

3-30-1948

Correspondence, John C. Stennis, March 30-April 13, 1948

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United States Senate

COMMITTEE ON
RULES AND ADMINISTRATION

March 30, 1948

Anti poll tax

████████████████████
████████████████████
Baltimore, Maryland

Dear Mr. ██████████:

I want to thank you for your letter of March 26th with the valuable memorandum therein contained with reference to the poll tax. This is a definite contribution to the thought on the subject, and I deeply appreciate your interest and attention.

With best wishes and kind regards, I am

Cordially yours,

U. S. S.

JCS:VM

[REDACTED]
ATTORNEY AT LAW
[REDACTED]

BALTIMORE 2, MD,

April 7, 1948.

Hon. John C. Stennis,
U. S. Senate,
Washington,
D. C.

Re: Poll-Tax Bill.

Dear Sir:-

I thought that the following item might be interesting and usable in connection with the forthcoming hearing in the Senate on said Bill:

Did you know that in New York City a property qualification is established for jury service? If you did not, and feel that it could be used in connection with the Poll-Tax Bill, I refer you to Fay vs. U. S., 332 U. S. at 266. Either one of the spouses must have property to the value of \$250. It is, to be sure, a small amount, but, nevertheless, it is still a property qualification, aside from the other qualifications therein referred to.

Another item might be of interest, namely, the fact that the present President vetoed ~~to~~ the Continental Shelf Bill because the question involved was a judicial one. This is all the more true of the Poll-Tax Bill, and that veto might be used against his demand for Congressional action in this matter. It might be well to read that veto message. It his reason was conclusive to him in that instance, it ought to have weight in this, but politics are so wrapped up in it that consistency is not to be expected. Anyhow, it is at least another arrow in our quiver.

I hope that you will be able to use this and the other letter in which I analyzed the current situation in the Supreme Court, and disposed of that red herring known as the Classic Case.

I am very sorry that conditions were such that it was not practicable for me to have appeared before the Committee and been subject to interrogation by those supporting the Bill. However, I suppose nothing would affect those already committed to it.

Yours very truly,

[REDACTED]

ATTORNEY AT LAW

BALTIMORE 2, MD.

April 7, 1948.

Hon. John C. Stennis,
U. S. Senate,
Washington,
D. C.

Re: Poll-Tax Bill.

Dear Sir:-

Another portion of the opinion in the case of Fay vs. U.S., 332, would seem to be particularly apposite in view of some of the arguments put up by the proponents of said Bill, which reads as follows:

"The contention that women should be on the jury is not based on the Constitution; it is based on a changing view of the rights and responsibilities of women in our public life, which has progressed in all phases of life, including jury duty, but has achieved constitutional compulsion on the states only in the grant of the franchise by the Nineteenth Amendment." We may insist on their inclusion on federal juries where by state law they are eligible"etc. (page 290)

This would seem to be a conclusive answer to those who, in effect, contend that the times have changed the Constitution. I am aware of the fact that the Commerce Clause has been expanded to meet the changes in business and the large amount of interstate trading and the over-lapping of large concerns over the country, but Section 2 does not come within the type of case that would, by any stretch of the principles of Constitutional construction. The quotation made by the Court in Adamson vs. California, 332 U. S. 46, from Ex parte Bain, 121 U. S. 1, 12,—"*** we are to place ourselves as nearly as possible in the condition of the men who frames the instrument," meaning the Constitution.— governs the instant matter. (page 72)

How men of intelligence and integrity can make the contentions that appear in the hearings is, to me, utterly incomprehensible. It is obvious that they are responding to political pressures, and I do not see how they can keep a straight face when they testify - and vote - as they did in the House. Many questions have two sides to them, but this one is clear beyond all decent cavil. In any circumstance, it seems to me that the above quotation disposes of all such tortures of the Constitution.

Yours very truly,

[Redacted signature block]

C. WAYLAND BROOKS, ILL., CHAIRMAN
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United States Senate

COMMITTEE ON
RULES AND ADMINISTRATION

April 13, 1948

*Anti-Poll Tax
Leg.*

Mr. [REDACTED]
Attorney at Law
[REDACTED]
Baltimore 2, Maryland

Dear Mr. [REDACTED]:

It was good to get your letters of April 7 pertaining to the Anti-Poll Tax Bill. I shall add your pertinent Constitutional citations to my file for future use.

Intellectual honesty among our legal friends on the Republican side has them uncomfortable when they contemplate this pernicious assault upon the Constitution. I'm not convinced they won't yield to political temptation, but there is a small rumor abroad to the effect that they may bring up the Anti-Lynching Bill and then call it quits.

I was indeed sorry that you were unable to attend the hearing. I shall anticipate a visit from you when next you are in Washington.

With kindest regards, I am

Sincerely yours,

U. S. S.

JCS:ll:eh