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5823 – Liberal Efforts in Congress, Legislation, Civil Rights

Guests: Frank Smith (D-MS) and Carl Elliott (D-AL)

Morphew: Introductions...to Smith... ‘the liberals were successful in getting passage of the so-called Civil Rights Bill, do you believe that that satisfied them or do they want something else now?’

Smith: I'm sure there'll be some very strong renewed efforts in the next Congress and of ...succeeding congresses, too, I hope they won't be successful in the next congress, to pass a stronger civil rights bill and I'm sure there will a determined effort made to return to those old standbys in the way of legislation that these people have agitated for some time, the so-called FEPC bill, the Fair Employment Practices I believe is what that stands for. And there'll also probably be an effort to eliminate the poll tax, in the way of the Poll Tax Bill of the type that's been before the Congress for several years in the past.

Elliott: When you said, Dick, the liberals had passed the Civil Rights Bill, I wonder if you didn't mean the word 'liberal' to be in a restricted or quoted sense. I never have thought there was much, very liberal about that bill.

Morphew: It had quotation marks around it, I assure you Mr. Elliott. What kind of efforts do you think they will be putting forth next?

Elliott: Well, I agree with my colleague and dear friend, Frank Smith here, that probably the choice in the next Congress will be between trying to make the Civil Rights Bill stronger. I have thought for some time that an effort would be made in that direction, and in the alternative, and I don't know which will be given the preference or the priority, but in the alternative, that certainly an FEPC bill would be before the next Congress. We had once since I've been a member Congress we debated the FEPC bill. I believe it was in the second session of the 81<sup>st</sup> Congress and though we were able to weaken the bill

considerably, it did then pass the House of Representatives by a large vote and went to the Senate where it died during that second session. But the idea of a FEPC or Fair Employment Practices Commission is not dead, and I'm sure my colleague from Mississippi will agree with me about that, Frank, that that idea is not dead around here at all, is it?

Smith: Oh, not at all, there. I think you could tell me more accurately than I could guess, there are a number, a dozen or so, FEPC bills pending before your committee.

Elliott: Well, I just called the clerk of my committee a minute ago, the Committee of Education and Labor, and he told me there are ten bills pending now seeking to institute or establish a Fair Employment Practices Commission.

Morphew: Exactly what is the FEPC? What would it do?

Elliott: Well, the FEPC would make illegal and unlawful the refusal of a job to any person, and that would be, in effect, any job considering the fact that so much of our work now, by court decision and otherwise is part of interstate commerce, it would include nearly any job which could not be refused to any otherwise qualified applicant on the grounds of race, creed, color or national origin. It would mean, for instance, in the Deep South where I live that a person could not refuse to employ, let us say, a store clerk, because the applicant for that job happened to be colored. He could not, and maybe he lived in an area like some of the areas that I represent in which the people are a very large degree white, several counties in the congressional district that I represent are commonly denominated as white counties, and in a county like that, an employer under this vicious FEPC legislation would not be, he legally could not refuse employment because of color we'll say, even though it might be completely out of line from every angle for him to employ a colored person to do the type job that was in question. Now, the trouble with those bills, the trouble with the FEPC bill all the way around has been the fact that they seek right off the bat to set up a commission and to give that commission undue powers to handle their investigations and their complaints in such a way as to put the person who is refusing the job or who refuses to employ a person to put him in the light of having to prove himself innocent of having violated the provisions of the law.

Morphew: And jail penalties would be included, would they not?

Elliott: Oh, yes. The penalties are very severe.

Smith: With regard to that particular provision of the law, I think the basic concept of the legislation or the proposal is something that's completely contrary to our concept of protecting the rights and the individual person. Rather than protecting a right, this takes away a right that a person should have in the way of choice of employment or choice of employees or the people whom he wants to do business with, and I think that they offer a greater threat there than any type of protection that they might conceivably give anybody in the way of any type of economic guarantees or in the way of the type of job that he would hold or want to hold.

Morphew: To Smith...is this a general pattern of the so-called minority groups that they don't want equal treatment, they want preferred treatment? So, if you needed a secretary and you had 10 applicants all well-qualified, but one happened to be a member of a minority and you were in jeopardy unless you gave that job to that one person?

Smith: That's right.

Elliott: Well, let me say right at that point, Congressman Smith would then be in the position that I mentioned while ago of having to come in when a complaint was made and prove himself innocent of having refused that job on account of race, religion, creed, and national origin and all that. In other words, it's the type of law that makes a person have to prove himself innocent rather than leaving him innocent in the good old concept of English law, letting a man remain innocent until he's proven guilty. This kind of law proves him guilty before he gets started.

Smith: The whole philosophy's foreign to what we consider the basic guarantees of our government.

Morphew: What is the outlook as far as the legislation concerning the poll tax is concerned?

Smith: There have been some indications that as a result of the agitation and publicity in regard to voting and that it developed in connection with the Civil Rights Commission that's been set up under the Civil Rights Law, that there would be a renewed attempt to pass one of these anti-poll tax bills. I feel that the matter of a poll tax is something entirely a matter of state jurisdiction and if a state wants to have it, let them have it and if they don't, they should be free to repeal it or enact it or keep it. We need it, for instance, in Mississippi in order to provide some much-needed money for education. You know, it's earmarked in our state for that purpose.

Morphew: It all goes into the common school fund.

Smith: That's right.

Elliott: There are pending before the committee on House Administration that Congressman Smith and I both are members of now fourteen bills that would attempt to make unlawful the payment of a poll tax. And you know I have the feeling that those bills are punitive in nature from just about every standpoint that you look at them. They seem to be directed absolutely at our section of the country because Alabama and Arkansas and Mississippi and Tennessee and Virginia and perhaps Texas or South Carolina, one or two of those states, only 6 or 7 of them altogether that have a poll tax, and the fact that a state might want to abolish the poll tax, if my state wanted to abolish the poll tax I would have nothing to say about that because I consider it under our constitution to be one of the very fundamental things that the states prescribed, the regulations for voting. Now if my state or if any state in the Union wants to set up a poll tax as a qualification to raise money for

schools, as Mr. Smith has pointed out for Mississippi, then that is absolutely none of the federal government's business. As a matter of fact, my state has modified its poll tax in recent years but it has accomplished that as a state and not by compulsion of the federal government and that's the thing that I'm opposed to as these efforts to impose compulsion on half a dozen states that in their own good judgment see it otherwise at the present time.