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# THE CONGRESS PROJECT

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## *Assignment Prompt Sheet*

### **Civil Rights Act of 1957**

#### **Overview**

**Act Title:** Civil Rights Act of 1957

**Congress:** 85<sup>th</sup> Congress (1957-1958)

**Session/Sessions:** 1

**Statute No:** 71 Stat. 634-38

**Public Law No:** 85 PL 315

**Eid:** 850315

**Gid:** 202-004

**Bill:** HR 6127

**Sponsor:** Rep. [Emanuel Celler \(D-NY\)](#)

**House Committees:** Committee on the Judiciary

**Senate Committees:**

**Companion Bill:**

**Related Bills:** HR 140; HR 142; HR 143; HR

159; HR 359; HR 360; HR 363; HR 374; HR 395; HR 424; HR 437; HR 438; HR 439; HR 440; HR 441; HR 542; HR 548; HR 549; HR 550; HR 551; HR 552; HR 555; HR 887; HR 956; HR 957; HR 958; HR 959; HR 1097; HR 1099; HR 1100; HR 1101; HR 1102; HR 1134; HR 1151

**House Rules:** Hres 259; Hres 410

**Past Bills:** 84 HR 627; 84 HR 259; 84 HR 10339; 84 HR 10340; 84 HR 10348; 84 HR 10349; 84 HR 10378; 84 HR 10379; 84 S 3604; 84 S 3605

**Introduced Date- Law Date:** March 19, 1957 – September 9, 1957

**House Floor Days:** 14

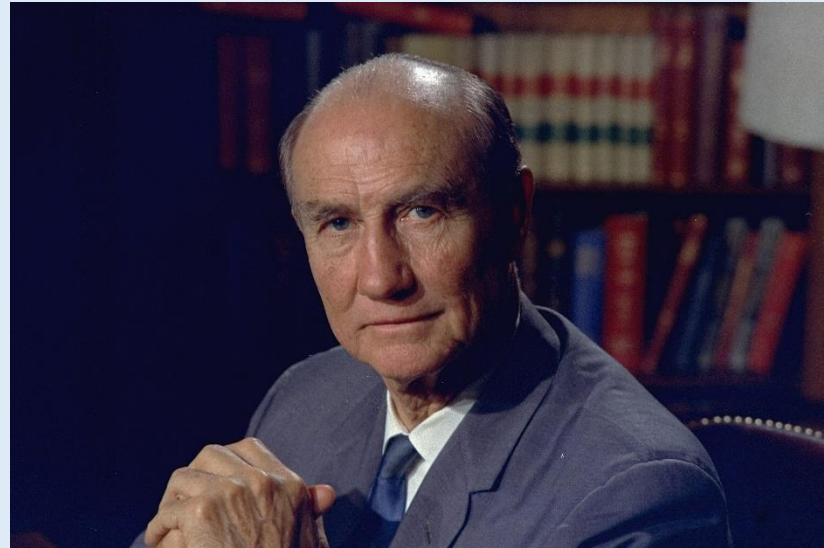
**Senate Floor Days:** 27

**Roll Call Votes:** 18 (5 in the House; 13 in the Senate)

**Issues:** civil rights; voting rights

**Procedures:** filibuster; rule xiv; point of order; self-executing rule; conference; Rules Committee; open rule; continuing body; discharge threat

**Last Updated:** 6/3/23



*(Above) Sen. Strom Thurmond (D-SC), who set the record for the longest speaking filibuster at 24 hours, 18 minutes, in opposition to the Civil Rights Act of 1957.*

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## Legislative History Comments

Passed in the 85th Congress, the Civil Rights Act of 1957 was the first civil rights measure passed by Congress since reconstruction. Opposed by Southerners, it was eventually enacted after a contentious debate and lengthy Senate filibuster.<sup>1</sup> The act established the Civil Rights Section of the Justice Department and granted federal prosecutors powers to take action against individuals who interfered with voting rights. However, it was largely toothless after southerners succeeded in eliminating Part III, which expanded the powers of the Attorney General by allowing him/her to file civil suits, and adding an amendment ensuring jury trials. Clinton and Lapinski (2006) list it as the second most influential act of the 85th Congress (second to only the National Defense Education Act of 1958).

The 85<sup>th</sup> Congress was the first Congress of President Dwight Eisenhower's second term. Eisenhower had been elected overwhelmingly over Democratic nominee Adlai Stevenson, winning the electoral college vote 457 to 73. Democrats controlled both houses of Congress with the exact same margins they had in the previous, 84<sup>th</sup> Congress (49-47 in the Senate; 232-203 in the House). In terms of other issues, I'd assume the space race is the biggest one.

From a process standpoint, this bill is absolute marvelous nightmare. It has some of the best debates over rules in the history of the American Congress. Don't hesitate to ask me follow-up questions. I dumped a ton of notes in the comments below that you're welcome to use. And the Mann (1996) book I recommended in the suggested sources has some good details on this. This case starts off with an effort by Senate liberals to kill the filibuster in order to pass Civil Rights legislation on the first day of the Congress. Specifically, because the Senate has been operating as a "[continuing body](#)," the rules of one Senate carry on to the next one, so the filibuster carries over and any attempts to change it are subject to a filibuster themselves. Senator Clinton Anderson (D-NM) is trying to fight this, by arguing that contrary to the conventional wisdom, the U.S. Senate is not a "continuing body." While he is supported by Vice President Nixon, LBJ, the majority leader, eventually kills his challenge.

The fight over this specific bill begins in the House with a recalcitrant Rules Committee Chairman, Howard "Judge" Smith (D-VA). Smith was trying to block the bill from the floor, as he had done in the past. In 1956, he delayed a civil rights act for two full months and it sounds like a comparable two-month delay in this case. Rules began hearings on the bill on May 2, reporting it out on May 13<sup>th</sup> by an 8-4 vote (see the House Closes and Civil Rights Has a Chance articles). After heading to the Senate, Senator Paul Douglas (D-IL) and Minority Leader Knowland (R-CA) use Rule XIV to bypass the Senate Judiciary Committee where the Chair,

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<sup>1</sup> Additional related bills not listed above include: ; HR 1254; HR 2145; HR 2153; HR 2375; HR 2835; HR 3088; HR 3481; HR 3613; HR 3616; HR 3617; HR 3618; HR 3793; HR 3945; HR 3946; HR 3951; HR 3955; HR 3956; HR 3957; HR 3959; HR 4121; HR 4126; HR 4269; HR 4420; HR 4496; HR 4782; S 83; S 427; S 428; S 429; S 468; S 500; S 501; S 502; S 504; S 505; S 508; S 509; S 510; SCR 5. Tracking every civil rights-related bill that wasn't reported out of committee is impossible. As [CQ \(1956\) notes](#): "Lawmakers during the first session of the 84th Congress introduced 111 measures (including many duplications) affecting civil rights. Only one measure – a non-controversial bill to permit federal employment of Mongolians – was passed by the House; the Senate acted on no civil rights legislation." In the second session, HR 627 would get passed through the House, but the Senate Judiciary Committee did not take any action on it. In the House, HR 627 was considered under Hres 568, an open rule.

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Senator James Eastland (D-MS) sought to kill the bill.<sup>2</sup> After a lengthy debate and the adoption of a jury trial amendment that severely weakened the bill, it passed and went back to the House.

Smith is again a problem in the House. He apparently left for a lengthy period to inspect fire damage to a barn back near his House, further delaying the compromise measure. He comes back and eventually they pass the bill through a self-executing rule. Prior to agreement in the Senate, Senator Strom Thurmond (D-SC) breaks the record for the [longest filibuster in American history](#), by holding the floor for roughly a full day. In short, this thing is amazing.

In addition to [CQ Almanac \(1956\)](#), [CRS \(1965\)](#) is worth looking into for process questions. Please don't hesitate to e-mail me with questions!

## Assignments

For the sections below, you're going to want to answer the questions and write-up the process sections that correspond to your assigned number. Here they are:

- 1.
- 2.
- 3.
- 4.

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<sup>2</sup> The Senate does not have to send a bill to a committee (see e.g. Koempel 2017). Rule XIV of the Senate's rules state that: "Every bill and joint resolution reported from a committee, not having previously been read, shall be read once, and twice, if not objected to, on the same day, and placed on the Calendar in the order in which the same may be reported; and every bill and joint resolution introduced on leave, and every bill and joint resolution of the House of Representatives which shall have received a first and second reading without being referred to a committee, shall, if objection be made to further proceeding thereon, be placed on the Calendar." Though occasionally controversial, it is often employed in the contemporary Senate. The benefits are straight-forward: it allows leaders to save time and avoid committees that might be hostile to the bill. In some cases, committees have already held hearings and marked up many earlier versions of a bill and so referral may not be necessary.

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## Background Questions

1. What did this bill do specifically? What was the problem or set of problems it was trying to solve? Voting rights inequalities? Sentencing and criminal justice issues? Both? Other points? Why was the jury trial issue so significant? [CRS \(2008\)](#) might be worth a look here.
2. Congress had long attempted to pass Civil Rights legislation in the decades before this bill. They failed repeatedly. But how? And why? Take the reader through some of these previous attempts. Was it because they lacked majorities in support? Or Southerners used rules effectively? Did other issues push this off the agenda? I'd recommend paying specific attention to the failure of civil rights in the 84<sup>th</sup> Congress (1955-1956). This [CQ Almanac](#) piece might be helpful on that point.
3. How did this measure get on the legislative agenda? Obviously, civil rights had long-been an important topic. But why was this Congress well-suited to finally pass a civil rights bill? How strong had the civil rights movement become by this point?

Was the Supreme Court's ruling in *Brown v. the Board of Education* a factor here? In short, take the reader through the broader civil rights movement.

4. Discuss the political context this bill was considered in. Who controlled the House? The Senate? By how many? Who was President? Was this part of the President's agenda? Specifically, how actively involved in this issue was President Eisenhower? Was he on the same page as other prominent Republicans?

What other pieces of legislation were being considered/passed in this Congress? The Stathis (2014) piece might worth a citation here.

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## Process Sections

Please write-up the sections that correspond to your number. The index for HR 6127 is below:

<p>H. R. 6127—To provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.</p> <p>Mr. Celler; Committee on the Judiciary, 4026.—Reported (H. Rept. 291), 4951.—Made special order (H. Res. 259), 8408.—Debated, 8484, 8643, 8838, 9018, 9182, 9365.—Passed House, 9516.—In Senate debate on referring to a committee, 9618, 9624, 9634, 9777, 9799.—Ordered placed on the calendar, 9828.—Objected to, 10322, 10975.—Debate on motion to consider, 10986, 11008, 11057, 11078, 11089, 11095, 11195, 11222, 11232, 11307, 11312, 11314, 11327, 11339, 11346, 11347, 11444, 11449, 11454, 11460, 11468, 11503, 11566, 11568, 11590, 11599, 11623, 11642, 11645, 11655, 11682, 11688, 11699, 11816, 11829.—Motion to consider agreed to, 11832.—De-</p>	<p>bated, 11832, 11838, 11974, 11997, 12003, 12073, 12075, 12142, 12283, 12292, 12297, 12304, 12314, 12403, 12439, 12449, 12454, 12520, 12530, 12549, 12569, 12689, 12713, 12801, 12818, 12832, 12838, 12878, 12909, 12917, 13003, 13116, 13133, 13137, 13142, 13269, 13288, 13295, 13333, 13449, 13460, 13472, 13716, 13724, 13733, 13750, 13832, 13833, 13847, 13858, 13870, 13890.—Amended and passed Senate, 13900.—Pursuant to H. Res. 410 House agrees to Senate amendments except Nos. 7 and 15, 16086.—Senate debate on amendments Nos. 7 and 15, 16073, 16201, 16227, 16261, 16383, 16427, 16435, 16446, 16457, 16468.—Senate concurs in House amendments to Senate amendments, 16478.—Examined and signed, 16659, 16779.—Presented to the President, 16781.—Approved [Public Law 315], 16784.</p>
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### #4. Senate Consideration of Sres 5 (January 3-4, 1957)

This section contains the “continuing body” challenge. Broadly speaking, Senate liberals are trying to kill the filibuster on the first day of the Congress by amending the Senate’s rules. The amendment was eventually killed by an LBJ tabling motion by a 55-38 roll call (rnum 2 in voterview). See [CQ 1957a](#), this is awesome. Here are some notes:

In 1959, the Senate revised its cloture rules so that “cloture could be invoked by two-thirds of those present and voting (rather than two-thirds of the full membership as the 1949 rule had required) and also applied the cloture rule to debate on motions to change the Senate rules (CQ 1959).” This change followed several unsuccessful efforts by liberals – led by Anderson (D-NM) – to get the presiding officer to rule that the Senate was not a continuing body (including Barkley’s ruling). In ’57, Nixon issued an advisory opinion supportive of this interpretation.

Alben Barkley and President Harry Truman were replaced in 1953 by Republican President Dwight D. Eisenhower and Vice President Richard M. Nixon. Prior to being named Eisenhower’s running mate, Nixon represented California in the Senate from 1949 to 1952. Nixon knew that his position as vice president made him the forerunner for the Republican nomination when Eisenhower retired. He also knew that African American voters were going to be an important demographic during the next election (Mann 1996). Thus, when Anderson brought up his continuing body challenge again in 1957, Nixon was supportive.

Anderson submitted a motion to alter the chambers’ rules on January 3, 1957 – the first day of the session. Immediately after the resolution was proposed, Anderson’s Senate allies, Hubert Humphrey (D-MN) and Paul Douglas (D-IL) sought recognition from the vice president so they could raise a point of order that the chamber was not a continuing body (Mann 1996; Caro 2002). However, Majority Leader Lyndon Johnson (D-TX) also demanded recognition, and under

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Garner's 1937 ruling, the right of first recognition belonged to the Majority Leader. Nixon recognized Johnson, who immediately made a motion to table the Anderson motion.

Johnson allowed debate to continue on the Anderson resolution under a unanimous consent agreement. Further, he allowed Anderson and his supporters to raise a parliamentary inquiry regarding the Senate's status as a continuing body. The debate was fairly brief, and many of the arguments were reiterated from the 1953 challenge. In support of his motion, Anderson stated that the ``we are again facing the question of whether or not the Senate of the United States, round by round, shall determine its own rules or whether it shall be bound by rules adopted a century ago Congressional Record, 95th Congress, January 4, 1957, 141).'' His speech went on, emphasizing the harm the filibuster has caused to civil rights, as well as constitutional arguments in support of change. Anderson concluded after a discussion of the positive utility the House derived from Speaker Reed's ruling in 1890.

Humphrey raised a parliamentary inquiry following the Anderson speech, asking ``under what rule is the Senate presently proceeding (Congressional Record, 85th Congress, January 4, 1957, 178)?'' The vice presidents' ruling was highly supportive of the Anderson motion. Nixon argued first that ``although there is a great volume of written comment and opinion to the effect that the Senate is a continuing body with continuing rules, as well as some opinion to the contrary, the presiding officer of the senate has never ruled directly on that this question (Congressional Record, 85th Congress, January 4, 1957, 178).''

He then acknowledge the disjoint between the constitutional provision specifying one-third of senate be elected each Congress and the provision stating that each House may determine its' own rules. Nixon concluded by ruling that ``the right of a current majority of the Senate at the beginning of a new Congress to adopt its own rules, stemming as it does from the Constitution itself, cannot be restricted or limited by rules adopted by a majority of the Senate in a previous Congress (Congressional Record, 95th Congress, January 4, 1957, 178).'' While politically savvy, the ruling had no binding effect on the chamber's rules due to the priority held by Johnson's tabling motion. Shortly thereafter, [the tabling motion passed 55 – 38](#) (Gold and Gupta 2005).

While Nixon's ruling was not immediately binding, it did have some important consequences for Senate procedure. Two years later, Johnson proposed a compromise resolution which was motivated – in part – by Nixon's position on the issue and an influx in Democratic senators (Binder and Smith 1997). The resolution declared the Senate's rules would ``continue from one Congress to the next (Gold and Gupta 2005, 231).'' In exchange, the cloture threshold was lowered to two-thirds present and voting and applied to changes in the chamber's rules.''

## ***#1. Initial House Consideration of HR 6127 (June 5-18, 1957)***

The House Judiciary subcommittee held hearings on related civil rights bills from February 4<sup>th</sup> to the 26<sup>th</sup>.<sup>3</sup> The subcommittee reported HR 2145 to the full committee on February 27<sup>th</sup>, which had a clean bill (HR 6127) reported to it on March 20<sup>th</sup>. After beating back some Southern

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<sup>3</sup> I'm not 100% certain if the bill was weakened in Committee, but I would guess it was. Give me some information on this. Smith and the Rules Committee was likely viewed as the bigger issue in the House.

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amendments, including a jury trial amendment, the House reported the bill, HR 6127, out on April 1.

The Rules Committee featured some drama. Sounds like 31 amendments considered in the House Committee of the Whole, only three of which were adopted. None received recorded votes.

The rule, Hres 259, was open and it was [adopted by a 291-117 margin](#).

This bill was on the floor from June 5th to June 18th.

Rayburn rejected a point of order by Smith at the start of the debate that the bill's consideration was not in order (see "South Defeated in Move to Block House Rights Bill").

Rep. Richard Poff (D-VA) offered a motion to recommit with instructions that would have amended the bill to provide jury trials under the action. This motion was rejected [158-251](#) (see "House Kills Bid"). The bill passes shortly afterwards by a [286-126 margin](#).

CQ references five separate Southern attempts to add jury trial amendments.

## ***#2. Initial Senate Consideration of HR 6127 (June 20, July 16-August 7, 1957)***

This is where Rule XIV is first employed in the Senate...

On June 20<sup>th</sup>, Senate Minority Leader William F. Knowland (R-CA) objected to H.R. 6127 being referred to committee, leading the bill to be placed on the calendar under Rule XIV directly. Russell raised the point of order and it's submitted to the Senate. Here's the CQ description:

"The Senate June 20 rejected, by a roll-call vote of 39–45, a point of order by Richard B. Russell (D Ga.) against an objection raised by William F. Knowland (R Calif.) to referral of the Administration civil rights bill (HR 6127), passed by the House June 18, to the Senate Judiciary Committee. A motion to table a motion to reconsider the point of order was agreed to, 49–36. The action had the effect of placing the bill on the Senate calendar where it could be called up for consideration by majority vote at any time. (For voting, see chart p. 302) The strategy of bypassing the Judiciary Committee, which still had S 83 under consideration, was devised by Sen. Paul H. Douglas (D Ill.) and Minority Leader Knowland. Knowland lodged his objection to referral of the House-passed bill under Senate Rule XIV, Paragraph 4, which provides that "...every bill and joint resolution of the House of Representatives which shall have received a first and second reading without being referred to a committee shall, if objection be made to further proceeding thereon, be placed on the calendar." Sen. Russell said his point of order against Knowland's objection was based on the contention that Senate Rule XXV, as revised in the Legislative Reorganization Act of 1946, "conflicted with and therefore superseded" the section of Rule XIV on which Knowland was relying. Rule XXV defines the jurisdiction of Senate committees and says "all proposed legislation" on civil liberties "shall be referred" to the Judiciary Committee."

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A recorded vote was then taken (rcnum 58) on a motion to table the motion to reconsider. Below is more background on Rule XIV:

The Senate does not have to send a bill to a committee. Rule XIV of the Senate's rules state that:

“Every bill and joint resolution reported from a committee, not having previously been read, shall be read once, and twice, if not objected to, on the same day, and placed on the Calendar in the order in which the same may be reported; and every bill and joint resolution introduced on leave, and every bill and joint resolution of the House of Representatives which shall have received a first and second reading without being referred to a committee, shall, if objection be made to further proceeding thereon, be placed on the Calendar.”

This is a fairly controversial topic today and it's employed on many contentious measures. The utility of it is fairly obvious, it allows leaders to save time and avoid committees that might be hostile to the bill. In some cases, committees have already held hearings and marked up many earlier versions of a bill and so referral may not be necessary.

But there are a couple reasons as to why it doesn't get used all the time: (1) You actually need the committee's input. Generally, rule XIV is used on bills that received substantial committee mark-ups in previous sessions or congresses (or when the Senate has already reported their own version of the bill to the floor). (2) You're trying to build a coalition and need minority/committee member support. Members hate it when the committee consideration is bypassed. They lose a substantial opportunity to influence the content of the measure. And you might lose some support if you opt to rule xiv a bill as opposed to send it to mark-up. Finally, (3) even when a bill is placed on the calendar, a motion to proceed to its consideration can still be blocked via filibuster.<sup>4</sup>

For more on the effectiveness of the Senate filibuster here, see Mann (1996).

The bill passed the [Senate on August 7, 72-18](#).

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<sup>4</sup> In addition to CRS reports, here are a couple smaller, new pieces about it. The first of these actually talks about the procedure's usage by LBJ:

- <http://www.rollcall.com/news/policy/lbj-senate-gambit-set-stage-modern-maneuver>
- [http://www.politico.com/magazine/story/2014/01/effective-senators-congressional-moneyball-102146\\_Page2.html#.V2wXsvkrK70](http://www.politico.com/magazine/story/2014/01/effective-senators-congressional-moneyball-102146_Page2.html#.V2wXsvkrK70)

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## *#3. Secondary House Consideration of HR 6127 (August 23, 1957)*

Considered under Hres 410, a self-executing rule.<sup>5</sup> There are roll calls on both the PQ motion and the rule itself.

It sounds like Smith's delay on Rules was met with discharge petition threats. I'm not sure how effective those were, but it seems likely they played a role.

Hres 410 [was adopted 274-101](#).

## *#4. Secondary Senate Consideration of HR 6127 (August 27, 1957)*

The Senate concurred in the House amendment to the Senate amendment on August 29<sup>th</sup> (two days after House action). It looks like there was a motion by Thurmond to commit the bill back to the committee.

This is also where he breaks the record for the longest one-man filibuster in the history of the Senate:

- <https://www.npr.org/sections/thetwo-way/2013/03/07/173736882/how-did-strom-thurmond-last-through-his-24-hour-filibuster>

The [final vote was 60-15](#).

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<sup>5</sup> Sometimes referred to as a “deem and pass” rule. A self-executing rule is a special rule that provides “the House—upon adoption of the special rule—is considered or “deemed” to have taken some other action as well (Binder 2011).” Typically the other action is the passage of the bill itself. This type of rule is sometimes used for strategic reasons to avoid another direct vote on the bill. This rule can also be used to speed up the passage of legislation on uncontroversial measures. See Binder (2010) here:

- <https://www.brookings.edu/blog/up-front/2010/03/17/a-primer-on-self-executing-rules/>

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## Member Spotlight

Choose one of the following for your member spotlight:

1. Sen. Lyndon Johnson (D-TX); Rep. Emanuel Celler (D-NY); Rep. H.R. Gross (R-IA); Rep. Charles Boyle (D-IL); Rep. Charles Diggs (D-MI)
2. Sen. Paul Douglas (D-IL); Rep. Howard “Judge” Smith (D-VA); Sen. Jacob Javits (R-NY); Sen. Frank Church (D-ID); Sen. Everett Dirksen (R-IL)
3. Rep. Richard Poff (D-VA); Rep. Homer Thornberry (D-TX); Sen. Strom Thurmond (D-SC)<sup>6</sup>; Sen. Herman E. Talmadge (D-GA); Rep. J. Carlton Loser (D-TN)
4. Senator Minority Leader William Knowland (R-CA)<sup>7</sup>; Rep. Clare Hoffman (R-MI); Rep. Clarence Brown (R-OH); Rep. Adam Clayton Powell (D-NY); Sen. Clinton P. Anderson (D-NM)

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<sup>6</sup> In addition to setting the filibuster record, a few years later, Thurmond would get into a wrestling match in a committee during a dispute over civil rights (see Senate.gov, “[Senators Wrestle to Settle Nomination.](#)”) For more on Thurmond, see [Roll Call \(2003\)](#); [Washington Post \(2013\)](#).

<sup>7</sup> I did not realize this, but I guess Knowland ended up racking up a ton of debt to the Vegas mob and committed suicide in the early 1970s.

- <https://www.politico.com/story/2016/08/californias-william-knowland-enters-us-senate-aug-26-1945-227286>

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## Aftermath Questions

1. How was this bill viewed by newspapers after it was enacted? Were there expectations it would be effective or did the jury trial amendment erase any chance of that? Looking back at the measure, how did legislative processes and procedure impact the final bill (specifically, the Senate filibuster)? Did it have an impact?
2. How is the Act viewed today? It is frequently described as “toothless.” But were there any provisions in it that proved advantageous? Was the “symbolic” victory here useful? Broadly, what do scholars say about how stronger civil rights legislation was eventually enacted?

See e.g. Jeong, Miller and Sened 2009; Schickler et al. 2010; McCrone and Hardy 1978 on this question.

3. What happened after the Civil Rights Act of 1957? Take the reader through both the increased public protests and the legislative responses from 1958 to 1965. What did supporters of Civil Rights want to see enacted that the Civil Rights Act of 1957 did not put into place?
4. How did this measure impact party realignment? What were the views of Republicans on the bill? Southern Democrats? Northern and Western members? Were they consistent? Many have argued the Civil Rights movement is what led Southern Democrats to leave the party and the Republican Party to shift to the ideological right. Do you find these arguments compelling?

See e.g. Black and Black 2009; Schickler et al. 2010; Feinstein and Schickler (2008) on this question.

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## Suggested Sources

### *Scholarly Articles*

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<https://fas.org/sgp/crs/misc/RS22299.pdf>

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## *Newspaper Pieces*

- <https://www.politico.com/story/2007/08/congress-passes-civil-rights-act-aug-29-1957-005470>
- <https://www.businessinsider.com/longest-filibuster-in-history-strom-thurmond-rand-paul-2013-3>
- <https://www.politico.com/story/2014/06/house-approves-civil-rights-act-june-18-1957-107956>
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