

Civil Rights Act of 1957

Major Acts of Congress, 2004
Civil Rights Act of 1957

Gilbert Paul Carrasco

The Civil Rights Act of 1957 (CRA) (P.L. 85-315, 71 Stat. 634) began a new era in civil rights legislation and enforcement after more than three-quarters of a century of congressional inaction. The act initiated a greater federal role in protecting the rights of African Americans and other minorities. The Civil Rights Act of 1957 did not create new rights, but it increased protection of voting rights and laid the foundation for federal enforcement of civil rights law by creating the Civil Rights Division in the Department of Justice, a Civil Rights Commission within the executive branch, and expanding federal enforcement authority to include civil lawsuits.

LEGAL AND SOCIAL CONDITIONS PRIOR TO THE ACT

The federal law in force at the time of the 1957 Civil Rights Act dated from the Reconstruction period following the Civil War. The Fourteenth and Fifteenth Amendments to the U.S. Constitution, which were ratified in 1868 and 1870 respectively, granted Congress the power to enforce civil rights with legislation, and it is this power that serves as the constitutional basis of the act.

From 1866 to 1875, Congress enacted a series of statutes intended to confer broad rights on African Americans to be free from discrimination. Many of the protections of these civil rights acts, however, were severely restricted through U.S. Supreme Court interpretation, as occurred in the Civil Rights Cases (1883). Among the most significant lasting effects of these laws was the establishment of federal authority to enforce criminal civil rights provisions.

Although many of the more violent forms of racial oppression had been reduced by the 1950s, in the South state law was often used to prevent African Americans from exercising their civil rights. To register to vote, for example, many states required that applicants take a voter qualification test. The questions on the test were designed so registrars could disqualify most of the African Americans attempting to register.

Renewed federal efforts to enforce the criminal provisions of civil rights laws began in 1939. That year a civil rights section was created within the Criminal Division of the Department of Justice.

CIRCUMSTANCES LEADING TO ENACTMENT

The bill that became the 1957 act was introduced in Congress during the administration of President Dwight D. Eisenhower. Attorney General Herbert Brownell played a large role in shaping the bill. It was very similar to a 1956 bill which was not enacted because of the resistance of Southern senators.

The Eisenhower administration's proposed bill initially contained four parts. Part I created a Civil Rights Commission within the executive branch to investigate civil rights violations. Part II created an assistant attorney general for civil rights, which led to the elevation of the civil rights section of the Department of Justice to the Civil Rights Division (as had been recommended by President Harry Truman in 1948). In Part III, the proposed bill contained broad language that expanded the department's authority to enforce civil rights through civil and criminal proceedings. Part IV authorized the attorney general to bring civil lawsuits and obtain preventive injunctions (court orders) for the protection of voting rights. After debate, the bill passed the House of Representatives on June 18, 1957, by a vote of 286 to 126.

The biggest obstacle to civil rights legislation in 1957 was the bloc of Southern Democrats led by Senator Richard Russell of Georgia. Southern senators had blocked every piece of civil rights legislation proposed since 1875. The most vocal supporters of the bill in the Senate were Republican leader William Knowland of

California and liberal Democrat Paul Douglas of Illinois. Although neither senator was a particularly strong leader, it appeared that they had public opinion and Senate votes on their side. Whereas the coalition in support of the bill was not a closely unified group, the Southern senators in opposition were. Many believed the bill would die in the Senate, despite its support, because Southern senators would filibuster, if necessary, to defeat the bill.

In 1957 civil rights legislation had a highly effective, if unlikely, supporter. Senate Majority Leader Lyndon B. Johnson and many others believed that the future national success of the Democratic Party, and of Johnson's 1960 presidential hopes, depended on the enactment of civil rights legislation. A Texas Democrat, Johnson's constituents were not likely to view his leadership on civil rights favorably. In the past Johnson had not supported the civil rights bills presented to the Senate. In fact, he had embarrassed Senator Douglas while playing a role in the defeat of the 1956 civil rights bill. Nonetheless, in 1957 Johnson quietly began to use his political skill and influence to help enact the first civil rights legislation in over eighty years.

Senator Russell presented the South's position on July 2, 1957, in a powerful speech that drastically influenced debate on the bill. Reviving negative images of Reconstruction that haunted Southerners, Russell won sympathy from many who were cautious about forcing federal policy on the states. The speech attacked Part III of Eisenhower's bill for its broad authorizations to interfere with state law. Russell also noted that Part III contained a connection to the Civil Rights Act of 1866 that might allow the federal government to use armed forces to enforce court orders and the provisions of civil rights law. Russell also attacked Part IV because it did not provide for a jury trial in criminal contempt proceedings, which meant that those who violated civil rights would be punished by a judge (rather than an all-white jury, which might be more lenient toward defendants in such cases). These two aspects of the bill would become the key sacrifices needed for a compromise with the Southerners. Lyndon Johnson recognized that securing a compromise on those aspects of the bill and preventing a filibuster was among the only ways that the bill could pass. Yet, to many liberals, Part III was the most important part of the entire bill. The amended bill passed the Senate on August 7, 1957, by a vote of seventy-two to eighteen.

Many liberals were disappointed the bill had been so severely weakened. House and Senate leaders negotiated for two weeks, then presented a bill much like the one passed by the Senate but with slight modifications to the jury trial amendment. This bill was passed in the House of Representatives on August 27, 1957, by a margin of 279 to 97. Passage in the Senate was not quite as easy. Senator Strom Thurmond of South Carolina began a sort of one-man filibuster on August 28. His speech of more than twenty-four hours set a record in the Senate. Following this oration, on August 29 the Senate passed the Civil Rights Act of 1957 by a margin of 60 to 15. President Eisenhower signed the bill on September 9, 1957, and the Civil Rights Act became law.

FEATURES OF THE ACT

As finally enacted, Part I of the Civil Rights Act of 1957 created a six-member bipartisan Commission on Civil Rights. The commission's duties included investigation of allegations that "certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of their color, race, religion, or national origin." Further, the commission was required to "study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution."

The commission was also given a third investigative responsibility, to "appraise the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution." For these purposes, the commission could compel testimony from witnesses through the subpoena power granted in the act, provided the hearing was held in the state where the witness was located. In the event the witnesses refused to appear, the attorney general was given power to secure an order from a federal district court that was enforceable through contempt.

Under the 1957 act, the commission was designed to terminate within two years. Half a century later, however, the U.S. Commission on Civil Rights continues to investigate civil rights violations, gather information, appraise federal law, submit reports to the president and Congress, and issue public

announcements.

Part II of the act created an additional assistant attorney general. Shortly after enactment, Attorney General William Rogers ordered the creation of the Civil Rights Division within the Department of Justice. Part III amended existing civil rights law by conferring federal court jurisdiction over civil suits that could provide a wider range of remedies for civil rights violations, including infringement of the right to vote.

Part IV contains the most significant enforcement powers granted by the act. It prohibits actions by any person, including private individuals, designed to "intimidate, threaten, [or] coerce ... for the purpose of interfering with the right [of any person] to vote as he may choose." The act also expanded federal authority to enforce the ban on racially discriminatory denials of the right to vote by authorizing the attorney general to initiate civil lawsuits in the federal district courts "for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order."

Part V of the act was the compromise "jury trial" provision that had caused difficulty in the Senate. It limits the authority of the courts to enforce Part IV of the act through civil contempt, or criminal contempt imposing a \$1,000 fine or less and/or a prison term of six months or less. It also provides that the accused has a right to a jury trial de novo for any criminal contempt proceeding that imposed a fine of more than \$300 or imprisonment for more than forty-five days. Despite these limitations, Part V explicitly preserved the right of the courts "by civil contempt proceedings, without a jury, to secure compliance with or to prevent obstruction of, as distinguished from punishment for violations of," any court order.

ENFORCEMENT AND JUDICIAL ACTION

Under the 1957 act, the Department of Justice's authority to enforce civil rights was limited to criminal prosecutions and civil voting rights suits. The Civil Rights Division had fifteen attorneys in 1958 and twenty-seven in 1959. It was initially organized into a General Litigation Section and a Voting and Elections Section, which reflected the emphasis on voting rights in the 1957 Act. In 1959 the Commission on Civil Rights criticized the division because it had brought only three actions under its authority to seek preventive relief.

The division's strategy changed beginning in 1960. In 1961 John F. Kennedy became president, and new people began to work in the Civil Rights Division. Robert F. Kennedy became the attorney general in his brother's administration and appointed Burke Marshall as the head of the division. Marshall, along with other attorneys in the division, went to various areas of the South to investigate voting discrimination and compiled overwhelming evidence that it existed. The division used the evidence in a county-by-county and state-by-state campaign to challenge voting discrimination in the federal courts, where it won some significant victories. The division attorneys, however, faced a pervasive state-sponsored system of discrimination that would be very difficult to stop.

The division initiated its first lawsuit against the Dallas County, Alabama, Board of Registrars in 1961. It lost in district court, but on appeal, the court of appeals ordered the district court to issue an injunction against the discriminatory use of a questionnaire and oral questioning to disqualify applicants unless complete records were kept and all questioning complied with federal law.

In *U.S. v. Atkins* the Civil Rights Division presented evidence that in 1961, 8,597 out of 14,400 whites in Dallas County and 242 out of 15,115 blacks were registered to vote, along with other significant indicators of discrimination. Despite some victories in the courts, by 1963 only 320 African Americans in Dallas County were registered to vote. After four years of federal efforts, in 1965 only 1,516 more African Americans in Dallas county were registered to vote than in 1961. In 1965 the Voting Rights Act was enacted to address many of the enforcement problems under the 1957 act. By 1966 over 10,000 African Americans were registered to vote in Dallas County. Another example of difficulties in the division's efforts to enforce voting rights under the 1957 act was its lawsuit against the State of Mississippi. John Doar, who served in the division from 1960 to 1967 (including two years as assistant attorney general), described the case against Mississippi as "a prime example" of resistance by federal judges in the Southern district courts.

In that case, *U.S. v. Mississippi* (1964), the Justice Department sought to prove that certain Mississippi state constitutional provisions and other state laws were designed to prevent African Americans from voting in significant numbers. Two of three district court judges viewed the case as a "frontal attack" by the federal government on the State of Mississippi. They dismissed the Justice Department's complaint by maintaining that the department lacked the authority to bring the suit for a declaration that Mississippi's voter qualification laws were unconstitutional, stating that the Civil Rights Act did not grant authority "to bring any action to destroy any state's constitution or laws." Judge Brown issued a long and powerful dissent, stating that no state or nation "can survive if, professing democratic rule of the governed, it flagrantly denies the voting right through racial or class discrimination." Judge Brown went on to discuss the long history of voting discrimination in Mississippi, which resulted in registration of less than five percent of adult African Americans.

The case eventually went before the U.S. Supreme Court, which explained that the Civil Rights Act of 1957 was constitutional under the Fifteenth Amendment (guaranteeing the right to vote) and that the Justice Department could bring suit against a state. In *U.S. v. Mississippi* (1965), the Supreme Court also stated it could "find no possible justification for" the district court's interpretation of the Civil Rights Act and it "had no doubt whatsoever" that the district court should not have dismissed the complaint.

BEGINNING AN ERA OF REFORM

Although the Civil Rights Division's efforts under the Civil Rights Act of 1957 did not in every case immediately protect the voting rights of African Americans, let alone other civil rights, it did begin the era of civil rights reform. The work of the Civil Rights Division in the early 1960s began to dismantle the discriminatory legal structure of the Southern states in significant ways by challenging discriminatory voter qualification requirements. The division's work also brought attention to the degree of discrimination in the South, having a significant impact on the enactment of other civil rights laws.

Along with the Civil Rights Division, the Civil Rights Commission was making significant progress toward awareness of civil rights problems. In 1958 state officials in Montgomery, Alabama, refused to appear at hearings held by the commission, violating a subpoena. This defiance drew attention from national newspapers. The subpoena was enforced by the Justice Department through a court order. In a 1960 ruling the Supreme Court upheld the commission's hearing process as constitutional and described the commission as an exclusively investigative body. Initially, the commission focused largely on voting discrimination, but it expanded its scope of investigation during the Kennedy administration. In the Civil Rights Act of 1964, the commission's mission was expanded to include serving as a national clearinghouse of information.

The work of the Civil Rights Division and the Commission on Civil Rights created a dramatic record of the systematic discrimination occurring in the Southern states. This record would play a significant role in determining the shape of the more sweeping civil rights protections guaranteed by the Civil Rights Act of 1964, the Voting Rights Act of 1965, and other subsequent civil rights legislation. The Civil Rights Act of 1957 was a historically significant enactment because it ended three-quarters of a century of congressional inaction. It has carried a lasting significance through efforts of the Civil Rights Division and Civil Rights Commission, whose actions helped to set in motion forces that have eradicated much of the institutional discrimination dominating the Southern states in 1957.

See also: [CIVIL RIGHTS ACTS OF 1866, 1875, 1964](#) ; [FORCE ACT OF 1871](#) ; [KU KLUX KLAN ACT](#) ; [VOTING RIGHTS ACT OF 1965](#) .

BIBLIOGRAPHY

Caro, Robert A. *The Years of Lyndon Johnson, Vol. 3: Master of the Senate*. New York: Alfred A. Knopf, 2002.

Belknap, Michal R. *Federal Law and Southern Order: Racial Violence and Constitutional Conflict in the Post-Brown South*. Athens: University of Georgia Press, 1987.

Doar, John. "The Work of the Civil Rights Division in Enforcing Voting Rights under the Civil Rights Acts of 1957 and 1960." *Florida State University Law Review* 25, no.1 (1997): 1–17.

Frye, Jocelyn C., Robert S. Gerber, Robert H. Pees, et al. "The Rise and Fall of the United States Commission on Civil Rights." *Harvard Civil Rights—Civil Liberties Law Review* 22, no. 2 (1987): 449–505.

King, James D., and James W. Riddlesperger, Jr. "Presidential Leadership Style and Civil Rights Legislation: The Civil Rights Act of 1957 and the Voting Rights Act of 1965." In *Presidential Leadership and Civil Rights Policy*, ed. James W. Riddlesperger, Jr., and Donald W. Jackson. Westport, CT: Greenwood Press, 1995.

Landsberg, Brian K. *Enforcing Civil Rights: Race Discrimination and the Department of Justice*. Lawrence: University Press of Kansas, 1997.

Mann, Robert. *The Walls of Jericho: Lyndon Johnson, Hubert Humphrey, Richard Russell, and the Struggle for Civil Rights*. New York: Harcourt Brace, 1996.

Schwartz, Bernard, ed. *Statutory History of the United States: Civil Rights*. New York: Chelsea House, 1970.

Winters, Paul A., ed. *The Civil Rights Movement*. San Diego, CA: Greenhaven Press, 2000.

INTERNET RESOURCE

U.S. Commission on Civil Rights. <http://www.usccr.gov> .

The Civil Rights Act of 1960

Gilbert Paul Carrasco

The Civil Rights Act of 1960 (P.L. 86-449, 74 Stat. 86) amended the Civil Rights Act of 1957 to strengthen the voting rights of African Americans. It gives the attorney general authority to seek a court order declaring a person qualified to vote when the court finds a "pattern or practice" of discrimination based on race or color. It also empowers courts to appoint "voting referees" to take evidence and report findings of discrimination to such courts. The act further provides that a state may be sued in a case in which state officials are accused of voting discrimination. Finally, this law extends the powers of the U.S. Commission on Civil Rights.

Civil Contempt vs. Criminal Contempt

Contempt is an act of disobedience to a court order or an act of disrespect toward a court. A charge of civil contempt differs from a charge of criminal contempt in its intent: A civil contempt charge is coercive, in that it is intended to stop the misbehavior or make the person charged comply with the court order. A criminal contempt charge is punitive, or intended to punish the defendant for his or her behavior. Someone charged with civil contempt must be permitted to appear before the court to "purge" the contempt by demonstrating compliance with the order. A criminal contempt defendant does not have the same right, since the purpose is punishment for past behavior. The penalty for criminal contempt is usually a fine or prison sentence. The penalty for civil contempt may be a fine, a prison sentence, or compensation to the victim of the act committed in disregard of the court order. Part V of the Civil Rights Act of 1957 did not significantly detract from the courts' powers to ensure compliance with its orders. It only limited the power to impose punishment for past disobedience.

Full Text: COPYRIGHT 2004 Macmillan Reference USA, COPYRIGHT 2006 Gale, Cengage Learning.

Source Citation:

Carrasco, Gilbert Paul. "Civil Rights Act of 1957." *Major Acts of Congress*. Ed. Brian K. Landsberg. Vol. 1. New York: Macmillan Reference USA, 2004. 104-109. *Gale U.S. History In Context*. Web. 12 Oct. 2010.

Document URL

http://ic.galegroup.com/ic/uhic/ReferenceDetailsPage/ReferenceDetailsWindow?displayGroupName=K12-Reference&prodId=&action=e&windowstate=normal&catId=&documentId=GALE%7CCX3407400043&mode=view&userGroupName=mlin_s_ccreg&jsid=7d325e5af7e0eb57ec32cdf100b2ee02

Gale Document Number: GALE|CX3407400043