Civil Rights Laws of the 1950s and 1960s

The Civil Rights Act, 1957 (Pres. Eisenhower, Republican)

President Eisenhower was a reluctant convert to the Civil Rights campaign, but after the Brown vs Board of Education verdict he felt the need to gain the votes of White Liberals in his 1956 re-election campaign.

The main force behind the passing of the bill was Lyndon Johnson, leader of the Democrat majority group in the Senate.

Although resisted throughout its passage through Congress, the 1957 act was significant because it was the first item of federal legislation on Civil Rights since the nineteenth century.

- The Justice Department was now empowered to initiate law suits in cases where black Americans were denied voting rights.
- The Civil Rights Commission was created to investigate violations of Federal Law.

LIMITATIONS:

The 1957 Act was heavily watered down due to the extent of Southern Democrat opposition. Its passage was a symbolic step, but did little to enforce Black civil rights.

The Civil Rights Act, 1960 (Pres. Eisenhower, Republican)

This was intended to strengthen the provisions of the 1957 act.

- Federal district court judges given the power to enrol black voters in areas were local registrars were discriminating.
- Voting records to be held for 22 months to allow Federal inspection.

LIMITATIONS:

Like the 1957 Act, that of 1960 did not deliver real voting rights for black Americans, as there was no real mechanism of enforcement against the Southern states.

The Civil Rights Act, 1964 (Pres. Johnson, Democrat)

The bill had been one of President Kennedy’s main projects, and it was before Congress at the time of his assassination in November 1963. Some of the Civil Rights leaders feared that Johnson was more of a political fixer than an idealist, and that he would rather have a weak compromise than a powerful piece of legislation.

However, Johnson wrote of the 1964 Act “There comes a time in every leader’s career when he has to put in all his stack. I decided to shove in all my stack.”
THE CONGRESSIONAL DEBATES ON THE 1964 BILL

The Bill passed the House of Representatives with a healthy margin.

<table>
<thead>
<tr>
<th>Party</th>
<th>For</th>
<th>Against</th>
</tr>
</thead>
<tbody>
<tr>
<td>Democrat</td>
<td>152</td>
<td>96</td>
</tr>
<tr>
<td>Republican</td>
<td>138</td>
<td>34</td>
</tr>
<tr>
<td>Total</td>
<td>290</td>
<td>130</td>
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However, the real threat to the Bill came from the Senate.

➢ The Bill’s enemies tried a **filibuster** = debating every line in the hope that it would run out of time, and thus fail.

Johnson responded by invoking **cloture** = procedure that required 67/100 Senators to vote to end the debate so that a final vote could be held on the substance of the bill. In the end 73 voted in favour and 27 against.

REASONS FOR THE SUCCESSFUL PASSAGE OF THE 1964 ACT

• Many regarded the bill as the realisation of the Kennedy dream, and the fulfilment of his idealism.

• The popular grief at Kennedy’s death translated into support for the bill that he had drafted.

  Johnson: “**No memorial ovation or eulogy could more eloquently honor President Kennedy’s memory than the earliest possible passage of the Civil Rights Bill for which he fought so long.**”

• Johnson was one of the most experienced political operators, and he used his many contacts and influence in Congress to overcome resistance.

• He was able to encourage some Republican congressmen to vote for the bill, as he knew that he could not secure the votes of all of the Democrats, many of whom were opposed to Civil Rights.

TERMS OF THE ACT

• It became illegal to refuse access to restaurants, hotels, motels, stores and other public places on the grounds of race.

• Attorney General could file lawsuits against state authorities and electoral districts accused of discrimination.

• Establishment of the **Fair Employment Practices Commission** to prevent discrimination on the grounds of race, religion or sex.

• Discrimination in federally aided projects was outlawed.

• **Community Relations Service** established to mediate in local disputes.
The Twenty Fourth Amendment to the Constitution, 1964

- This outlawed Poll Taxes, which some Southern States had used to deter Black Americans from registering as voters, as they would then have to pay the tax.

The Voting Rights Act, 1965 (Pres. Johnson, Democrat)

At the beginning of 1965 Johnson was not convinced by the need for further voter rights legislation, and hoped to turn his attention to other parts of “The Great Society” and also to the escalating commitment in Vietnam.

However, the police attacks on Civil Rights demonstrators in Selma (Alabama), starting on 7 March, and culminating in the murder of a white minister, James Reeb, on 13 March, convinced Johnson that federal action was needed.

Johnson, 13 March: “What happened in Selma was an American tragedy. The blows that were received, the blood that was shed, the life of the good man that was lost must strengthen the determination of each of us to bring full and equal and exact justice to all of our people.”

Johnson, 15 March, addressing Congress: “Rarely in any time does an issue lay bare the secret heart of America. Rarely are we met with a challenge, not to our growth or abundance … but rather to the values and the purposes and the meaning of our beloved Nation. The issue of equal rights for American Negroes is such an issue. And should we defeat every enemy, should we double our wealth and conquer the stars, and still be unequal to this issue, then we will have failed as a people and as a nation. There is no Negro problem. There is no Southern problem … There is only an American problem…”

- The new law was designed to enforce the 15th Amendment of 1869.

TERMS OF THE ACT

- All forms of tests to qualify for franchise were outlawed, including literacy tests and poll taxes.
- Even minor changes to voting procedure would have to authorised in advance by the Federal government.
- Federal authorities could enrol voters in areas where less than 50% of the eligible population were on the roll.

CONSEQUENCES OF THE ACT

- Black voter registration increased considerably within months of the passage of the Act. By the end of 1965 230,000 more Black Americans were enrolled as voters.

- However, by this stage the attentions of many Black Americans had moved on to economic and social issues, such as policing and housing. Days after the passage of Voting Rights Act in August 1965, riots broke out in the Watts district of Los Angeles in protest against alleged police brutality against Black Americans.
Percentage of black American adults registered to vote

<table>
<thead>
<tr>
<th>Year</th>
<th>Alabama</th>
<th>Georgia</th>
<th>Louisiana</th>
<th>Mississippi</th>
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<tbody>
<tr>
<td>1964</td>
<td>19.3</td>
<td>27.4</td>
<td>31.6</td>
<td>6.7</td>
</tr>
<tr>
<td>1968</td>
<td>61.3</td>
<td>60.4</td>
<td>60.8</td>
<td>67.5</td>
</tr>
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THE KERNER REPORT, 1968

In 1967 President Johnson commissioned Otto Kerner, governor of Illinois, to report on the conditions in black neighbourhoods.

- The Kerner Report found “pervasive discrimination and segregation in employment, education and housing” and that the USA was “moving towards two societies, one black, one white, separate but unequal.”
- The Fair Housing Act (1968) was passed which made it illegal to discriminate in the letting or sale of housing.

AFFIRMATIVE ACTION

In 1968 President Johnson established the principle that federally funded organisations would need to take affirmative action to ensure that they employed a fair proportion of people from non-white backgrounds.

- This involved positive discrimination in favour of non-white applicants for state university places or for state employment.
- Quotas were introduced to ensure that a fair proportion of non-whites was recruited or employed.

The principle of affirmative action has been contested frequently in the American courts, as many regarded it as discriminatory and against the principles of the 1964 Civil Rights Act.

Conclusion:
The Impact of the Civil Rights Laws of the 1950s and 1960s

The civil rights laws of the 1950s and 1960s were brought about by a combination of well-organised protest from organisations such as the SCLC, and the political willingness of Presidents Eisenhower and, more importantly, Kennedy and Johnson to legislate to enforce voting rights and desegregation.

While the 1957 and 1960 acts delivered little change, those of 1964 and 1965 transformed the experiences of Black Americans.

- The 1964 act swept away the Jim Crow laws. Many public places in the South were now desegregated, and transport had been integrated.
- The 1965 act was the first to enforce the voting rights of black people, and resulted in massive increases in black voter registration.
• By 1968 Pres. Johnson had been convinced of the necessity of improving the lives of urban blacks through laws to ban discrimination in housing, in order to prevent repeats of the rioting of 1965-8.

• Johnson also inaugurated the policy of affirmative action (positive discrimination), starting with state agencies and projects.

• Finally, the black urban vote was now effectively guaranteed to the Democrats.

• Racial integration of schools was being undertaken throughout America in the late 1960s.

**Broader social and political changes**

• Black Americans were gaining office to senior elected positions throughout the USA.
  
  ➢ Carl Stokes became mayor of Cleveland, Ohio, in 1967.
  ➢ Marion Barry became mayor of Washington DC in the 1980s.

• The idea of equality, and the use of federal authority to achieve it, was now accepted throughout the USA, although white southern resistance remained strong.