

AMERICAN CONSTITUTIONALISM
VOLUME II: RIGHTS AND LIBERTIES
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Supplementary Material

Chapter 8: The New Deal/Great Society Era—Equality/Race

Harry Truman, Special Message to Congress on Civil Rights (1948)

*Harry Truman was the first president who actively sought racial equality. Disturbed by the increased racism that greeted African-American troops returning from World War II, Truman appointed a “President’s Committee on Civil Rights” and charged that committee with responsibility for designing a package of legislative initiatives aimed providing better security for the rights of persons of color. The Committee’s Report, later published as *To Secure these Rights*,¹ both highlighted the rampant racism in American life and proposed a wide-ranging package of reforms. Truman endorsed these reforms early in 1948 during a special message to Congress. Both Truman and the members of his committee assumed that racial equality was best promoted by civil rights legislation, not by judicial initiative. Truman also assumed that this legislative package was clearly within the constitutional power of the national government. American liberals during the 1950s and 1960s worried about overcoming filibusters in the Senate. They assumed the Supreme Court would sustain whatever legislation could be obtained from Congress.*

To the Congress of the United States:

...

One year ago I appointed a committee of fifteen distinguished Americans and asked them to appraise the condition of our civil rights and to recommend appropriate action by Federal, state and local governments.

The committee’s appraisal has resulted in a frank and revealing report. This report emphasizes that our basic human freedoms are better cared for and more vigilantly defended than ever before. But it also makes clear that there is a serious gap between our ideals and some of our practices. This gap must be closed.

...

The protection of civil rights is the duty of every government which derives its powers from the consent of the people. This is equally true of local, state, and national governments. There is much that the states can and should do at this time to extend their protection of civil rights. Wherever the law enforcement measures of state and local governments are inadequate to discharge this primary function of government, these measures should be strengthened and improved.

The Federal Government has a clear duty to see that Constitutional guarantees of individual liberties and of equal protection under the laws are not denied or abridged anywhere in our Union. That duty is shared by all three branches of the Government, but it can be fulfilled only if the Congress enacts modern, comprehensive civil rights laws, adequate to the needs of the day, and demonstrating our continuing faith in the free way of life.

I recommend, therefore, that the Congress enact legislation at this session directed toward the following specific objectives:

1. Establishing a permanent Commission on Civil Rights, a Joint Congressional Committee on Civil Rights, and a Civil Rights Division in the Department of Justice.
2. Strengthening existing civil rights statutes.

¹ President’s Committee on Civil Rights, *To Secure These Rights: The Report of the President’s Committee on Civil Rights* (Washington, DC: U.S. Government Printing Office, 1947).

3. Providing Federal protection against lynching.
 4. Protecting more adequately the right to vote.
 5. Establishing a Fair Employment Practice Commission to prevent unfair discrimination in employment.
 6. Prohibiting discrimination in interstate transportation facilities.
 7. Providing home-rule and suffrage in Presidential elections for the residents of the District of Columbia.
 8. Providing Statehood for Hawaii and Alaska and a greater measure of self-government for our island possessions.
 9. Equalizing the opportunities for residents of the United States to become naturalized citizens.
 10. Settling the evacuation claims of Japanese-Americans.
- ...

Strengthening Existing Civil Rights Statutes

I recommend that the Congress amend and strengthen the existing provisions of Federal law which safeguard the right to vote and the right to safety and security of person and property. These provisions are the basis for our present civil rights enforcement program.

Section 51 of Title 18 of the United States Code, which now gives protection to citizens in the enjoyment of rights secured by the Constitution or Federal laws, needs to be strengthened in two respects. In its present form, this section protects persons only if they are citizens, and it affords protection only against conspiracies by two or more persons. This protection should be extended to all inhabitants of the United States, whether or not they are citizens, and should be afforded against infringement by persons acting individually as well as in conspiracy.

Section 52 of Title 18 of the United States Code, which now gives general protection to individuals against the deprivation of federally secured rights by public officers, has proved to be inadequate in some cases because of the generality of its language. An enumeration of the principal rights protected under this section is needed to make more definite and certain the protection which the section affords.

Federal Protection Against Lynching

A specific Federal measure is needed to deal with the crime of lynching—against which I cannot speak too strongly. It is a principle of our democracy, written into our Constitution, that every person accused of an offense against the law shall have a fair, orderly trial in an impartial court. We have made great progress toward this end, but I regret to say that lynching has not yet finally disappeared from our land. So long as one person walks in fear of lynching, we shall not have achieved equal justice under law. I call upon the Congress to take decisive action against this crime.

Protecting the Right to Vote

Under the Constitution, the right of all properly qualified citizens to vote is beyond question. Yet the exercise of this right is still subject to interference. Some individuals are prevented from voting by isolated acts of intimidation. Some whole groups are prevented by outmoded policies prevailing in certain states or communities.

We need stronger statutory protection of the right to vote. I urge the Congress to enact legislation forbidding interference by public officers or private persons with the right of qualified citizens to participate in primary, special and general elections in which Federal officers are to be chosen. This legislation should extend to elections for state as well as Federal officers insofar as interference with the right to vote results from discriminatory action by public officers based on race, color, or other unreasonable classification.

Requirements for the payment of poll taxes also interfere with the right to vote. There are still seven states which, by their constitutions, place this barrier between their citizens and the ballot box. The

American people would welcome voluntary action on the part of these states to remove this barrier. Nevertheless, I believe the Congress should enact measures insuring that the right to vote in elections for Federal officers shall not be contingent upon the payment of taxes.

I wish to make it clear that the enactment of the measures I have recommended will in no sense result in Federal conduct of elections. They are designed to give qualified citizens Federal protection of their right to vote. The actual conduct of elections, as always, will remain the responsibility of State governments.

Fair Employment Practice Commission

We in the United States believe that all men are entitled to equality of opportunity. Racial, religious and other invidious forms of discrimination deprive the individual of an equal chance to develop and utilize his talents and to enjoy the rewards of his efforts.

Once more I repeat my request that the Congress enact fair employment practice legislation prohibiting discrimination in employment based on race, color, religion or national origin. The legislation should create a Fair Employment Practice Commission with authority to prevent discrimination by employers and labor unions, trade and professional associations, and government agencies and employment bureaus. The degree of effectiveness which the wartime Fair Employment Practice Committee attained shows that it is possible to equalize job opportunity by government action and thus to eliminate the influence of prejudice in employment.

Interstate Transportation

The channels of interstate commerce should be open to all Americans on a basis of complete equality. The Supreme Court has recently declared unconstitutional state laws requiring segregation on public carriers in interstate travel. Company regulations must not be allowed to replace unconstitutional state laws. I urge the Congress to prohibit discrimination and segregation, in the use of interstate transportation facilities, by both public officers and the employees of private companies.

...

The legislation I have recommended for enactment by the Congress at the present session is a minimum program if the Federal Government is to fulfill its obligation of insuring the Constitutional guarantees of individual liberties and of equal protection under the law.

Under the authority of existing law, the Executive branch is taking every possible action to improve the enforcement of the civil rights statutes and to eliminate discrimination in Federal employment, in providing Federal services and facilities, and in the armed forces.

It is the settled policy of the United States Government that there shall be no discrimination in Federal employment or in providing Federal services and facilities. Steady progress has been made toward this objective in recent years. I shall shortly issue an Executive Order containing a comprehensive restatement of the Federal non-discrimination policy, together with appropriate measures to ensure compliance.

During the recent war and in the years since its close we have made much progress toward equality of opportunity in our armed services without regard to race, color, religion or national origin. I have instructed the Secretary of Defense to take steps to have the remaining instances of discrimination in the armed services eliminated as rapidly as possible. The personnel policies and practices of all the services in this regard will be made consistent.

The position of the United States in the world today makes it especially urgent that we adopt these measures to secure for all our people their essential rights.

...

To be effective in those efforts, we must protect our civil rights so that by providing all our people with the maximum enjoyment of personal freedom and personal opportunity we shall be a stronger nation—stronger in our leadership, stronger in our moral position, stronger in the deeper satisfactions of a united citizenry.

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If we wish to inspire the peoples of the world whose freedom is in jeopardy, if we wish to restore hope to those who have already lost their civil liberties, if we wish to fulfill the promise that is ours, we must correct the remaining imperfections in our practice of democracy.



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