
funding cut through appropriations bills (Chicago Defender 1945c; Spraggs 1945c). These attacks
are somewhat remarkable considering that Congress was controlled by Democrats and a Democratic
President – Harry Truman – had repeatedly stated support for a permanent FEPC (NY Amsterdam
News 1945b; McAlpin 1945c; Chicago Defender 1946e). Indeed, Truman even made personal appeals
to congressional gatekeepers saying, “Discrimination in the matter of employment against properly
qualified persons because of their race, creed, or color is not only un-American in nature, but will
lead eventually to industrial strife and unrest,” (Atlanta Daily World 1945a; Chicago Defender
1945e). Yet, the battle for FEPC had been lost by May 1946. A cloture vote in the Senate failed
In comparison to the efforts to abolish poll taxes and establish FEPC, there was not much activity around either lynching or segregated travel. The NAACP and National Negro Council each tried to mobilize public pressure, but the discharge petition for anti-lynching legislation still fell short of the required 218 signatures (NY Amsterdam News 1946; Pittsburgh Courier 1946b). In addition, the NAACP used Adam Clayton Powell to bring the issue of segregation in interstate travel back into congressional recognition. Powell argued that it was unconscionable for black soldiers to be subjected to chain gangs for refusing to ride in segregated sections of public transportation (Chicago Defender 1945b). Most importantly, the Supreme Court ruled against segregated travel in the case of Morgan v. Virginia in 1946 (Chicago Defender 1945d, 1946f). However, in its ruling, the Court did not repudiate segregation itself; the ruling held that segregated travel merely constituted an unnecessary burden on interstate commerce (Chicago Defender 1946d). Although this ruling was not entirely what advocates for a ban on segregated travel wanted, the black civil rights agenda at least entered the post-war period with one minor victory.

4 Shifts in Black Civil Rights 1918-1946

From 1918 to 1946 there were three important shifts on the congressional agenda for civil rights issues. First, anti-lynching legislation emerged in 1918, gained traction in the 66th Congress, enjoyed consistent backing from the Republican party, and was repeatedly passed by the House until 1940. Second, abolishing poll taxes was recognized by Congress in 1940, replaced lynching as the focus of congressional attention to civil rights issues in the 77th Congress, and was passed by the House for three consecutive congresses. Third, efforts to establish a permanent FEPC received congressional recognition in 1943, legislation was killed by a filibuster in 1946, but fair employment had not yet become the dominant black civil rights issue by the end of the 79th Congress. A fourth issue, segregation in interstate travel, never gained traction in Congress, so advances largely took
place in the judiciary (Chicago Defender 1937c, 1938c, 1944a, 1946f). Although these four issues followed distinct trajectories toward congressional recognition and attention, they raise a common set of questions about how institutions, individuals, and context shape the emergence, duration, and progression of issues on the agenda.

In the discussion of anti-lynching legislation during the interwar years, I argued that presidential leadership was essential to establish the credibility of black civil rights issues. The narratives for poll taxes and FEPC lead to a more nuanced argument. Neither party’s leadership took a strong stance on abolishing poll taxes. During his re-election campaign in 1944, President Roosevelt proclaimed that the right to vote should be enjoyed regardless of race, but he stopped short of endorsing any proposals on how to enforce the Fifteenth Amendment (Atwater 1944). The Republican platform that year came out explicitly in favor of banning poll taxes. However, their proposal was to institute such a ban through a constitutional amendment, a position that was roundly criticized by the NAACP (Chicago Defender 1944b). Despite this lack of endorsements, anti-poll tax bills passed the House and were filibustered in the Senate – the same level of progress as the anti-lynching bills which had received comparatively strong presidential support. Fair employment legislation seemed to enjoy even greater presidential support than anti-lynching efforts. President Roosevelt promised black leaders to designate FEPC bills as “must legislation”, and President Truman personally lobbied members of Congress (Johnson 1944b; Atlanta Daily World 1945a). Such strong presidential support still proved insufficient for bringing FEPC to a floor vote in either chamber. The variation across these three issues suggests that congressional prioritization of black civil rights issues involves more than just presidential leadership and credibility.

Partisan politics and elections are two particularly important factors in how congress prioritizes black civil rights issues during this period. Anti-lynching legislation receded from the agenda after the 76th Congress because both parties essentially agreed to stop making it a campaign issue (Turner 1940). Without the threat of electoral recriminations for votes against a federal anti-lynching law, the fight against Senate filibusters was abandoned (Chicago Defender 1940a). Given how successful the parties were in eliminating anti-lynching legislation as a priority for black civil rights, it is interesting that a similar tactic was not applied to the issue of poll taxes. The key
difference between these two issues is that individual MCs in both parties believed there were political or policy benefits from abolishing poll taxes, but neither party’s leadership were willing to risk the factional disputes that might arise from unequivocally endorsing the ban. As a result of this incongruence between the interests of party members and party leadership, the poll tax ban emerged as a breakdown in the partisan agenda control outlined by Cox and McCubbins (2005). In that sense, the credibility attached to anti-poll tax bills does not emanate from presidential or party leadership. It arises organically from an exogenous shock to the status quo – the outbreak of war.

Commensurate with previous research connecting war and civil rights, the onset of World War II seems to have been critical in the shift in congressional priorities from anti-lynching to anti-poll taxes (Klinkner and Smith 1999; Keyssar 2000). The Geyer anti-poll tax bill does not receive congressional attention until after war breaks out in Europe. Additionally, Alben Barkley buried anti-lynching legislation in 1940 by arguing that a prolonged filibuster would prevent Congress from dealing with the more important business of war preparation (Chicago Defender 1940a). Perhaps most importantly, fighting for democracy abroad highlighted the inconsistency of poll taxes with democracy at home (Atlanta Daily World 1942). Although proponents of anti-lynching legislation attempted to make a similar connection (Chicago Defender 1939d, 1940c), they were less successful because the fight against mob violence does not tap into such core aspects of American citizenship in the same way as voting (Shklar 1991). In that sense, the credibility of the issue was never questioned because it built upon existing policy narratives for voting rights (King, Bentele and Soule 2007; McBeth et al. 2007).

World War II created an opportunity for the issue to be raised and shifted the political calculations for members. Given the sacrifices that were being made abroad in the names of freedom and democracy, the Republicans knew it would be politically advantageous if they could highlight Democrats’ complicity in the deprivation of black voting rights. For their part, Democrats understood the potential for the poll tax ban to pry black American votes away from the New Deal Coalition, which explains why Alben Barkley (D-KY) described it as essential to “maintaining the foundations of the Democratic Party,” (NY Amsterdam News 1942c). However, there was sub-
stantial internal disagreement over the issue within both parties, so neither party could strongly endorse the immediate abolition of poll taxes. The result was that party control of the House agenda was consistently bypassed via discharge petitions, and the conservative elements of both parties combined to defeat the bills in the Senate.

Similarly, efforts to establish a permanent FEPC were born out of World War II and subjected to the sectional divisions within the Democratic Party. There are two important contributions the wartime FEPC makes to our understanding of how black civil rights issues gained credibility and shifted among congressional priorities. First, Presidents Roosevelt and Truman both made pledges of unequivocal support for creating a permanent FEPC (Johnson 1944b; Atlanta Daily World 1945a). Second, there were substantial pockets of opposition to the FEPC within the Republican Party. Speaker-designate Joseph Martin (R-MA) offered the following assessment of Republican support for FEPC:

> We [the Republican Party] are supported mainly by New England and Midwest industrialists who would stop their contributions if we passed a law that would compel them to stop religious as well as racial discrimination in employment...that is the situation we face, so we may as well be realistic...we can’t afford to pass the FEPC bill. (Atlanta Daily World 1946a)

The combination of these two factors created far more complex electoral considerations in comparison to those for abolishing the poll tax.

As Cox and McCubbins (2005) argue, the Democrats’ inability to deliver on its leaders’ policy agenda put them at risk of electoral defeat. However, the conservative coalition of Republicans and southern Democrats made black voters cautious about what a Republican-controlled Congress might mean for black civil rights issues. Black voters were faced with two unpalatable choices: vote Democrat and allow southern segregationists to continue exercising negative agenda power as committee chairs or elect Republicans who are likely indifferent to black policy demands (Pittsburgh Courier 1946a). This “lesser of two evils” decision for black voters is what kept FEPC on the agenda; each party stood to gain if it could successfully portray the other as insincere on the issue. In this way legislation to create a permanent FEPC encompasses the core idea behind shifts among black civil rights priorities during World War II: how the interaction of exogenous shocks (the onset of war
itself), presidential leadership, partisan politics, and electoral considerations shape congressional recognition and attention to issues. Ultimately, black voters decided that southern obstruction was the greater evil, so we end the narrative of black civil rights issues by discussing the Republican controlled 80th Congress.

5 Electoral Maneuvering and the Avoidance of FEPC

Proponents of black civil rights issues were confronted with two structural problems at the start of the 80th Congress – the calendar and the filibuster. We have seen that the combination of these two factors have prevented passage of black civil rights bills since the first anti-lynching efforts in the 66th Congress. The problem was that the civil rights bills were inevitably delayed in committee by prolonged hearings and/or blatant obstruction on the part of southern committee chairs. When these bills were finally brought to the floor, the first session of Congress was usually nearing adjournment, so MCs lacked the patience to effectively fight against filibusters. This tight scheduling only became more exaggerated in the second session because Congress held shortened sessions to allow MCs to prepare for the elections in November – particularly in presidential election years (Chicago Defender 1947c). If the party leaders declared that black civil rights issues were part of the core legislative agenda, then the calendar hurdle could be overcome. Thus, we see black advocacy groups lobbying to have anti-lynching, anti-poll tax, and/or FEPC labeled as “must legislation” (Atlanta Daily World 1934a; Johnson 1944b). Amending the rules for cloture – the key to overcoming the filibuster – became a civil rights priority unto itself at the start of the 80th Congress (Lautier 1947; Jr. 1947), but the efforts to alter Rule 22 were unsuccessful (Prattis 1947). Supporters of civil rights would have to find a new way to overcome the same hurdles that had obstructed progress in previous years.

Protest demonstrations and the lobbying efforts of grassroots activists marked the opening of the struggle to overcome the congressional hurdles to black civil rights. Paul Robeson led a delegation from the American Crusade to End Lynching, and delegates from the Southern Negro Youth Conference tried to secure pledges of support for cloture and passage of lynching, poll tax, and FEPC legislation (Dunnigan 1947; Hicks 1947). Although these protests were also about lynching
and abolishing poll taxes, much of the focus was on passage of a permanent FEPC. President Truman used part of his State of the Union to denounce employment discrimination as violative of American principles of democracy (LA Sentinel 1947c; Pittsburgh Courier 1947b), and Senate Majority Leader Robert Taft (R-OH) assured the National Council for a Permanent FEPC that he would not block their bill, substitute a weaker version, or oppose cloture (Chicago Defender 1947c). Armed with a presidential endorsement and a pledge of non-interference from Republican leadership, it seemed that this would have been an opportune moment to finally make progress on fair employment legislation. However, it was not until March that the National Council for a Permanent FEPC introduced a bill creating a weakened FEPC with fewer enforcement powers and greater vulnerability to judicial review (Pittsburgh Courier 1947a; Chicago Defender 1947b,f; LA Sentinel 1947a). With such a sluggish start it is not surprising that neither chamber had taken action on fair employment legislation by late May of 1947. This delay prompted supporters to call for increased citizen pressure to pass FEPC (Atlanta Daily World 1947f; LA Sentinel 1947b), and A. Philip Randolph threatened electoral repercussions if the Republicans did not live up to their 1944 platform’s pledge of support (Atlanta Daily World 1947b). Such calls to arms were in vain. By June of 1947 the opportunity for FEPC had been lost as attention shifted to lynching and poll taxes.

Attention shifted from FEPC to anti-lynching legislation in response to the acquittal of twenty-eight alleged lynchers in South Carolina. Walter White argued that this exemplified the need for passage of the Case-Wagner anti-lynching bill. Otherwise, the federal government would not have the proper authority to protect black Americans against mob violence (Atlanta Daily World 1947f). Organized labor and the California legislature echoed the NAACP’s call for action (Atlanta Daily World 1947h,a), but the attempts to gather signatures for another discharge petition were ultimately futile (Chicago Defender 1947e). According to published rumors, the Republicans had already agreed to kill anti-lynching legislation in this Congress in return for southern Democrats’ votes to overturn Truman’s veto of the Taft-Hartley Act (Chicago Defender 1947d), so it appeared that a federal law against lynching had been sacrificed on the altar of political compromise.

Unlike anti-lynching legislation, the ban on poll taxes gained new life as a consequence of a
failed alliance between Republicans and southern Democrats. The Republican leadership decided to pass an anti-poll tax bill as retaliation for the southern Democrats’ lack of support on tax cut legislation. According to reports, the GOP strategy was to make the Democrats look bad when yet another piece of civil rights legislation was killed by a filibuster, or, alternatively, the Republicans hoped to regain black voters’ loyalty by enfranchising black southerners just in time for the 1948 presidential election (NY Amsterdam News 1947b; Chicago Defender 1947d). With the strategy in place, Speaker Joseph Martin (R-MA) labeled the poll tax bill as “must legislation”, and within a month the House passed a bill to abolish poll taxes by a vote of 290 to 112 (Graves 1947; Atlanta Daily World 1947e). As the first session of the 80th Congress came to a close it was clear that the hopes for change had not been realized. Instead, this congress bore an eerie resemblance to its predecessors: an anti-poll tax bill was passed by the House while a southern filibuster was waiting in the Senate.

Apparently, “more of the same” was not nearly enough for supporters of black civil rights issues (NY Amsterdam News 1947a). The Republicans were charged with running a “do-nothing” Congress that dragged its feet on everything except the pet projects of its leadership (ie. the Taft-Hartley Act) (Chicago Defender 1947a; LA Sentinel 1947e). Such diverse critics as Clarence Mitchell, head of the NAACP’s Washington Bureau, and organizations of black Republicans all warned of massive retaliation from black voters if there was not progress on anti-lynching, anti-poll tax, and FEPC legislation in the second session (Atlanta Daily World 1947g; LA Sentinel 1947d). Publication of the Civil Rights Commissions Report, “To Secure These Rights”, only intensified the criticism of the 80th Congress. Not only were the three major civil rights issues included in the Civil Rights Commission’s (CRC) recommendations, it also called for the elimination of segregation in all aspects of public life (Atlanta Daily World 1947d). Faced with such a strong endorsement of black civil rights issues from the executive branch and the support for these very issues expressed in the Republicans’ own 1944 platform, A. Philip Randolph and Roy Wilkins argued that there was nothing to prevent the Republican congress from abolishing poll taxes, making lynching a federal offense, and establishing a permanent FEPC (Atlanta Daily World 1947c; Wilkins 1947). By the end of 1947 it seemed that the Republicans had finally gotten the message. The National
Council for a Permanent FEPC announced that it had received firm assurances from the Republican leadership in the Senate that an FEPC bill would be reported out of committee in the next session (Atlanta Daily World 1947b). Heading into the second session of the 80th Congress Henry Wallace, an independent presidential candidate, set the stage nicely: “...in the coming session of Congress there will be an excellent opportunity for all people who really mean business to push matters with the utmost vigor so that there may be a roll call in the Senate as well as in the House,” (Atlanta Daily World 1947k). The 80th Congress would serve as a test of both parties’ commitment to advancing black interests.

President Truman began the second session of the 80th Congress by asking for legislation implementing the recommendations of the Civil Rights Commission (Lautier 1948b). Not surprisingly, the southern bloc responded with vows to resist all efforts to pass such legislation through the Senate (NY Amsterdam News 1948c; LA Sentinel 1948c; Atlanta Daily World 1948d). For their part, proponents of black civil rights took Truman’s message as a sign that the southern opposition was on its last legs. They reasoned that the combined pressure from bipartisan support in Congress and the full backing of the president would be sufficient to prevent non-southerners from defecting on cloture votes (Lautier 1948a; Smith 1948). However, both points of view proved to be moot because the filibuster never came. The Republican strategy was reportedly to use either anti-lynching or anti-poll tax bills as a test of the filibuster. At a spring strategy meeting the GOP leadership agreed that the lynching bill would be the easier hurdle to overcome (Graves 1948a; Atlanta Daily World 1948a). Although this Republican strategy was criticized as a political ploy that diverted attention away from the more pressing issue of FEPC (LA Sentinel 1948f; Atlanta Daily World 1948f; Wilkins 1948), the House moved quickly to report a tough anti-lynching bill out of committee while hearings were being held in the Senate (Pittsburgh Courier 1948a; Atlanta Daily World 1948a). The problem is that the Republicans underestimated the opposition to anti-lynching legislation within their own party, so the bill was stalled in the Senate Judiciary Committee due to constitutional concerns (Chicago Defender 1948f). There was some discussion about using the anti-poll tax bill as a filibuster test since it had already been passed in the House (Atlanta Daily World 1948b), but the final result was that the Republicans were unable to even attempt passage
FEPC was conspicuously absent from this story. Despite A. Philip Randolph’s proclamation that the fight against employment discrimination was a matter of food, shelter, and life itself, there was never a serious effort to push the bill through either house of Congress (Atlanta Daily World 1948). Randolph and Senator Irving Ives (R-NY) secured endorsements from prominent business leaders (NY Amsterdam News 1948a), Republican presidential candidate Harold Stassen announced his support for FEPC (Chicago Defender 1948c), Adam Clayton Powell tried to attach an FEPC provision to the Marshall Plan (LA Sentinel 1948a), and the National Council for a Permanent FEPC lobbied the Republican leadership to take further action (Atlanta Daily World 1948c). All of these efforts were insufficient to bring FEPC to a final vote on the floor of either house.

The decision to adjourn Congress in early summer without making any progress on FEPC, poll taxes, or lynching was met with immediate denunciation. Benjamin Mays, president of Morehouse College, argued that the 80th Congress was merely another example of how both parties cater to the wishes of the south in order to pass their primary legislative initiatives (Mays 1948). Newspaper editorials urged black voters to remember this “do nothing” Congress when it was election time (Atlanta Daily World 1948). The Committee Against Jim Crow in Military Training picketed outside Robert Taft’s office for his failure to include desegregation amendments in the Universal Manhood Training bill (Pittsburgh Courier 1948b). Channing Tobias and Walter White warned the Republicans about the electoral consequences for going against their own 1944 platform by not passing any civil rights legislation in the 80th Congress (Atlanta Daily World 1948; NY Amsterdam News 1948d). Faced with uneasiness within his own party, President Truman seized on the criticism of the Republican-controlled Congress by joining the American Jewish Congress’s call to convene a special session of Congress to deal strictly with black civil rights issues (Atlanta Daily World 1948m; Chicago Defender 1948d; Atlanta Daily World 1948o). During this special session of Congress, the poll tax ban that was passed by the House in July 1947 was finally brought to the Senate floor, where it was greeted by a southern filibuster (Atlanta Daily World 1948g). The Conference on Civil Rights Legislation, an umbrella group of nineteen separate civil rights organizations, urged the
Republicans to invoke cloture (Atlanta Daily World 1948), but President Pro-Tempore Vandenberg (R-MI) ruled that cloture was out of order because the filibuster was against the motion to consider poll tax legislation rather than the legislation itself (LA Sentinel 1948b). After this final blow to black civil rights issues, the 80th Congress ended much in the way it began – with promises to amend the rules governing cloture in the next Congress (Atlanta Daily World 1948d).

At its core, the 80th Congress reveals a story about how black civil rights issues were used as pawns in the parties’ electoral maneuvers. From the perspective of both Republicans and Democrats the summer session was far more about political theater than genuine policy interests. Truman wanted to show that the Republicans deserved the label of “do-nothing”, and the Republicans wanted to show that Democrats were the true culprits behind the failure to pass civil rights bills (Chicago Defender 1948a; Pittsburgh Courier 1948c). In that sense, both parties were relying upon the southern filibuster to make political points. Ultimately, Truman won the argument, winning the election and leading the Democrats to regain control of Congress. Desegregating the armed forces, creating a Fair Employment Board to monitor employment discrimination in the civil service, and adopting a strong civil rights plank into the Democratic Platform – sparking the Dixiecrat revolt in the 1948 convention – served to inoculate Truman from being negatively associated with the southern wing of his party (Atlanta Daily World 1948o; Pittsburgh Courier 1948c). Although the LA Sentinel described Truman as “...a well intentioned enough little man with no capacity for the great tasks that lie ahead” (LA Sentinel 1948d), most black leaders agreed with Channing Tobias and William Dawson, who supported Truman for his unequivocal endorsements of civil rights (Atlanta Daily World 1948p; Dawson 1948). Conversely, Governor Thomas Dewey, the Republican nominee, was accused of secretly urging senators not to vote for cloture against the poll tax filibuster (Atlanta Daily World 1948c). Basically, this case of divided government highlights how partisan competition shapes the prioritization of black civil rights issues.

However, we can learn more from the 80th Congress than the importance of party politics. The futility of Truman’s strong endorsements illustrates the conditional effect of presidential leadership and credibility. Without party control of Congress or an electoral mandate of his own, Truman’s support for civil rights was not sufficient to move the agenda. Conversely, after the election southern...
senators were willing to offer compromises on such issues as FEPC and anti-lynching (Atlanta Daily World 1948a). More importantly, there was speculation that Truman might be able to exercise control over patronage to persuade Dixiecrat rebels to lay aside the filibuster in the 81st Congress (Chicago Defender 1948c). The point is that a presidential endorsement makes an issue credible, but that credibility does not translate into congressional prioritization unless the president has the power to persuade Congress.

Lastly, the lack of action on FEPC emphasizes differences in the nature of the issues themselves and stresses the importance of black advocacy groups. The proposed bans against poll taxes and lynching raise the question of whether states or the federal government are responsible for providing basic rights of personal security and political participation. Establishing a permanent FEPC raises the question of whether any government should have the power to regulate employers’ hiring decisions. FEPC is not seeking to protect a well-established right; it is seeking to establish a new freedom of opportunity. This difference explains why the Republicans were willing to use either anti-lynching or poll taxes as a test case – but shied away from FEPC (Atlanta Daily World 1948f). Similarly, southern senators offered to cooperate on amending rules for cloture on the condition that efforts to create a permanent FEPC were dropped (Chicago Defender 1948b). Fair employment was a fundamentally more contestable (and contested) policy innovation because it had the potential to redistribute benefits and it did not fit within pre-existing notions of legitimate government authority. As a result, black advocacy groups were essential to obtaining congressional recognition for a permanent FEPC (LA Sentinel 1948e). Threats of electoral retribution from the NAACP, National Council for a Permanent FEPC, and other organizations created the incentives for both parties to at least pay lip service to the idea. Dr. Charles Walburg, a black supporter of Governor Dewey, argued that Truman used issues like FEPC purely as bait for black votes (NY Amsterdam News 1948b). Without pressure from black advocacy groups, FEPC would not even be bait.
6 Conclusion

We began this exploration of black civil rights issues as a way of understanding what accounts for shifts in the content of the congressional black agenda. Although that question has not been fully answered, studying shifts in black civil rights issues provides some important insights into the role of credibility in policy innovation. Anti-lynching legislation was made credible by the reports of brutal mob violence depicted by the press, its adoption onto the Republican Party’s platform in 1920, and the continued support for the issue by presidents Harding and Coolidge. The decline of reported incidents of mob violence and the seeming indifference of President Roosevelt made lynching less credible as a problem, so the call for federal intervention into the states’ terrain of law enforcement became a less-appealing policy solution.

Segregation in interstate travel never really caught on as an issue during the period of this study. Indeed, the Supreme Court’s ruling in *Morgan v. Virginia* only served to make the issue less credible because people presumed that the matter had already been settled judicially. Only the black members of Congress – particularly Arthur Mitchell and Adam Clayton Powell – were willing to invest resources in recognizing the problem of segregated travel. Yet, we know that ending segregation in public accommodations was the core victory in the Civil Rights Act of 1964, so what happened to turn a non-issue into Congress’s top civil rights priority? Eliminating segregation received a boost in credibility from the Civil Rights Commission’s recommendation to end segregation in all aspects of public life. In that sense, segregation was similar to lynching – the executive branch was critical to establishing the problem and solution as credible.

Abolition of poll taxes became credible as a consequence of World War II. Unlike lynching, segregation, and FEPC there was no need to establish the legitimacy of the right to vote. Fighting for freedom and democracy in Europe tapped into the notion that the denial of black voting rights was an illegitimate use of government authority that could no longer be tolerated. Members of Congress recognized the basic appeal of the issue, and their own concerns about reelection prompted them to maintain anti-poll tax legislation on the congressional agenda. Eventually, the poll tax ban would lose its credibility as a key tool in the deprivation of black voting rights, but the core issue of enfranchising black southerners did not lose its legitimacy until the Voting Rights Act of
1965 effectively solved the problem.

The creation of a permanent FEPC gained credibility through the political pressure applied by black activists and interest groups. A. Philip Randolph’s March on Washington Movement was responsible for Roosevelt issuing the initial executive order; Randolph’s National Council for a Permanent FEPC was responsible for drafting the legislation; and constant pressure from the NAACP and others reminded both parties of the electoral ramifications of not supporting FEPC – which were borne out by the 1946 and 1948 elections. Black advocacy groups made it clear to Republicans and Democrats that fair employment was an issue with the power to swing elections, so both parties exploited the issue to their own gain. Although the result was political maneuvering rather than passing legislation, the electoral value of FEPC sustained the issue on the congressional agenda. In that sense, black activism and advocacy made FEPC credible more as a political tool than a policy solution, but the outcome was the same – congressional recognition and attention.

Future research can build on the distinct lessons from the emergence of these four issues in a number of ways. First, and most simply, research should establish a general, descriptive picture of how congressional recognition and attention to black issues has changed since World War II. Second, the narrative could be expanded to include all black issues over this full time period of the data. Such a study would allow the arguments about credibility to be further refined and formulated into testable hypotheses about how congressional prioritization of black issues changes over time. Third, future work can build on the arguments about black advocacy groups to conduct large-n analysis of how civic activism shapes the congressional black agenda. Fourth, the discussion of these issues raises a number of questions about the duration of black issues on the congressional agenda. Why do some issues, like lynching, stay on the agenda for fifty years while others, like segregated travel, disappear from the agenda for long stretches? Lastly, researchers should try to devise measures of issue credibility. In that way, the hypotheses that might emerge from a more in-depth case study could be tested directly rather than using congressional attention/recognition as proxies. The content of the black agenda is too often assumed to have been the inevitable product of its times. This study tries to make the point that black issues are not examples of inevitability, but instead they raise questions about the establishment of issue credibility.
References


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