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Statement
by
Senator Hubert H. Humphrey
In the Senate of the United States
In Introducing Civil Rights Bills - 1959

Mr. President, I rise today to introduce on behalf of
myself and Senators Clark, ^{Douglas, Hart,} ~~Douglas,~~ Javits, ~~Irving,~~ Magnuson, McCarthy,
McNamara, Morse, Murray, Neuberger, and Pastore, a series of
bills designed to assure to all Americans, regardless of their
race, color, creed or national origin, freedom ^{equal} and liberty ~~under~~
^{opportunity and equal protection under}
the laws of our great nation.

As never before in history there is a recognition that
there can be no room for discrimination and the denial of equal
rights due to blind prejudice and bigotry. There is a growing
realization that in a free society the government has a duty
to protect the God-given ^{and constitutional} rights of all of its citizens.

The present struggle between the free world nations
and the Communist bloc is, after all, based upon the fundamental
issue of man's right to freedom. This is what the present conflict,
when all is said and done, is all about. The issue is whether
government should be the servant of the people or master of the
people.

In such a basic and crucial struggle we cannot afford to ignore denials of freedom ~~right~~ here in America. We must put our own house in order if we are not to be considered hypocrites when we point an accusing finger at the Soviets for their denial of human rights.

And may I add that the problem we face right here at home is not a regional problem only confined to the South. We know this only too well from firsthand experience. Minority groups still face employment barriers and by gentlemen's agreements a system of restrictive covenants is effectively maintained in many towns and cities of the North.

At the conclusion of the New York hearings of the Civil Rights Commission, Father Hesbergh, president of Notre Dame, speaking on behalf of the Commission members, said that it had been demonstrated beyond a doubt that the problem of discrimination in housing is nationwide in scope.

"We are talking about the face of America," said Father Hesbergh, "and that face must have the beauty and dignity and harmony of the Constitution." Equal protection of the laws, he said, must begin in the homes of all Americans.

In spelling out the problem which we face, I do not wish to leave the impression that we are not making progress. Advancements in the field of civil rights and human understanding are being made every day.

Yes, more and more jobs are opening to qualified Negroes. Fewer and fewer trade unions maintain color bars. Progress is being made, slowly to be sure, toward non-segregated housing.

And in the South there is encouraging progress also. The opening of integrated schools in Virginia is a milestone. Its significance cannot be overestimated.

In Kentucky, 85 percent of the schools have been integrated.

In the border State of Maryland, integration of schools is almost complete and has taken place without any difficulties.

Tennessee is in the second year of a start with its capital city integration plan as accepted by the court.

In North Carolina, its largest city, Charlotte, is proceeding with an accepted plan; its fine university has for years had Negro students.

In Texas, Negroes were admitted to the university several years ago, and many of its towns and cities have integrated their schools.

Louisiana admitted Negroes to the State University 2 years ago, and this year admitted Negroes to its undergraduate school in New Orleans.

In Florida, a Negro has been admitted to its law school, and Governor Collins, a courageous and good man, has proposed the abolition of all Negro graduate schools and the admission to the regular university of their students this coming September.

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There are only four States in the South which have made no start toward integration and in which a policy of massive resistance continues unabated.

So progress is being made. And this is the encouraging thing to remember. The job remaining to be done is still tremendous, but we have every reason to feel confident that we have reached the time in our country's history when the goal we seek of first-class citizenship for all our people is in sight.

Both as mayor of Minneapolis and as a U. S. Senator, I have worked for legislation to protect the rights of all the people. I have advocated civil rights legislation on the basis of the moral law and the constitutional guarantees of freedom to all citizens.

I would like to set forth to you these basic and fundamental principles upon which I have based my stand. Emotional outbursts and arguments of those who oppose civil rights must not cloud the basic issue; namely, the moral and constitutional duty of the State to protect and to guarantee the rights of its citizens, regardless of their race, religion, creed, color or national origin.

Mr. President, in the year 1896 a great American wrote one of the most famous documents on the role of the state in protecting the freedom of its citizens. Here is what he stated:

The sure guarantee of peace and security of each race is the clear, distinct, unconditional recognition by our governments, national and state, of every right that inheres in civil freedom, and of equality before the law of all citizens of the United States without regard to race. State enactments, regulating the enjoyment of civil rights, upon the basis of race, and cunningly devised to defeat legitimate results of the War, under the pretense of recognizing equality of rights, can have no other result than to render permanent peace impossible and to keep alive a conflict of races the continuance of which must do harm to all concerned. We boast

of freedom enjoyed by our people above all other people. But it is difficult to reconcile that boast with a state of the law, which, practically, puts the brand of servitude and degradation upon a large class of our fellow citizens, our equals before the law.

What I have read is from the dissenting opinion of Justice Harlan of the United States Supreme Court in the historic case of Plessy v Ferguson. As we all know, Justice Harlan's colleagues on the Supreme Court rejected his defense of man's rights under the Constitution by adopting the "separate but equal" doctrine.

However, Justice Harlan's dissenting opinion was finally accepted in 1954 in the case of Brown v Board of Education in which the Court Stated: "We conclude that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal."

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In view of the heated emotions which have been generated by this 1954 decision, and the examples of open defiance of the Court, I think it is of utmost importance that we discuss civil rights in terms of the basic and fundamental principles involved. Passionate and prejudiced outbursts must not be permitted to cloud the central issue, namely the duty of the state to protect the rights and freedom of all citizens -- regardless of race, color, religion or national origin. It is for this reason that I have quoted from Justice Harlan's dissent. It should be noted that Justice Harlan had been a slaveholder himself and an opponent of the Thirteenth Amendment. He was, however, a just and righteous man with a deep reverence for the Constitution, and he clearly understood what was intended by the Fourteenth Amendment. As his biographer stated:

The simplicity and directness with which he viewed it approaches that of a layman. He believed that it should be construed in accordance with the views of the framers and the dictates of common sense.

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Justice Harlan's opinion should be read and heard today by every citizen in the land. It demolishes the emotional arguments which have been raised in an effort to bury the simple and fundamental Constitutional guarantee of equal protection of the law.

It is this guarantee, Mr. President, which we must constantly keep in mind. We must not let it be pushed aside and obscured by those who are opposing civil rights. The clear language of the Fourteenth Amendment states:

No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the law.

When the Supreme Court in 1954 overthrew the "separate but equal" doctrine, it breathed new life into the Constitution.

Such a decision was inevitable in an age when the concept of second-class citizenship can no longer be tolerated.

There can be only one class of citizens permitted under our legal structure; and those who argue otherwise are in opposition to the supreme law of the land and the basic and fundamental principles upon which our Nation was founded.

The framers of the Declaration of Independence laid down the basic philosophy of our form of government when they wrote:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness. That to secure these rights, Governments are instituted among men, deriving their just powers from the consent of the governed.

In these short sentences are summarized two great and abiding principles which have served to guide our country for almost two hundred years.

First of all, that man has certain rights under the natural law; rights given to him not by the government, but rights given to him by God Himself. As such, these rights are unchangeable and everlasting and above the power of government to destroy or

deny.

Second, governments are established by the people for the primary purpose of securing these natural rights -- which include that of liberty -- and to protect the individual in their enjoyment.

This indeed was a radical philosophy of government in the 18th century, and there were many who deemed it both dangerous and visionary. But this doctrine has served us well and under it our Nation has grown and prospered and government has remained the servant rather than the master of the people. Unfortunately, however, this great concept of a government established to protect the rights of all the people is still not accepted by all. There is still a denial of freedom and equality to many of our fellow citizens -- particularly those who happen to be of the Negro race.

To the extent that our Federal government and our State and local governments fail to protect the natural rights of the citizens, such governments are failing to fulfill their function according to our basic philosophy of the role of government.

Human rights are inalienable rights. They are God's gift to man - and their protection and advancement is the first obligation of organized society.

Government at all levels must give constructive and imaginative leadership in the effort to overcome discrimination throughout the Nation.

Protection of human rights is the moral responsibility of government officials in a free and democratic society. They have the obligation to establish standards and practices of equal rights and equal protection of the law for all citizens to follow.

However, action of representative government generally reflects moral and political standards of its citizenry. For that reason fulfillment of civil rights and civil liberties is the continuing responsibility of every community, of every civic organization, and of every individual. Action in Congress is vital and important, of course - but it is not enough alone.

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We need courageous leaders in behalf of human rights in every community. We need local action, as well as national action. We need private action as well as public action.

The cause of civil rights should enlist the active support of government, of voluntary organizations, of religious groups and institutions, and of civic bodies. Only by such unified action can we truly fulfill mankind's inalienable rights.

Great progress has been made in recent years in the field of civil rights, but we still have a long way to go before we can say in all honesty that ours is a nation in which the freedom of all the citizens is protected and assured by the government.

So long as segregation is practiced in schools, parks, libraries, hospitals, busses and trains, we will not have achieved true freedom. So long as color bars exist in housing, hotels, restaurants and theatres, we will be short of the goal.

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So long as citizens are denied the right to vote or denied the right to a job because of their color, we will have failed in living up to our announced principles.

Those of us who maintain that it is the obligation of government to protect the civil rights of all citizens are proposing no new or radical idea. Our position is as old as the Declaration of Independence itself; founded on the basis of faith in the natural rights of man and in the Constitution of the United States.

I realize only too well that segregation cannot and will not be wiped out over night. Prejudices which have developed over scores of years cannot be ignored in working toward the goal of equality under the law. But these very real problems and roadblocks to understanding should not and cannot be permitted to serve as excuses for refusing to act.

It is my firm conviction that the Federal Government must give constructive and imaginative leadership in this endeavor.

This is no easy task. It will require patience and understanding and a determination on the part of men of good will from all sections of the country to cooperate in a dispassionate manner.

This is no time for name calling or for emotional tirades or for holier-than-thou attitudes. It is the time for us to calmly and rationally discuss and work out methods whereby equality under the law shall be assured to all citizens in as orderly and civil a manner as possible. I am convinced that it can be done if we but put our minds and our hearts to it. We in the Congress have a grave responsibility to aid in protecting the rights of all the people. We are, I am pleased to say, making headway.

The Civil Rights Act of 1957 was the first civil rights legislation passed by Congress since 1875. It added greatly to the excellent record of the 85th Congress. While it failed to contain many of the proposals that I, and many of my colleagues, had hoped and worked for, it was a positive step forward.

Under this Act there was created a Commission on Civil Rights, a Civil Rights Division in the Department of Justice, and most important of all, the Attorney General was empowered to seek an injunction when a person was deprived or about to be deprived of his right to vote. These were provisions which many of us had striven for for many years.

This civil rights record of the 85th Congress, however, should not serve as an excuse for failing to take further action in the 86th. I am confident that we will have reason to be proud of the civil rights record of this Congress.

A number of bills have ^{already} been introduced in the Congress this year.

Senator Johnson has offered a bill which would (a) make it a Federal crime to bomb schools, churches and other buildings; (b) grant the Attorney General subpoena power in investigations of violations of voting rights; (c) extend the life of the Civil Rights Commission another two years; and (d) establish a Community Relations Service to provide conciliation service to communities involved in civil rights disputes.

The administration's proposed bills would (a) make the use of force or threat of force to obstruct court orders in school integration cases a Federal offense; (b) provide funds for education of the children of members of the armed services in areas where the public schools have been closed; (c) make it a Federal offense to travel in interstate commerce to avoid prosecution for the bombing of religious or school property; (d) prohibit the destruction of voting registration lists and make such lists and records available for examination by the Department of Justice; (e) authorize appropriations by the Federal Government to assist local school agencies in desegregation programs; (f) extend the life of the Civil Rights Commission 2 additional years; and (g) create a Commission on Equal Job Opportunity under Government Contracts.

The Senior Senator from Illinois, Mr. Douglas, and I, joined by several other Members of the Senate, have introduced a bill which (a) endorses the principle of the antidiscrimination decisions of the Supreme Court; (b) provides that the Attorney General may institute a civil action for the purpose of preventing

any interference with a person's right to equal protection of the laws; and (c) authorizes the Secretary of Health, Education, and Welfare to (1) render technical assistance to aid in school desegregation; ~~desegregation~~; (2) provide grants to areas where desegregation in public schools is being carried out; (3) prepare plans for the elimination of segregation in public schools where no effort has been made to comply with the Court's decision; and (4) institute legal proceedings to enforce compliance when such plans are rejected by State or local officials.

There has also been introduced by the junior Senator from Michigan, Mr. Hart, a bill entitled the "Federal Anti-lynching Act." The recent tragic kidnapping and murder of Mack Charles Parker by a white mob in Poplarville, Mississippi, makes ~~it~~ all too clear the real need for effective anti-lynching legislation. I wish to congratulate the Senator from Michigan for introducing this measure, and I would be honored to have my name added as a co-sponsor.

All of the civil rights proposals which I have noted are commendable. They represent strides in the right direction and they warrant the approval of Congress. The bill offered by the Senator from Illinois, Mr. Douglas, myself and others, is the most comprehensive measure now before the Senate; it deals not only with integration of schools, but also with the granting of authority to the Attorney General to go into the courts on behalf of individuals whose civil rights under the Constitution and laws of the land are being denied or threatened. I am proud to be a co-sponsor of this important and meritorious measure.

There is, however, even more that the Congress can and should do to guarantee to all Americans that their God-given rights to freedom and equality shall be protected.

The Congress should consider and deal with denials of freedom such as discriminatory practices in interstate travel,

discrimination in employment, poll taxes, involuntary servitude, and attempts to intimidate a person in the enjoyment of his rights under the Constitution and the laws of the land.

The denials of civil rights which I have just enumerated are all too real. There should be federal legislation to deal with these matters. It is incumbent upon the Congress to make it clear that the federal government gives full protection to all of its people against threats of violence and any and all denials of equal rights. It is time we make it quite clear that in America there is no room for second-class citizenship.

Therefore, Mr. President, at this time I submit, on behalf of myself and several colleagues, a series of bills which

have as their purpose protecting the civil rights of all citizens.

A great deal of thought and discussion has been given to the preparation of these bills. They embody the considered judgment of ~~the~~ present and past members of the Congress from both parties, of interested citizens, educators and religious leaders.

A brief explanation of each of the measures which I now send to the desk is as follows:

1. A bill to provide relief against certain forms of discrimination in interstate transportation, designed to implement Supreme Court rulings that segregation in interstate transportation is a denial of Constitutional rights.
2. A bill to extend to members of the Armed Forces the same protection against bodily attack as is now granted to personnel of the Coast Guard.
- ~~3. A bill to protect persons within the United States against mob violence or lynching.~~
3. A bill to prohibit discrimination in employment.
4. A bill outlawing the poll tax as a condition of

voting in any primary or other election for national officers.

5. A bill to amend and supplement existing civil rights statutes.

6. A bill to strengthen the criminal laws relating to peonage, slavery, and involuntary servitude.

7. An omnibus bill including all the above measures in one general measure.

In conclusion may I say that we must face up to the evil of segregation and discrimination. There is no greater stain on the moral conscience of America. And we in the Congress have a duty to do all within our power to aid in eradicating this blight from the face of the land. The gap between the noble principles embodied in the Declaration of Independence and the Constitution and the denial of true freedom to all too many of our fellow citizens must be closed. And it can be closed if we will deal with this vital issue as men of reason who believe as did the Founding Fathers in the basic and God-given rights of all men.

The words of a distinguished American, a former Senate colleague from North Carolina, Frank P. Graham, summarize the opportunity which we now have to advance the cause of freedom:

With human liberty in peril around the earth, may the people of the United States, in cooperation with free nations, light up the wide heavens of the hopes of all peoples with another great declaration of the equal freedom and dignity of all people. Now is the time to make clear to the friends of freedom in the East and West that freedom, due process of equal justice under law, and the equal opportunity of all people are the historic and living sources of the faith of the American people in themselves, of the world's faith in America, and of America's moral influence and power in the world.

May we in the 86th Congress meet our obligations and advance the cause of freedom in this crucial period of history.

Mr. President, I ask unanimous consent that statements I have prepared on these bills, along with the texts of the bills themselves, with the exception of the omnibus bill, be printed at this point in the Record.

I also ask unanimous consent that these bills lie over on the table through May 22 to permit the names of additional co-sponsors.

May 19



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