How the South Protected Its Friends from A Witch Hunt in Reverse

Civil Rights Will Depend on the Men Eisenhower and Brownell Pick

If the Civil Rights Bill becomes law, much will depend on the President and the Attorney General—the six men they pick for the Civil Rights Commission, the kind of man they choose to be the new Assistant Attorney General on Civil Rights, the speed with which they set up a Civil Rights Division in the Department of Justice, and the militancy with which they initiate action under existing law and the new bill. Unfortunately militancy is not the outstanding characteristic either of Mr. Eisenhower or Mr. Brownell.

In its progress through the House and Senate, the civil rights bill was steadily crippled. It emerged heart-breakingly weak. Even the investigating powers of the new Civil Rights Commission were sharply limited. As far back as the proceedings in the House Judiciary Committee, changes were made which will make it hard to put the spotlight on the worst of the South's white supremacists.

Protecting Their Own

From Dies to Eastland, Southern reactionaries have shown themselves adept in using the public pillory for suspected radicals. They have proven equally adept in protecting their own friends from exposure. A provision of the bill says that if the Commission "determines that evidence or testimony at any hearing may tend to defame, degrade or incriminate any person" it shall be heard in executive session. The bill makes it a crime to disclose such evidence without the consent of the Commission.

A newspaperman (if this provision is constitutional) could be sent to jail for one year and fined $1,000 for disclosing some particularly sensational bit of chicanery or fraud revealed before the Commission. By contrast, the heaviest penalty which could be assessed by a judge for criminal contempt of a civil rights order would be six months in jail and $1,000 fine.

The Perjury Hazard

The Commission can only investigate "allegations in writing under oath or affirmation." There are many parts of the South where Negroes may fear prosecution for perjury if they dare take their complaints to the Commission on sworn affidavit.

The only allegations the Commission can investigate have to do with voting rights. In House committee the Southerners protected the White Citizens Councils by taking out of the bill authority to investigate allegations of economic pressure brought on persons because of their race or color.

On other than voting rights, the Commission can only study "the laws and policies of the Federal government with respect to equal protection of the laws" and "legal developments constituting a denial of equal protection." This means it can go only indirectly into the many unofficial ways the South deprives Negroes of their rights.

Brownell No Galahad

"One wonders at the vigor of the opposition. If the Attorney General of the United States is as dilatory and negligent in protecting these civil rights during the second Eisenhower Administration as he was during the first, the cause of freedom will not have advanced very much, if any, by January 1961. . . . Our trouble is not with an Attorney General mounted on a white charger intent on the conquest of injustice, but rather a reluctant politician moving gradually to deal with the periphery of a serious social, economic and legal problem only because political expediency requires the party he represents to do something about it before the next national election."

—Senator Clark (D. Pa.) on the Civil Rights bill, July 19.

Pressure on the White House

Among amendments which were beaten down on the Senate floor were several which would have further crippled the bill. One (by Kefauver) would have made the proposed Commission a legislative instead of executive agency, thus laying it open to constant interference from the Southern bloc in Congress.

Another would have taken from the Attorney General the power given him by the bill to initiate injunctions on his own initiative; this is important in those areas where Negroes are too terrorized to dare authorize action on their own behalf.

Another provision saved was that which empowers the Federal courts to intervene in civil rights cases "without regard to whether the party aggrieved shall have exhausted any administrative or other remedies." This prevents relief from being blocked by run-around in State courts and agencies.

For all its weaknesses, the bill gives the Department of Justice a little more power than it had before to protect Negro rights and it provides an investigating Commission which can do a great deal despite the heavy limitations upon it. Everything depends on the men in charge, and the support they get. *This in turn will require constant pressure on the White House.*

Russell Misstates the Facts in An Attack on the Supreme Court

"I have never failed," Russell assured O'Mahoney in the Senate July 30, "to see Negroes on panels in the Federal courts of my State." Javits thereupon cited Reece v. Georgia in which the Supreme Court as recently as December 5, 1955, reversed the conviction of a Negro for murder in Georgia on the ground that Negroes were "systematically excluded" from the grand jury which indicted him.

Russell indignantly replied that this ruling was made "without a scintilla of evidence." He said the FBI investigated and found Negroes on both grand and petit juries in Cobb County, Georgia, where Reece was tried. Russell was given unanimous consent later to insert in the Record a Justice Department statement showing—so Russell said—that the Court's finding was "simply picked out of thin air."

But the statement, when it turned up in the Record (July 30, p. 11770), revealed that Russell has misinformed the Senate. It said the evidence before the Court showed no Negro had served on a Cobb County grand jury for 18 years at the time Reece was indicted on October 23, 1955. But the grand jury list was revised in August, 1954 i. e. after the Reece appeal began, and since then juries had been chosen "without unlawful discrimination."

Only the Right to Vote Can Provide As Potent A Symbol as Jury Trial

(*Continued from Page One*)

years—equal status for the Negro. It was hard to maintain this hope and at the same time argue that you couldn't even trust a jury of Southern white men within the inhibiting confines of a court of law.

As Potent A Symbol for Counter Attack

I stress all this because the outcome in the Senate, which depended on the votes of liberal Democrats from the West and North is not simply to be explained as the reflection of a deal on Hell's Canyon or cynical maneuvering for Southern support in obtaining the 1960 nomination. Such deals and maneuvers are themselves limited by what is morally acceptable and therefore politically feasible. It was only on so respectable an issue as jury trial that such men as Kennedy would dare join the South; it was only on so potent an issue that such liberals as O'Mahoney could be won. To look at this picture clearly is to see what the Negro needs, and what we all need in the fight to make civil rights a reality, and to break the power of the Southern oligarchy, a group which would plunge this country into Fascism if need be to maintain its undemocratic power. This is to turn the tables on the South, to put it in the wrong, to wage counter attack with a symbol and slogan as powerful as jury trial. The slogan to match it in our society is the right to vote. The first is to use the expanded enforcement machinery—the new Civil Rights Division of the Department of Justice and the enlarged powers of proceeding by injunction—to test the good faith of the South and the juries on whom it asks us to rely. The best answer to the jury trial issue is to use the bill to put as many voting right cases as possible before Southern juries, and let the whole country see whether or not they can be trusted. The second is to use the new Commission on Civil Rights to let the whole country see how undemocratic the South's political system really is.

What They Dare Not Say Openly

To invoke the right to vote as the South has invoked the right to jury trial would be to throw its ruling class on the defensive. The truth is that the Southern oligarchy does not believe in a right to vote; it is fundamentally Whig. The Southern oligarchy believes, as did Alexander Hamilton, that government should be by "the rich and well born," operating through a restricted property franchise. The one party system of the South, with its multitudinous qualifications and restrictions on the right to vote, disfranchises and discourages white men as well as black. This is how the Byrds, Russells and Eastlands operate. But they dare not say so publicly. They cannot openly attack the democratic idea. They cannot say they do not believe in the right to vote without exposing their real position to the white majority of the South whom they and their kind have befuddled and led by the nose for generations. To take this bill, to turn the Commission into a national forum, to initiate as many legal actions as possible, would be to put the Southern oligarchy morally and politically in the wrong and in an ultimately indefensible position. Wherever Southern juries do their duty (as some will) progress will be made; where they refuse, the South will hurt itself. The North, the Negro, and the friends of justice, can use this bill to regain the offensive, not just in Washington but within the South. That is why we hope to see it signed and used.

The Southern Oligarchy's Real View

"Between September 1957 and May 1958 any South Carolinian who wants to vote in the primaries next June will have to obtain a new voting registration certificate. . . . Representative James P. Harrelson of Colleton County has charged that the measure 'is designed to disfranchise masses of working people.' He maintained that 'laboring people won't have the opportunity to fill out new application blanks and stand in long lines, waiting to be registered.'

"We say that any South Carolinian who hasn't the patience to stand in line to obtain a registration certificate, isn't fit to vote. . . . Let's not imagine that registration of all South Carolinians is desirable. . . . Every effort should be made from September to May to urge all able, intelligent, responsible, property-owning South Carolinians to register. Those who have only limited education or who might be herded to the polls should not be encouraged."

—Charleston (S. C.) News and Courier, June 24, 1957 reprinted Con. Rec. Aug. 1, p. 12170.

Let Us Send A Copy of This Issue Free to Some Friend Who Hasn't Seen the Weekly Before

I. F. Stone's Weekly, 5618 Nebraska Ave., N. W. Washington 15, D. C.

Please renew (or enter) my sub for the enclosed $5:*

Name .....

Street .....

City .....Zone.....State.....

Enter gift sub for $2 (6 mos.) or $4 (1 yr.) additional:

(To) Name 8/12/57

Street .....

City .....Zone.....State.....

Shall we send gift announcement? Yes ☐ No ☐

I. F. Stone's Weekly
5618 Nebraska Ave., N. W.
Washington 15, D. C.

NEWSPAPER

Entered as Second Class Mail Matter Washington, D. C. Post Office

I. F. Stone's Weekly. Entered as Second Class Matter at Washington, D. C., under the Act of March 3, 1879. Post-dated Mondays but published every Thursday except the last two Thursdays of August and December at 5618 Nebraska Ave., N.W., Washington 15, D. C. An independent weekly published and edited by I. F. Stone; Circulation Manager, Esther M. Stone. Subscription: $5 in the U. S.; $6 in Canada; $10 elsewhere. Air Mail rates: $15 to Europe; $20 to Israel, Asia and Africa.