

Chapter 22 – Stalemate: The 85th Congress

Dwight Eisenhower's overwhelming reelection as President in 1956, and the Democratic Party's small increase in its hold on Congress resulted in unhappiness in both parties. Republicans were disappointed because Eisenhower's big win did not translate to Congressional victories, and the more right wing of the Party felt that this was because the President's more moderate approach to a range of policies subverted the Party's core political philosophy of smaller government. Democrats were discontented that the Democratic control was so tenuous (and nonexistent in a number of policy areas due to the tendency of Southern Democrats to vote with Republicans), and the more left wing of the Party felt that this was because the Party's Congressional leadership had been too moderate, if not downright conservative, in its policy positions.¹

On the Democratic side, the effort by the national Chair of the Democratic Party to create an advisory council to bring legislative policy more in line with national Party goals failed through the refusal of the Party leadership in Congress to participate. House Whip Carl Albert would write that the job of the congressional leadership was not to elect the president but "to cultivate winning majorities in the two houses of Congress." The first session of the 85th Congress was devoted to cutting Pres. Eisenhower's proposed budget for fiscal 1958, with Democrats wanting to preempt the Republican Party's embrace of parsimony, and Republican members happy to join in. In the second session, in large part due to a recession that began in mid-1957, the Democratic leadership shifted to freer spending but now without Republican votes and those of its own conservative members. Congress reduced the President's budget by four billion dollars in the first session and tried to increase it in the second session but ran afoul of presidential vetoes.²

While the largely extra-congressional Democrat Party advisory council foundered, a more enduring intra-congressional Democrat Party effort took off. On January 30, 1957, Frank Thompson of New Jersey placed in the *Congressional Record* a "Proposed Program for the Democrats in the House of Representatives, 85th Congress." The 80 signers included Class of '46 members John Blatnik of Minnesota, Frank Karsten of Missouri, and Abraham Multer of New York. The document, which has been dubbed "the Liberal Manifesto," touched on foreign policy, defense, immigration, equal rights, civil service, education, health, housing, taxes, business, industry, Labor, agriculture, public works, natural resources, Indians, atomic energy, veterans, and governmental efficiency. This was the founding document of the Democratic Study Group, which played an important role in the House Democratic Caucus until the landslide loss of

¹ Albert with Goble, 213-4. Hardeman and Bacon, 407. On election night the happy Eisenhower told the press, "I think that Modern Republicanism has now proved itself," using a concept that Under Secretary of Labor Arthur Larson had espoused in his book, *A Republican Looks at His Party*. White House Chief of Staff Sherman Adams would later write, "There were a great many conservative Republicans who did not want to be Modern Republicans and they said so." Sherman Adams, 298-9. Richard Nixon attributed much Republican dissatisfaction with the President over the election to that very comment of Eisenhower's. Nixon Memoirs, 180-1. Larson, himself, later wrote that Eisenhower told him, "Frankly, I don't care too much about the congressional elections." Larson contended that Eisenhower wanted to "rebuild the Republican Party," but felt that the way to do that was shedding "these old mossbacks who think all we should do is cut taxes, balance the budget, smash the labor unions, and destroy social security." Larson, 35-40. NB: Larson was appointed director of USIA and Ike's problems over USIA would have a lot to do with the fact that Larson was there and had riled Republicans. Sherman Adams, 299-300.

² Albert with Goble, 215. Pach and Richardson, 167-79.

Democrat Walter Mondale to incumbent Pres. Ronald Reagan in 1984. The Group would become institutionalized in the 86th congress. Democratic Whip and Class member Albert would write that they cooperated with the House Democratic leadership and the leadership with the Group, an assessment endorsed by Group leader Richard Bolling of Missouri, but there were tensions.³

The Cold War with the Soviet Union remained a matter of primary apprehension, particularly to the President, more concerned with foreign policy than with domestic, as well as to right-wingers who were convinced that America was under siege abroad and by socialists at home. Democrats, more inclined to be activist domestically, were happy to seize on any presumed weakness of the Republican President in the contest with the Soviet Union to advance their own political agenda.

The launch of “Sputnik,” the first artificial satellite by the Soviet Union, a month after the end of the first congressional session, surprised the Administration, although the Central Intelligence Agency had estimated the Soviets would have the capability by the end of that year. Even more surprised was the Congress, and more shocked were the American people, particularly given the animated press coverage and the dismissal by Eisenhower of the importance of the launch. The event followed a flap over the supposed American “bomber gap” with the Soviet Union, and the latter’s announcement on August 26 of the first successful test flight of an intercontinental ballistic missile. The United States finally put a satellite in orbit four months after Sputnik and after a second Soviet satellite. America’s “Explorer” was much lighter in weight.⁴

The Eisenhower Administration also bounced from international crisis to crisis, hardly a presidential novelty, but dulling the sheen of the Victor of Europe and encouraging Democrats in Congress. In July 1958 Marines were sent to Lebanon to ensure it did not join Gamal Abdel Nasser’s United Arab Republic.⁵ On the last day of the second session of Congress, August 24, Communist China began shelling Nationalist Chinese held islands just off the former’s coast in response to the latter’s build-up of its military on them. Eisenhower dispatched carrier task forces to the Taiwan Strait. A crisis over Berlin would come after the 1958 election.

Domestically, America’s fitful journey toward racial desegregation entered a new phase with Eisenhower’s signing of the Civil Rights act on September 9, 1957, and his direction of Federal troops to protect the token integration of one Little Rock high school on September 24.

In the House of Representatives, the main equal rights event of 1957 was the reintroduction of the civil rights bill that the body passed the year before, but which had not been brought to the floor in the Senate.

The Civil Rights Act of 1957 was on the one hand the first civil rights bill enacted in 82 years and on the other widely derided as inadequate - “tepid,” in journalist Richard Kluger’s term. But, as journalist Robert Caro would observe, “Pass one civil rights bill, no matter how weak, and others would follow.” Such an act would break the cognitive stranglehold of Southern senators on equal rights legislation.⁶

³ *Congressional Record*, January 30, 1957, 1324-5. Zelizer (2015). Albert with Goble, 234. Bolling (1965), 55.

⁴ Divine, 3-31, 32. Brzezinski, 161-87.

⁵ Lebanon was the first application of the Eisenhower Doctrine, which stated that the US would intervene in the Mideast if requested by a host. Congress wrote a blank check in 1957. Jean Smith, 740-1.

⁶ Kluger, vol. 2, 951. Caro (2002), 893.

The bill as brought to the floor of the House on June 5 was weakened from that of 1956 in the procedures of the proposed Civil Rights Commission, now requiring sworn complaints and limiting subpoenas to the judicial district of the witnesses. Kenneth Keating of New York again managed the Republican side of the debate, while Emanuel Celler of New York managed the Democratic side, both active supporters of the bill. The platforms of both political parties supported equal rights legislation, and Eisenhower in his 1957 State of the Union address called for enactment of this particular bill, which was the product of Attorney General Herbert Brownell. The President had supported a bill limited to voting rights, but Brownell had provided a document to the Judiciary Committee that included other areas of racial discrimination, and Keating amended the bill in committee to incorporate a global violation of equal protection of the laws.⁷

While the 1956 version passed handily in the House, opponents in 1957 latched onto a new front of attack, one barely mentioned the previous year, the supposed denial of a jury trial to people charged with violation of equal protection of the laws. Brownell had tried to avoid jury trials by defining such violations as civil, rather than criminal, infractions. The latter would have raised the probability of juries and the likelihood, it was thought, of not guilty findings by white juries, which would come after a delay associated with the procedure. Instead, a judge could find a violator in civil contempt and order correction without a trial, which would be consistent with existing Federal law and procedure. This fact gave no pause to the opponents of the bill who consistently argued that the right of a jury trial was being denied to the accused. The aura of the right of trial by one's peers was such that Keating feared the argument was eroding support for the bill, especially among other Republican House members.⁸

Keating fought hard against repetitive attempts to amend the bill to include jury trial for civil contempt, always phrasing his opposition as its inconsistency with Federal procedure and avoiding accusations of jury bias; he was successful. Keating also argued against amendments to eliminate the Commission, to broaden the bill beyond "color, race, religion, or national origin," as defined by the bill, to remove religion as a consideration, to have the Commission consider states rights, to include organized labor membership as a protected class, to strike investigations of equal protection of the laws, to preempt Federal court action by state court action, to limit trials by judicial district, to eliminate the assistant attorney general for civil rights, to replace the United States as plaintiff with the names of aggrieved persons, to prohibit unpaid advisory committees to the Commission, and to state that the bill does not deprive the states of jurisdiction over elections. His opposition met defeat on amendments limiting subpoenas to the state of the witness rather than the larger Federal judicial circuit and providing a public defender for the accused (Keating got this amended to a non-paid public defender, which was consistent with Federal practice).

Republican William McCulloch of Ohio, a member of the Judiciary Committee, was also active on the floor in support of the bill and in opposition to many amendments. Keating and McCulloch were the only members of the Class of '46 who engaged in debate in support of the bill.

Other members of the Class of '46 that participated in significant debate on the civil rights bill were Democrats James Davis of Georgia five times, John Bell Williams of Mississippi thrice, Watkins Abbitt of Virginia twice as well as two addresses on the floor before debate, Bryan Dorn of South Carolina twice,

⁷ Nichols 143-4. Caro (2002), 780-1, 918-9.

⁸ Keating regularly addressed the issue on the floor. See his 30-minute address to the House of May 6, 1957, for his opening defense: *Congressional Record*, 6397-8. Also see his discussion of the use of civil contempt in a variety of Federal statutes: *Congressional Record*, June 13, 1957, 9042. Nichols, 151.

Henderson Lanham of Georgia twice, Toby Morris of Oklahoma twice, Albert of Oklahoma once, Burr Harrison of Virginia once, and Republican Donald Nicholson of Massachusetts once; all were in opposition.

All other Southern members of the Class eschewed debate but uniformly provided extended remarks to the *Congressional Record* in opposition. This, of course, represented a pandering to the racism of their white constituents without demonstrating the personal commitment of James Davis, Williams, and the others. Even the greater activity level was a sop to the white home folks, since, as Abbitt said in debate, "I am not unrealistic enough to think that anything I might say will change" the bill or its likelihood of passage.⁹

In debate, James Davis complained of the financial burden on Southern whites of supporting Negroes. Dorn, in later debate on conference, observed, "The native southerner for generations has borne a major burden. He has been responsible for tutoring and nurturing a completely dissimilar race." Dorn did not recognize that his black constituents were "native southerners," nor that he had any obligation to represent their interests.¹⁰

After nine days of debate on June 18 the motion to recommit failed 158-251 and the bill was passed 286-129.

The actions of the Senate on the civil rights bill have attracted more attention, because equal rights legislation previously passed by the House had died in the other body for 80 years, defeated by the greater representation of the South in the body, but mostly by the practice of unlimited debate. Senate Majority Leader Lyndon Johnson of Texas was determined there would be a civil rights act in 1957, both because he believed in it and because he wanted to be president and needed to represent himself as a national Democrat, rather than just the Southern Democrat that won in Texas with opposition to equal rights.¹¹

The bill that emerged from the Senate came with sixteen amendments, including the removal of the general enforcement of equal protection of the laws, leaving only the right to vote, and with the provision of jury trials. Southern opposition to the bill was lessened in intensity, though not eliminated, when equal rights was limited to voting. After all, Federal protection of the right to vote, regardless of "race, color, or previous condition of servitude" was addressed in the 15th Amendment. And the provision of jury trials, so hard fought for by opponents of the bill, placed them in the potentially awkward position of hypocrisy if they now filibustered the bill. The challenge for Johnson was to get supporters of the bill to agree to juries. The Majority Leader engineered a coalition of Southern and western Democrats to trade votes for public power on the Snake River by the former for votes for juries by the latter. The arrangement risked the votes of senatorial Republicans who were opposed to both public power and jury trials, though the critical issue for the Republican leadership was that more than twelve Republicans had voted for jury trials. The jury trial amendment also incorporated language to ensure that jury venires would not be limited to registered voters and thus exclude black citizens. Tepid or even cooler, the bill passed the Senate on August 7 with only 18 votes in opposition.¹²

⁹ *Congressional Record*, June 14, 1957, 9215.

¹⁰ *Congressional Record*, August 27, 1957, 16096.

¹¹ Caro (2002), 886-90. Nichols, 145.

¹² Caro (2002), 891-909. Lawson, 189-90. Nichols, 160-6. All the opposition came from nine of the eleven former Confederate states plus Wayne Morse of Oregon, who had been a wild card throughout the debate. See Caro (2002)'s index references for Morse's action. The senators from Texas and Tennessee, as well as from Oklahoma (counter to Albert and Morris's opposition to the bill in the House) voted for the bill. Class of '46 member George Smathers of Florida, now a senator, voted aye. The other Class members now in the Senate, John Carroll of Colorado, Norris Cotton of New Hampshire, Jacob Javits of New York, John Kennedy of Massachusetts, Thruston

The civil rights bill returned to the House with Keating trying to keep tabs on its potential course. As with most bills coming to the floor, the Senate-amended version needed a rule, and thus it sat. On August 13 Keating and Celler each asked unanimous consent to bring the bill to the floor. Francis Walter (D PA) objected to Keating's motion to disagree with the Senate amendments, and Keating objected to Celler's motion to concur with the amendments. Keating also asked the Speaker how to get the bill out of the Rules Committee. Ask them, said Sam Rayburn. In fact, Rayburn was negotiating with Rules Chair Howard Smith. In return for Rayburn's opposition to pending Federal aid bills, Smith agreed to convene the Committee, which granted a rule.¹³

The Rules Committee brought the bill to the floor with a provision to concur in fourteen of the Senate's amendments and to alter the amendments dealing with advisory committees and jury trials. Keating presented the Judiciary Committee's modification of the Senate's jury trials amendment.

The Senate's amendment broadened jury trials for criminal contempt to all such injunctions. Such a provision had been in Federal law before when it constituted a protection for strikers and thus had an appeal to pro-Labor senators. The House amendment would reduce the coverage to interference with the franchise. It also imposed dollar and incarceration limits; an injunctee would be able to opt for a jury trial *de novo* only if the penalty exceeded \$300 or 45 days. Keating argued this would rarely happen. The Senate amendment also differentiated contempt in the presence of a court as not providing for a juried option, and the House amendment broadened the definition of that somewhat.¹⁴

Dorn took to the floor to declare "today is a day of infamy. A day of appeasement and compromise," which produces "unnecessary legislation."¹⁵ He had earlier taken to the floor to decry the Senate provision of trial by jury as inadequate. The only other contribution by a member of the Class of '46 was Williams's tacking a comment about trial by jury on a lengthy address by James Davis on states rights.

The rule and thus the variations were adopted by the House on August 27 by a vote of 289-106. The next day Senate Majority Leader Johnson moved that the Senate concur with the House. After many Southern senators filled the *Congressional Record* with statements of opposition and Strom Thurmond of South Carolina exercised his right to talk for over 24 hours, the Senate concurred with the House 60-15 on August 29.

The Civil Rights Act of 1957 was perhaps less tepid than its enforcement. In the remaining three-and-one-third years of the Eisenhower Administration, only ten cases were brought by the Department of Justice under its provisions. On the other hand, the Department also received only 23 complaints, and its actions encountered recalcitrant Federal district judges. The House Appropriations Committee was also obstructive, bringing to the floor the bill for appropriations for general government in fiscal 1959 without funding for the Civil Rights Commission. Keating took to the floor yet again to battle subcommittee chair George Andrews of Alabama for funds, which were added 105-65 by amendment. The Voting Rights Act of 1965 was yet to come, yet the number of black registered voters in the eleven former Confederate states did increase from 1,223,592 in 1956 to 2,005,541 in 1964. How much was directly due to actions

Morton of Kentucky, and Charles Potter of Michigan, all supported the bill. So, too, did Vice Pres. Richard Nixon, who, while presiding over the Senate, was party to an end run to get the bill onto the calendar. Caro (2002), 904.

¹³ Dierenfield, 159.

¹⁴ Caro (2002), 952-3. Lawson, 187, 191. Caro attributed the penalty limitation to Lyndon Johnson: Caro (2002), 997. Nichols traced the plan to a proposal by White House counsel Gerald Morgan, filtered through Johnson: Nichols, 165-6. The biographers of Sam Rayburn reported that the Speaker, Johnson, and Republican leaders of the two bodies worked it out: Hardeman and Bacon, 422. Lawson agreed with Hardeman and Bacon, 197.

¹⁵ *Congressional Record*, August 27, 1957, 16095.

by the Justice Department under the Civil Rights Act of 1957 might have been few, but the thrust of the legislation was significant.¹⁶

Among the Class of '46, all the Democrats from the Confederate South voted in opposition to the bill on the five roll call votes, with the exception of Olin Teague of Texas, who missed the final two votes (on ending the debate and on adopting the rule defining the amendments to the Senate amendments). The Oklahoma Democrats, Albert and Morris, voted with the Southerners on the first three votes (adopting the rule for debate, recommittal, and passing of the House version) and then switched to support of the bill on the final two votes. Albert said he asked Rayburn's advice on the civil rights bill and was told, "Carl, under the Constitution, every man has a right to vote." "That cleared it up for me immediately," Albert would later say. "For the first time, I saw the issue in moral terms." It is possible that Rayburn's assurance that Albert could "defend that position before any audience" was more critical than the morality.¹⁷ Morris's shift may have had a similar genesis or may have been due to the inclusion of a jury amendment, which he supported. The other non-Southern Democrats in the Class supported the bill on all five roll calls.

Wint Smith of Kansas was the only Republican in the Class to oppose the bill on all three of the first roll calls, though Donald Jackson of California, Edward Miller of Maryland, and Nicholson voted for the motion to recommit the bill and add a jury trial provision. Jackson and Nicholson did not vote on the last two roll calls, which now included the jury amendment. Neither did Smith, John Allen of California, Ralph Harvey of Indiana, and Antoni Sadlak of Connecticut. Miller voted for the bill on the last two roll calls but missed the vote to adopt the rule for the initial debate. Carroll Kearns of Pennsylvania missed the fourth roll call, the vote to end debate. Republicans in the Class missed 14 of their 95 opportunities to vote on the bill (15%), while Democrats missed only two of 100 (2%).

White southerners were, of course, obligated by regional morés to oppose equal rights for their black constituents whether their districts had many or few African Americans, whom they were usually not inclined to treat as constituents. Omar Burleson of Texas, Joe Evins of Tennessee, Harrison, and Lanham all represented districts with black populations below 10% of their total constituents. So did Albert and Morris of Oklahoma. The proportion in Burleson's west Texas District was only 3%. The thesis of V.O. Key's *Southern Politics* was that (1) "It must be conceded that there is one, and only one, real basis for southern unity: the Negro," (2) "It is the whites of the black belts who have the deepest and most immediate concern about the maintenance of white supremacy," and (3) "The black-belt counties ... have, in a sense, managed to subordinate the entire South to the service of their peculiar local needs."¹⁸

Key defined the black belt counties as those with over 50% negro. Yet in discussion he lowered this threshold to 30%. None of the Class of '46 had congressional districts that were greater than 50% black in 1957. Abbitt's constituents were 48% black, Williams's 47%, Otto Passman of Louisiana's 40%, and Prince Preston of Georgia's 39%; no other was over 30%. Williams was the most vocal on the floor in opposition to equal rights in the 84th and 85th Congresses, and Abbitt took to the floor fourth most. Tied for second place were James Davis, from an urban district of 26% black constituents, many of them voting, and Lanham, who was far from the black belt, with only 8% African American constituents. Lanham and Davis represented adjacent districts in Georgia. The strongly racist Talmadge faction was dominant in Georgia at the time, but its attitudes were hardly unmatched in Mississippi, South Carolina, and Virginia. Yet

¹⁶ Kluger, vol. 2, 952. Lawson, 134, 203-20, 284.

¹⁷ Hardeman and Bacon, 421. The authors cite this from an undated interview in 1956, but Albert did not vote for the civil rights bill in 1956.

¹⁸ The percentage of black constituents in 1957 is a ratio of the percentages in the 1950 and 1960 censuses. Key (1949), 5, 315, 666.

Preston from near Savannah, with a large proportion of black constituents, took to the floor only once. Passman also had many black constituents and matched Preston's lack of volubility, but then Louisiana politics, thanks to the Long faction, was waged more on economics than on race.¹⁹

In Virginia, Harrison's small proportion of black constituents contrasted with Abbitt's large one and Porter Hardy's urban 28%. Harrison and even Hardy, who was not a foot soldier of the Byrd organization, were coopted by the policy of massive resistance that Abbitt was an architect of. In addition, all were experiencing contentious efforts by black constituents and the Federal courts to enforce desegregation in schools in their districts, Prince Edward County in Abbitt's District, Norfolk City in Hardy's, and Warren County (which would reach crisis in 1958) in Harrison's. All three experienced school closings, Prince Edward for five years.²⁰

The importance of the race issue in Tennessee and especially Texas is puzzling in light of Key's contention that the dominance of the black belt defined the racist politics of the state. Tennessee and Texas had insignificant black belts. The only Southern senators to not sign the Congressional Manifesto were the four from these states. All four senators from these states supported the civil rights bill. Teague in Texas had a relatively black congressional district at 22% but was the only Southern member of the Class to miss a vote on the civil rights bill. Nevertheless, he, Burleson, and Evins were all opponents of the bill. Key's theory of the black belt simply did not apply in Tennessee and Texas, yet opposition to equal rights for black Americans was unanimous among Tennessee's representatives, with the exception of Republican Carroll Reece.²¹

Texas was complicated by the presence of Texans as Majority Leader of the Senate and Speaker of the House, both of whom supported the bill. Every single representative but Sam Rayburn, who did not vote as is the usual practice of the Speaker, opposed the bill on the first three roll calls while 12 of the 22 supported the bill on the final roll call, Burleson and Teague being among those who did not. It must be noted though, that Teague, by sitting out the last two roll calls, also did not oppose the bill in its final incarnation.²²

Rayburn broke the solid South in the House, but only in Texas. One other Democratic representative from the South alone voted for the bill on the final roll call – Dante Fascell of Florida. Of the seven Southern Republican representatives, only Reece did. Racism is wider than black belts.

The original civil rights bill was much broader than voting rights, and the elimination of those wider aspects, in particular school integration, was critical to avoiding an effective Senate filibuster. As if to confirm the omission, racial concerns in the public schools doomed the Administration's public school construction bill, meant to provide \$1.5 billion over five years. Opposed by some of the Republican leadership, particularly former House Minority Leader Charles Halleck of Indiana, the hammer-blow was dealt by the acceptance of Democrat Adam Powell's routine amendment to ban funds to segregated school districts. Abbitt and Lanham took to the floor to oppose the bill as did McCulloch, while Republican

¹⁹ This is explicit in the footnoted reference in Key (1949), 666, to his figure on page 6. Key (1949), 7. Bartley and Graham, 34-7, 68-9. Earl Black, 35-7, 73-6.

²⁰ CQWR, September 19, 1958, 1230; September 4, 1964, 2039. *The Progress-Index*, September 30, 1958.

²¹ Republican Rep. Howard Baker of Tennessee did vote for the rule for initial debate, but opposed the bill on the other four roll calls. Thomas Pynchon observed that the Southern attitude toward black people "was not a matter of love, hate, like or not like so much as an inheritance you lived with." Pynchon, 113.

²² On Rayburn's lobbying Texas representatives to support the bill, see Hardeman and Bacon, 421-2. One other Texas representative also missed the final two roll calls.

Russell Mack of Washington voiced support.²³ Equal rights defender McCulloch presumably had issues with more Federal spending, as did Halleck and 115 other Republicans who supported striking the enacting clause and thus killing the bill. On the vote, Keating also joined the bill's opponents along with Republicans Jackson, Sadlak, Harvey, Wint Smith, Miller, Nicholson, Katherine St. George of New York, and Paul Dague of Pennsylvania. Republicans Allen, Horace Seely-Brown and James Patterson of Connecticut, Frederic Coudert and Walter Riehlman of New York, Kearns, William Dawson of Utah, and Thor Tollefson of Washington joined Mack in support of the bill. Democrats split between the Southern and national wings, with Albert and Morris, and, surprisingly, Robert Jones of Alabama joining the non-Southerners in support of the bill.

Sputnik launched another education bill off the ground, the National Defense Education Act of 1958. Kearns introduced the Administration bill, but a bill from Carl Elliott (D AL) was the one enacted. Powell altered his standard amendment from one denying funds to segregated systems to a declaration of non-discrimination, and Southern members overall split about equally on the critical roll call, to recommit the bill. Most Republicans still opposed the Administration bill. Members of the Class of '46 largely voted as they had on the school construction bill, though Mack opposed this one, and Jackson, Keating, and Evins, another straying Southerner, supported it.²⁴

Attacks on the Supreme Court festered among Southern members of the Class, with James Davis taking to the floor in 1957 for both a one-hour assault on a race-related decision and two 45-minute sallies on decisions recognizing constitutional rights for accused communists. Williams took advantage of one of the latter addresses to tie in the civil rights bill, to be decided the following day. Davis worked in a ten-minute address in early 1958 linking the NAACP to "Communist Party directives." The possibility that support for equal rights might be a positive thing about communists escaped them.²⁵

That second session brought a bill, HR 3, to the floor to provide a form of nullification by states of Supreme Court decisions. Introduced by Howard Smith of Virginia on January 3, 1957, it was finally reported by the Judiciary Committee with amendment on June 16, 1958. The Rules Committee, chaired by Smith, brought the bill to the floor on July 15, presented as supported by the American Bar Association, the conference of State Governors, and the Attorney General's Association of the states. The bill would allow states to counteract Federal law unless Congress specifically prohibited that nullification. Equal rights and civil liberties decisions were the major but not exclusive impetus for this bill. Congressional Quarterly reported that the debate was "one of the most acrimonious and wide-ranging ... of the 1958 session." James Davis took to the floor in support of the bill, and so did Republicans Harvey, Jackson, Miller, and McCulloch. If McCulloch's vocal support was somewhat surprising, Dorn's opposition was even more so, the South Carolinian saying it was too ambiguous and too broad. Keating opposed the bill, noted that it was detrimental to civil rights legislation and that Eisenhower would not sign it. He moved to

²³ Scheele (1966), 178. Abbitt was facing particular pressure in 1957. This was a gubernatorial election year in Virginia and the Byrd organization was terrified that a Republican might win. That party's candidate had taken 45% in the previous such election and Eisenhower had carried the State in both 1952 and 1956. Abbitt, who had "opposed desegregation and Federal encroachment in general more consistently and vigorously" than anyone else, was put in charge of the campaign, which was expected to be founded on the issue of school segregation. *The Progress-Index*, August 1 & 4, 1957. As it turned out, Byrd's candidate won handily, in part because Byrd's opposition to Eisenhower's opponent kept the President from strongly supporting the Republican gubernatorial candidate, and also because of Eisenhower's intervention in Little Rock. See Atkinson *Dynamic*, 106-8.

²⁴ Pach and Richardson, 178. See van Wormer, unpag. Preston, Smith, and Morris did not vote.

²⁵ *Congressional Record*, February 13, 1958, 2121. *Cooper v. Aaron*.

recommit, which failed on roll call, 161-236. The bill passed the House 241-155 but was not reported in the Senate.²⁶

Keating, however, was supportive of legislation that met Dorn's wish for it to be less broad. The Supreme Court reversed in June 1957 the conviction of a Labor leader, Clinton Jencks, accused of being a communist, because reports of FBI informants were not available to the defense. Keating introduced HR 8341 to limit disclosure of such files. Congress passed a similar bill. In July the Court invalidated the rape conviction of Andrew Mallory because he was detained by police for 7½ hours before arraignment. Keating co-sponsored HR 11477 to prevent such disqualification of confessions but also requiring a warning of the right to remain silent. Both houses passed the bill but their differences were not resolved through conference.²⁷

Republicans, and, even more so, Southern Democrats supported passage of HR 3, the Nullification bill. Members of the Class going in the other direction from their cohorts were Republicans Allen, Seely-Brown, Patterson, Sadlak, Coudert, Keating, and Tollefson. Dorn spoke in opposition to the bill but voted for it on passage. Albert and Morris voted with the Southerners. Wint Smith and Kearns did not vote.

Before moving away from the explicit racial concerns of members of the Class of '46, it should be noted that Williams of Mississippi took to the floor on February 19, 1958, for fifteen minutes to contend that Brooklyn, New York, was a morass of daily violence by black people against white teachers and students as an illustration of the necessary evils of school integration.

Albert, the Democratic Whip, remained the most prominent member of the Class of '46 in the House. As a member of the leadership, much of his public legislative activity consisted of resolutions that related to the management of the House, scheduling sessions and amending rules, one of which was to create a new Select Committee on Astronautics and Space Exploration.²⁸ His committee responsibility remained Agriculture, where he remained seventh in seniority and chaired the Subcommittee on Wheat. He successfully amended the Agricultural Adjustment Act of 1938 with respect to the history of wheat acreage and amended S 609, a bill on peanut statistics by substituting HR 6764. If one does not think statistics are important, one does not understand agricultural policy, or most every other kind of policy.

Agriculture was also the bailiwick of Abbitt, one step behind Albert in seniority and chair of the subcommittees on Tobacco and on Equipment, Supplies and Manpower. Abbitt amended the Agricultural Adjustment Act of 1938, in his case dealing with the management of tobacco acreage allotments. He also sponsored a law setting price supports and acreage allotments for tobacco. In an apparently populist move, he amended the agricultural appropriations bill for fiscal 1958 to reduce the maximum payments for acreage sequesters to an individual. Of lesser interest to Abbitt was his membership on the Committee on House Administration, which he joined in 1956.²⁹

On the Republican side, Dague, Harvey, and Wint Smith filled seats on the Agriculture Committee. Dague moved up a notch in seniority to fifth with the retirement of Clifford Hope of Kansas and was the

²⁶ Essentially the same bill had been introduced by Smith in 1955 and reported in 1956 but not considered. *Congress and the Nation* (1965), 1442. *CQWR*, August 8, 1958, 1029. St. George introduced an even more draconian bill, HR 9207, that even the ABA opposed. *Bolling* (1965), 127.

²⁷ "Disclosure of FBI Files," *CQ Almanac 1957*, on-line. *CQWR*, July 4, 1958, 856. *Jencks v. United States. Mallory v. United States*.

²⁸ HRes 580.

²⁹ Such sequesters were known as the Soil Bank Program.

ranking member of the subcommittees on Tobacco and on Departmental Administration and Crop Insurance. In support and regulation of tobacco growing and marketing, Abbitt and Dague were the dominant players in the House. Tobacco provided 40% of the crop income to Abbitt's District and 20% to Dague's.

Harvey was only a step behind Dague in seniority but did not rank on any subcommittee. Smith was new to Agriculture, having given up third in seniority on Education and Labor to take a seat more critical to his Kansas District, but ranking twelfth, so not so influential. In fact, his heart remained with his previous committee, as he rededicated himself to his bill to make it illegal to compel anyone to join a union to hold a job and to bring international labor unions under the monopoly provisions of the Sherman Antitrust Act. HR 6331 failed of report.³⁰

Even more interestingly, Smith was appointed to the newly created Civil War Centennial Commission; he introduced a resolution to create such a body, as had four Southerners. As it played out over the next few years, the Commission was a battlefield between states righters and "Yankees and 'nigger lovers'," in the words of Karl Betts, the executive director. Betts was hired by the Commission's executive committee of Smith, Rep. Bill Tuck of Virginia, and Ulysses S. Grant III. Smith, who opposed the Civil Rights Act of 1957, Tuck of the Byrd organization's massive resistance doctrine, and Grant of segregationist views were on the states rights side of the conflict. Smith, as with Betts, pulled no punches, saying, "I felt from the start ... that the 'funks' and liberal 'nit wits' would be using the 'nigger' question to parade their new social theories to the forefront." After Tuck, Grant, and Betts resigned from the Commission, Smith opined, "This simply shows how the NAACP-Brooklyn Indians through the liberal press are all hell bent for destroying America." Smith had left earlier.³¹

Among the Class, Preston and Passman had the most influential positions in the House after Albert, by right of their subcommittee chairs on the Appropriations Committee. They continued as the cardinals of Commerce and Related Agencies and Foreign Operations, respectively. Preston's presentations of the appropriations bills for his agencies were relatively uneventful. Passman's performance was a different matter.

Passman reportedly would tell an Administration official, "Son, I don't smoke; I don't drink; my only pleasure in life is to kick the shit out of the foreign aid program of the United States." In 1957 his subcommittee cut the Administration request by 34% and the full committee approved it, as did the House. The conference managed to add a mere \$244 million back in. The reduction from the Administration request by the House (and Passman) in 1958 was 22%. *Time* magazine reported a glaring and temple-bulging Eisenhower in response. This was the first reported description of what became known as the "Passman dance," as he presented the appropriations bill on the House floor. He "nervously crossed and recrossed his long legs, danced around in his sporty black and white Oxfords, demanded recognition by snapping his fingers into the microphone, once blew a rapturous kiss to a Northern Democrat who paid him a compliment on the thoroughness of his committee work." And his knowledge of the bill was impressive.³²

Preston also enacted a bill (HR 8252) allowing a person charged with income tax violations to be tried in the judicial district of residence.

Three of the other members of the Class on Appropriations chaired no subcommittees. Miller ranked fourteenth among Republicans, while Evins and Lanham were twentieth and twenty-first respectively

³⁰ *CQWR*, January 3, 1958, 27.

³¹ Robert Cook, 25, 33, 108, 144.

³² Robert Johnson, 72, 73-4. *CQWR*, July 4, 1958, 852. *Time*, July 14, 1958.

among Democrats. Miller moved up two slots due to retirements, one of which was Classmate Glenn Davis of Wisconsin. Evins and Lanham advanced one step thanks to the death of Antonio Fernandez of New Mexico. The sixth member of the Committee was Coudert, who was ninth in seniority overall and ranking on the Subcommittee on Departments of State and Justice, the Judiciary and Related Agencies. This position made him, institutionally at least, the most influential Republican in the Class of '46 and likely quite so in his area of expertise, international law.

Coudert's visible legislative output was always low. His one public success in the 85th Congress was HJRes 483, amending the act that created a commission for the celebration of Alexander Hamilton's 200th birthday. He served on the Commission. Coudert introduced 190 bills in his six terms; 147 of them were private bills. Sixteen of his bills were enacted over those 12 years, all of them private.

Miller served on Passman's Foreign Operations Subcommittee and tried to help the Administration achieve more of its budget requests. He moved amendments on the floor to both the fiscal 1958 and fiscal 1959 appropriations bills for increases in the moneys, and both were rejected.

Lanham's membership on the Subcommittee on the Departments of Labor, Health, Education and Welfare and Related Agencies was less expansive and more parsimonious than Miller's. The Georgian successfully amended on the floor the deficiency appropriation bill for fiscal 1957 to limit the amount to be spent on public assistance grants, a move hard-fought enough to require a roll call vote.³³

Evins served on another committee, though a temporary one, that of Small Business, where he ranked second and chaired the Subcommittee on Law Enforcement and Subsidies Affecting Small Business.

Democrats Harrison (tenth in seniority) and Karsten (eleventh) and Republican Sadlak (eighth) sat on Ways and Means. The Democrats moved up a notch due to the death of John Dingell of Michigan.

Harrison successfully amended the Internal Revenue Code to extend the time within which a minister may elect coverage as a self-employed individual for social security purposes (HR 8892) and the Tariff Act to suspend import duties on wool for carpet manufacturers (HR 2151). He also amended the agricultural appropriations bill for fiscal 1958 to eliminate funds for the soil bank program. That program was an invention of the Eisenhower Administration in 1956 to attempt to restrict the growth of surplus production due to the ever-increasing efficiency of the American farmer. Opposed to telling farmers how much cotton or wheat they were allowed to plant and facing huge costs in providing price supports for overproduced commodities, the Administration came up with a plan of paying farmers not to plant anything. Members of Congress from rural districts, both Democrats and Republicans, were wedded to the New Deal combination of crop allotment and price supports. Nevertheless, the soil bank was enacted in 1956, trumpeted by beleaguered Republican candidates in the farm districts in the election of that year and pilloried by Democrats.³⁴ Harrison's and the House's action is in that context, as was Abbitt's more partisan and somewhat populist amendment discussed earlier. The Senate and the conference restored the program.

Karsten and Sadlak dealt in tariff issues. Karsten introduced a successful bill (HR 6894) to reduce tariffs on raw mica and increase them on fabricated mica. Sadlak authored a redefinition (HR 9291) of footwear that was designed to catch imports that were not taxed. Sadlak also became with A.S.J. Herlong (D FL) an active proponent of tax cuts in the face of the recession.³⁵ Sadlak's concern for the state of the economy did not extend to unemployment insurance payments, as he successfully amended HR 12065 to ensure that Connecticut's expansion of payments would not result in increased benefits from Federal funds. He

³³ *CQ Almanac* 1957, 721.

³⁴ *CQ Almanac* 1957, 704-6. Sherman Adams, 202-18.

³⁵ *CQWR*, January 10, 1958, 40; July 25, 1958, 958.

did get HR 9721 enacted that paid transportation expenses for survivors of deceased service members to attend burials in national cemeteries.

Sadlak gained a bit of perhaps unwelcome press in 1958 when *The Bridgeport Post* reported that he and his wife traveled to Istanbul, Vienna, Bangkok, Helsinki, London, Rio de Janeiro, El Salvador, Quito, and Lima at public expense thanks to his membership in the Interparliamentary Union, a 69-year-old organization, then of 54 nations, in which all members of Congress were ex officio members. At the current time, St. George and Keating were also on the executive committee with Sadlak, and St. George was the president.³⁶

One might think that Williams had few interests beyond white supremacy, but he was an active member, second in seniority, on the Interstate and Foreign Commerce Committee. This was a big boost from the previous Congress, due to two deaths, a resignation, and a defeat for renomination. As chair of the Subcommittee on Health and Science, Williams sponsored successful laws to extend the Hospital Survey and Construction Act (HR 12628), to authorize hospital construction loans (HR 12694), and to prohibit food additives whose safety was not verified (HR 13254). He was also a member of the District of Columbia Committee, ninth in seniority.

William's prominence on the Commerce Committee and his service on its Legislative Oversight Subcommittee contributed to an important role in the investigation and pillorying of Sherman Adams, Eisenhower's Chief of Staff. The probe began with the awarding of television broadcast licenses by the Federal Communications Commission, during which it was revealed that commissioners both received gifts from interested parties and suffered lobbying from government officials, including Adams. While Adams contacted the FCC on behalf of some of those parties, as did members of Congress, including a member of the Subcommittee, the critical discovery was the Chief's relationship with his friend Bernard Goldfine. This came to light in a Subcommittee hearing chaired by Williams in Boston, which revealed gifts from Goldfine to Adams. Detail about the gifts surfaced over ensuing hearings, climaxing in the reveal of a \$700 vicuña coat given by Goldfine to Adams. The value paled in comparison to other gifts from Goldfine to Adams, and Adams' contacts with the FCC (and other regulatory agencies: the Civil Aeronautics Board, the Securities and Exchange Commission, and the Federal Trade Commission) were limited, but vicuña seemed to strike a nerve; and the gifts and contacts existed.³⁷

The Republican President's Chief of Staff was a tempting target for Democrats, particularly in an election year, but even for Republicans running in an election year that bore all the earmarks of a Democratic year. The more conservative Republicans had long been unappreciative of the more moderate Adams. Williams, himself, was not recorded as demonizing Adams and certainly not the congressmen who lobbied the agencies, saying that was a proper role for representatives of the people. Member of the Class of '46, Sen. Norris Cotton, who was of New Hampshire as was Adams, was subject to Goldfine's largesse and contacted the SEC on behalf of the man, for whom he had been a business partner and attorney since the 1930s.³⁸ Classmates James Davis, Democrat, and Jackson, Republican, were more critical than Williams. Jackson said Adams has walked "to the brink of imprudence." Davis said it was "a rude shock to

³⁶ *The Bridgeport Post*, August 11, 1958. *CQWR*, July 25, 1958, 962.

³⁷ *CQWR*, January 17, 1958, 84; January 31, 1958, 128; February 7, 1958, 176; February 14, 1958, 207; February 21, 1958, 232; February 28, 1958, 257; March 7, 1958, 269; March 14, 1958, 304; Mar 28, 1958, 380; April 4, 1958, 412; May 30, 1958, 694; June 13, 1958, 737; June 20, 1958, 788; June 27, 1958, 841; July 4, 1958, 877; July 18, 1958, 948-9; August 15, 1958, 1081.

³⁸ Drew Pearson, March 27, 1961.

the public generally” to learn that Adams, “who, in fact, has been running the office while Mr. Eisenhower fishes, shoots quail, and plays golf, has been letting Mr. Goldfine pay his hotel bills of more than \$2,000 and give him other expensive gifts, while he does a little telephoning here and yonder to Government agencies about Mr. Goldfine’s troubles.” After Republicans lost Maine, which voted earlier than other states, the President asked for Adams’ resignation.³⁹

Blatnik chaired two subcommittees, that of Rivers and Harbors in Public Works where he ranked fourth and that of Legal and Monetary Affairs in Government Operations, where he moved up to eighth thanks to two retirements. At the start of the second session, an in-term retirement advanced Blatnik to seventh. He continued to advance the St. Lawrence Seaway project, getting HR 5728 enacted to expand its financing. He “shepherded” the Rivers and Harbor Act through the House. He also reached out in a new direction in 1957, being among the first to take on the tobacco industry. He accused the industry of deceptive advertising in its claims that the new filtered cigarettes were healthy and challenged the Federal Trade Commission to investigate.⁴⁰

Two other members of the Class sat on Public Works. Robert Jones was fifth in seniority and chaired the Subcommittee on Public Buildings and Grounds. Mack, third among Republicans, was ranking on the Subcommittee on Flood Control. Jones also served with Blatnik on Government Operations, moving up from eleventh to ninth and then to eighth for the same reasons as Blatnik. Jones chaired the Special Subcommittee on Water Resources and Power. Apart from his usual defense of the TVA against the usual assault by the Eisenhower Administration, Jones saw to the enactment of his bill (HR 12883) to improve the Capitol Power Plant and its distribution system.⁴¹

Mack, ranking on Flood Control, carried the Administration’s budget cutting resolve into the debate on S 497 for the authorization of navigation and flood control projects for fiscal 1959. Mack introduced six cutting amendments, all of which were rejected, but Eisenhower vetoed the bill. Mack then introduced the Administration bill, HR 12193, \$180 million less than S 497.⁴² The Republican bill, of course, got nowhere. S 3910 instead passed Congress and was signed by the President. It provided over \$13 million more than the vetoed bill, but removed certain projects the President objected to, and Mack voiced his support for it.

Omar Burleson remained the chair of the House Administration Committee while also chairing the Subcommittee on National Security of the more prestigious Foreign Affairs Committee, where he ranked fifth, an improvement of two places thanks to a retirement and a defeat for renomination. He sponsored nine successful housekeeping bills for House Administration. Burleson also amended HR 6287, the fiscal 1958 appropriation bill for the Departments of Labor and Heath, Education, and Welfare, cutting Labor Department money by \$12 million. This amount would have been a 5% increase in funds given to the states for employment and unemployment services and appears to have had the appearance of found money to someone who wanted to reduce the perception of government spending. Burleson also became an active participant in the homicide by an American soldier of a Japanese woman. The Army surrendered the man to Japanese justice and Burleson, among other congressmen, was not happy. He moved an amendment to S 2130, which authorized foreign aid funds for fiscal 1958, to revise agreements with foreign countries in which the United States had military present, so-called “status-of-forces agreements,”

³⁹ *CQWR*, July 11, 1958, 918; July 4, 1958, 879. Jean Smith, 738-40.

⁴⁰ Drew Pearson, September 14, 1969. Mukherjee, 253, 263-4.

⁴¹ *The Anniston Star*, July 29, 1958.

⁴² *CQWR*, March 14, 1958, 329; May 2, 1958, 548.

to prevent foreign jurisdiction over American service members who committed acts while on duty. The amendment failed 134-134. It should be remembered that Burleson was a dogged advocate for a fairer justice system for soldiers. The soldier in question was convicted of manslaughter and given a suspended sentence by a Japanese court.⁴³

Jackson also served on Foreign Affairs, where he was eighth among Republicans, and ranking on the Subcommittee on Inter-American Affairs. He was second in seniority, moving up thanks to a retirement, on the Un-American Activities Committee, whose glory days were past. Jackson attempted to get a vacant seat on the Joint Committee on Atomic Energy. The California Republican delegation preferred that the seat go to Craig Hosmer, who got it.⁴⁴

Multer placed fifth on Banking and Currency and eleventh on the District of Columbia Committee, but his power, such as it was and it was little, was his chair of the Subcommittee on Small Business Administration and Problems Relating to Government Procurement, Loan and Disposal Activities of the still temporary and lacking a mandate to introduce legislation Select Committee to Conduct a Study and Investigation of the Problems of Small Business. If power derived from lengthy titles, Multer would have been a czar. District of Columbia was a new committee for him, it having suffered two retirements and two transfers to more important committees. Multer continued his active sponsorship of would-be legislation, introducing 150 bills and 18 resolutions in the 85th Congress. Three were enacted, two private bills and an amendment (HR 790) to the Legislative Appropriation Act to provide for a reimbursement to members of \$150 quarterly for expenses outside the District of Columbia. He also amended HR 1937, a bill to build a stadium in the District of Columbia, to change the rate paid on bonds sold for the stadium from a specified one to one determined by the Secretary of the Treasury. Beyond these efforts he attempted a one-man investigation of dealers in Government securities with the System Open Market Account, but the Federal Reserve refused to cooperate.⁴⁵

In committee memberships, Seely-Brown was the near Republican equivalent of Multer. He continued his service on the Small Business Committee, ranking on the Subcommittee on the Aircraft Industry, and moved from Merchant Marine and Fisheries, where he was third in seniority, to tenth on Banking and Currency. While this was a change from a minor to a major committee, one would have thought the minor committee would have been more important to his District if not to his donors. In legislative output, he looked after his District in securing \$2 million in construction funds for the Coast Guard Academy (amending HR 11085) and in restricting aid in the relocation of recipients of area redevelopment funds if such aid resulted in a detriment to the originating area (amending S 3683).

Minor committees could be a basis of power. Hardy served on the major Committee on the Armed Services, but his position on the minor Committee on Government Operations and on its Subcommittee on International Operations was his base. He remained eleventh in seniority on Armed Services while moving up from ninth to seventh on Government Operations, due to a retirement and a move to the Judiciary Committee. Another retirement in 1958 moved him to sixth. In his investigatory role as subcommittee chair, he obtained authorization to conduct investigations outside the United States (HRes 412) and took members of his subcommittee around the world.⁴⁶ Hardy amended S 2130, the Mutual Security authorization for fiscal 1958, to reduce the President's discretionary authority by \$100 million, and HR 12181, the authorization for fiscal 1959, to require the President to report on how the aid for each

⁴³ *CQ Almanac 1957*, 671-2.

⁴⁴ *Independent* (Long Beach), January 10, 1958.

⁴⁵ Federal Open Market Committee minutes, December 3, 1957, 6-8, at FederalReserve.gov.

⁴⁶ Reuss interview.

country was arrived at. In non-investigatory mode, he successfully introduced HR 1140 and HR 5382 to modify veterans' benefits.

Patterson was more senior on Armed Services, up from eighth to sixth thanks to two defeats and then to fifth when a member resigned from the House, but Patterson was Republican and held no ranking position. He also remained eighth on the District of Columbia Committee, also without a ranking status. The Joint Committee on Atomic Energy was more important for him, where he was second of the House Republicans and was ranking on the Subcommittee on Security. He successfully amended HR 8996, a bill to authorize atomic energy development, to eliminate \$3 million for the study of the feasibility of a plutonium reactor. He continued his track record on tariffs to protect Connecticut industry – now it was the manufacture of harpsichords and clavichords (HR 5208). Patterson also sponsored a law (HR 7912) to provide transportation expenses for dependents of those dying in service.

St. George, who had been an active member of the Post Office and Civil Service Committee since entering the House and rose to third in seniority, moved from this minor committee to the major Armed Service Committee, where she was now fifteenth, moving to fourteenth in 1958 due to a retirement. She still introduced nine bills that were referred to her old committee, though her one success was HR 7140 to authorize a registrar at the US Military Academy in her District. Congress passed HR 2474 to increase pay for postal and civil service workers, and St. George attempted to amend the bill to introduce a cost-of-living escalator clause, but she failed.⁴⁷

Morris, back in Congress after his hiatus, was also placed on Armed Services, now in nineteenth place, despite his service on Interior and Insular Affairs for three terms. He replaced the man on Armed Services that he had unseated. In the past an active initiator of legislation for Interior, he sent only one bill there this term, and it failed of report as did his six other bills.

Dawson continued service on Interior as the fifth ranking Republican. Dawson caused a stir among his committee when he moved on the floor to reverse in HR 7999 its recommendation that the US cede 182,800,000 acres of Federal lands to the new State of Alaska. The amount in the original bill was 102,550,000, which Dawson now proposed and was accepted 91-8. The only reason the Representative gave was that it was the figure in the original bill. Dawson also successfully amended the second supplemental appropriation bill, HR 10881, for fiscal 1958 to increase funding for water projects in Utah and in California.⁴⁸

Dawson took an interest in Mutual Security authorizations. Each nation receiving Mutual Security aid was required to deposit the equivalent in its own currency. These were called "counterpart funds," and up to 10% of them could be used by visiting congressmen for travel and expenses while in that country. Dawson attempted unsuccessfully by amendment to S 2130, the authorization bill for fiscal 1958, and successfully to HR 12181, the bill for fiscal 1959, to require these funds to be budgeted and reported.⁴⁹

Keating became the ranking member on the Judiciary Committee on February 9, 1956, when Chauncey Reed of Illinois died. He continued as ranking member on the Subcommittee on Antitrust and became the ranking member on the Special Subcommittee on Study of Presidential Inability. The latter Subcommittee was a direct result of Eisenhower's heart attack. Keating sponsored HR 6510 that would have created a Presidential Inability Commission composed of members of the three branches of government and would have been empowered to require the President to submit to physical and mental

⁴⁷ *CQ Almanac* 1957, 633.

⁴⁸ *CQWR*, May 30, 1958, 696-7. The difference was 22% of Alaska's total territory and a bit larger than the entire State of New Mexico.

⁴⁹ *CQWR*, May 16, 1958, 636; June 6, 1958, 707. *CQ Almanac* 1957, 609.

exams and to declare the existence of inability by a two-thirds vote. The Attorney General opposed the plan, and Keating's committee did not report it. Keating was also a proponent of the use of wiretaps by police and continued his futile introduction of bills to enable it.⁵⁰ He succeeded in a bill to provide for a statute of limitations on civil actions with regard to copyrights (HR 277). His 105 bill and 30 resolution introductions yielded seven other laws – six private and one to strike a medal for the Sons of Union Veterans of the Civil War. At the end of the second session Keating was appointed to the new Select Committee on Astronautics and Space Exploration.

This new Committee was created 28 days before Eisenhower asked Congress to form a new civilian space agency, NASA. The President was not a proponent of scientific space exploration, preferring missiles to satellites, but surrendered to the inevitable public and political desire to out-Sputnik the Russians. The charter for the agency allowed the president, as Eisenhower insisted, to keep military activities in space outside of NASA. When the NASA Administrator in October 1958 tried to pull the Army's civilian missile scientists into the new agency, Eisenhower punted, but Teague called a run and, with the support of the Congress's most decorated war hero, the Army resisted and kept their rocketeers.⁵¹

McCulloch was second on Judiciary, just behind Keating, also moved a notch higher by Reed's death. He held no ranking positions on subcommittees in Judiciary, but was ranking on both the Subcommittee on Food Industries and on Law Enforcement and Subsidies of the Small Business Committee. Not a prolific initiator of legislation, he threw a record (for him – Keating's number was 105) 11 bills in the hopper this session. None were enacted.

One Democrat in the Class of '46 sat on Judiciary – Harold Donohue of Massachusetts at eleventh, up one spot thanks to a retirement. Of his 44 bills, two became law – both private bills.

Teague remained chair of the Veterans' Affairs Committee and became chair of its Subcommittee on Education and Training. He also moved up a step to fifth on the District of Columbia Committee and was chair of its subcommittees on Civil Defense and on Public Utilities, Insurance, Banking. He introduced 120 bills in the 85th Congress, 74 on veterans issues and nine concerning the District. Eleven of the former and two of the latter became law, and one veterans bill was vetoed.⁵² That last (HR 4602) was meant to encourage new residential constructions for veterans outside of cities by increasing the amount of loans and allowing advance financing commitments. In his veto message, Eisenhower called the proposal "inflationary" in offering below-market rates and "discriminatory" in applying only to veterans and then only to those outside cities. Seven of Teague's resolutions were also enacted, all dealing with veterans. He offered two amendments on the floor to a veterans bill (HR 752) introduced by another member that were adopted. Thanks in large part to his chairing an active, if "minor" committee, Teague saw more of his bills enacted (15) than any other member of the Class of '46.

One battle Teague lost was in the Federal charter of an organization called Veterans of World War I of the United States of America. His committee reported it out over his opposition, and he was one of two nay votes on the floor. The bill, HR 11077, was enacted. Teague opposed it on grounds it amounted to Congress giving its blessing to the organization's lobbying effort to obtain pensions for veterans of the First World War. While he was generally supportive of benefits for veterans, he had a contentious relationship

⁵⁰ *CQ Almanac 1953*, 309. *CQ Almanac 1954*, 341-2. *CQ Almanac 1957*, 681. *CQWR*, May 16, 1958, 633.

⁵¹ Ambrose (1984), 458. *CQWR*, October 17, 1958, 1339; October 24, 1958, 1361.

⁵² One of the DC bills (HR 4144) was handled by the Armed Services Committee because it provided that the commander of the DC National Guard be given the rank of brigadier or major general.

with many veterans organizations, dedicated as they were to ever more benefits to serve their members and to demonstrate their combativeness to their membership.⁵³

When the Class of '46 first arrived in the House, 17 of them were assigned to the Veterans' Affairs Committee. Ten years later, only Teague and Dorn were left, and Dorn was not originally on the Committee, arriving only on his return to the House after failing at election to the Senate. The decimation was mostly due to retirements, defeats, and moving on to other elective positions. Patterson, Evins, and Donohue were the only other Class members still in the House and chose service on other committees. Dorn was now chair of the Subcommittee on Compensation and Pension. He introduced four veterans bills, only one being reported by his committee and not being passed by the House.

Apart from his opposition to equal rights, Dorn was active in seeking an investigation as to whether suppliers to the Federal government were paying their employees in the South legally-required wages, in opposition to the reciprocal trade program, and as a beef cattle raiser in regulation of meat packers. These efforts seemed to advance little, but his motion to amend HR 6287, the appropriations bill for Health, Education, and Welfare for fiscal 1958, to cut \$1.5 million from the Office of Education was accepted on a standing vote 94-53, before being reversed on roll call 206-207.⁵⁴

James Davis chaired two subcommittees for the District of Columbia Committee: Crime Investigation and Police, Firemen, Streets, Traffic. Yet, he was only sixth in seniority on the full Committee, up from seventh in the previous congress due to a retirement. His position on the Committee on Post Office and Civil Service was higher, third, and he chaired its Subcommittee on Manpower Utilization, but the District claimed the greater share of his efforts. He introduced 15 DC bills and nine Post Office bills. Six of the former made it through Congress and none of the latter. Alas, another two of his DC bills passed both houses, but the differing versions were never resolved by conference. One enactment (HR 7450) was to extend the Policemen and Firemen's Retirement and Disability Act to officers of the District. Another (HR 7785) was to create an additional judgeship for the District's juvenile court.

James Davis continued his budget cutting efforts through amendment; \$19 million from the General Services Administration – accepted, \$1.8 million from the Public Health Service – rejected, \$100,000 from the contingent expenses of the House of Representatives – accepted.⁵⁵

The participation of the Class of '46 on the Veterans' Affairs Committee was much attenuated, but seven members of the Class still practiced on the District of Columbia Committee, the same number as in the Class's initial introduction to it in 1947. We have already encountered Multer, Teague, Williams, and Patterson, as well as James Davis. Allen and Kearns also were present, but for neither was it their primary committee. The curiosity is that only Allen and Teague were originally on the body. While members of Congress work in the District, and many live there part of the year, most members end up on its governing body, the Committee, as an obligation rather than from desire.

The one Democratic member of the Class of '46 whom we have not discussed is Edward Garmatz of Maryland. He held seats on Merchant Marine and Fisheries, where he remained third in seniority and on Governmental Operations where he was tenth, up from twelfth, and then moving to ninth with a member's departure from the House on January 5, 1958. Garmatz chaired the Subcommittee on Coast Guard, Coast and Geodetic Survey, and Navigation of the Merchant Marine Committee. He introduced 18

⁵³ *CQWR*, June 27, 1958, 12239, 12243; June 26, 1959, 872; May 11, 1962, 794; July 20, 1962, 1227-8; April 17, 1964, 736. Drew Pearson, April 21, 1949. *CQ Almanac* 1956, 528. Smith and Burka, 113.

⁵⁴ *CQWR*, February 7, 1958, 154; March 14, 1958, 305; August 15, 1958, 1064. *CQ Almanac* 1957, 707-9.

⁵⁵ *CQ Almanac* 1957, 701, 703, 707-9.

bills and one resolution in the 85th Congress, five for his primary committee and none of the 19 were reported by any committee.

Merchant Marine was Republican Allen's primary committee, where he ranked second in seniority and was ranking on two subcommittees: Merchant Marine and Fisheries & Wildlife Conservation. Where he really wanted to be was on the Rules Committee, and the California delegation was united behind his candidacy for a vacancy created by the electoral defeat of Harris Ellsworth of Oregon.⁵⁶ But the seat went to Hugh Scott of Pennsylvania. Although Allen introduced four bills that were sent to the Merchant Marine Committee, the only public bill he enacted was the single bill sent to District of Columbia, his second committee. That one (HR 7683) amended the DC Alcoholic Beverage Control Act.

The Republican power on Merchant Marine and Fisheries was Tollefson, who remained the ranking member. One of his bills and two of his resolutions handled by his committee were enacted. That was out of 16 such bills and two such resolutions introduced. Tollefson also successfully amended a boat safety bill, HR 11078, on the floor.

Two members of the Class of '46 had seats on the Committee on Education and Labor. Kearns ranked third and Nicholson tenth. Both advanced one position from the previous House with the departure of Classmate Wint Smith for the Agriculture Committee. Both Kearns and Nicholson also moved up a step at the end of the first session of the 85th when a member resigned from the House. Kearns was ranking on the Subcommittee on Labor-Management Relations.

Kearns was also seventh in seniority on District of Columbia and was ranking on its Subcommittee on Police, Firemen, Streets, Traffic, chaired by Classmate James Davis. Education and Labor was his primary interest. He introduced HR 10278, the Administration's aid to education bill, which was supplanted by HR 13247, the National Defense Education Act. Kearns moved a bloc of four amendments to the NDEA, they having been suggested by the President, and they were accepted without debate. Kearns also introduced HR 13739, a labor reform bill, which was similar to S 3974, the Senate-passed Kennedy-Ives labor bill, but the House Committee failed to take either bill up. Nine other bills of Kearns's were sent to Education and Labor; none were reported.⁵⁷

Nicholson sought to reclaim the seat on the Rules Committee he had held in the Republican 83rd House with the departure of Harris Ellsworth, but the seat as we have already said went to Hugh Scott of Pennsylvania.⁵⁸ Nicholson was not legislatively active, introducing 64 bills in five-and-one-half terms, 43 of them private bills. Ten were enacted, eight of them private. Three private bills became law in the 85th Congress.

The least institutionally influential Republican member of the Class of '46 was Riehlman. In seniority he was second on a minor committee and a special committee and was ranking on a subcommittee on both: Military Operations on the Government Operations Committee and Small Business Administration and Problems Relating to Government Procurement, Loan and Disposal Activities on the Small Business Committee. In the 85th House, one of his bills, a private one was enacted.

In personal matters, two of the Class of '46 lost spouses. George Baker St. George, husband of Katherine, died of cancer on October 5, 1957, after a long illness. He was 65. The Representative was 61. Carol Cook Allen, wife of John, died unexpectedly on May 14, 1957, at home in Washington. She was 53.

⁵⁶ *Redlands Daily Facts*, January 3, 1957.

⁵⁷ *CQWR*, March 21, 1958, 337; August 15, 1958, 1030, 1059.

⁵⁸ *The Los Angeles Times*, January 3, 1957.

The Representative was 57 and wasted only six months before marrying his secretary, who was 33. The Allens went on a Merchant Marine Committee junket to Panama as a honeymoon.⁵⁹

Two members of the Class of '46 welcomed new children. Thomas Hager Blatnik was born February 10, 1957. He was John Blatnik's second son, the first being not widely known. William Jennings Bryan Dorn II arrived on May 26, 1957, the fourth child and first son of the Representative.⁶⁰

Republican Glenn Davis had given up a likely return to the House in 1956 to try for the Senate and had almost, but not quite, taken the nomination from the incumbent, Alexander Wiley. The other Senator from Wisconsin, Republican Joseph McCarthy, died on May 2, 1957, after four days in the hospital but from an illness of a number of weeks. Other Republicans had already explored challenging him for the nomination in 1958, including former Gov. Walter Kohler and Lt. Gov. Warren Knowles. These two and Davis were the immediate prime parties of speculation after the death. Kohler and Knowles announced for the seat on May 14 and Davis the next day. Then, in early June, Rep. Alvin O'Konski jumped in. The Wisconsin Republican Convention voted no endorsement, and seven candidates appeared on the primary ballot. Kohler ran as an Eisenhower man, and O'Konski chased the McCarthy faithful. Knowles and Davis attempted a broader intraparty appeal. Kohler took the nomination with 34% of the vote. Davis was second with 32%. O'Konski got 21% and Knowles 8%, the rest 5%. Davis and Knowles pledged support to Kohler, while O'Konski threatened a suit, and there were the usual complaints that Democrats took advantage of Wisconsin's open primary system. Kohler lost the special election by 16 points to former Democratic Gov. William Proxmire, who began a 31-year senatorial career.⁶¹

Political columnist John Wyngaard opined that Glenn Davis's political career was probably "finished." Perhaps. Davis wanted the nomination for the regular Senate term in 1958 and a poll of 1957 Convention delegates was said to show he was the first choice of 73% of them. He announced he would accept the nomination but would not run for it. After two lost Senate primaries, his biographer would report that Davis was "darn sick of fighting Republicans." The State Convention endorsed a former Wisconsin Supreme Court justice on the first ballot with nine times as many votes as Davis. Davis pledged his support and became a court commissioner for the Waukesha circuit court.⁶²

In Massachusetts, John Kennedy won reelection to the Senate by 47 points. Classmate Charles Potter in Michigan had a different experience, losing to Democrat Phillip Hart by seven points. Hart would keep the seat for 18 years.

Charles Russell was defeated for reelection to his third term as governor of Nevada by 20 points. George MacKinnon gave up his position as Federal attorney for Minnesota to run for governor. He lost the election by 14 points. Laurie Battle, who failed to get the nomination for US Senate in 1954, lost the Democratic nomination for governor of Alabama in 1958, coming in at fifth place. He ran a segregationist campaign, which did not differentiate him from other candidates. In September 1957 he showed up on

⁵⁹ *The Binghamton Sun*, October 5, 1957. *Oakland Tribune*, May 15, 1957. *The Kansas City Times*, May 16, 1957. *Ukiah Daily Journal*, November 8, 1957. *Fort Pierce News-Tribune*, November 7, 1957.

⁶⁰ *The Minneapolis Star*, March 20, 1957. *The Index-Journal*, May 28, 1957.

⁶¹ *Oshkosh Daily Northwestern*, May 3 & 15, 1957. *The La Crosse Tribune*, March 13, May 8, July 25, 1957. *The Rhinelander Daily News and the New North*, June 8, August 1 & 8, 1957. *The Janesville Daily Gazette*, June 10 & 26, August 7, 1957.

⁶² *The Janesville Daily Gazette*, June 12, 1957. *The La Crosse Tribune*, July 31, October 12, 1957; May 25, 1958. Kevin Smith, 211-2. *Monroe Evening Times*, April 9, 1958. Wisconsin Historical Society.

the barricades around Central High School in Little Rock, saying, "Mister, there just isn't going to be any integration in Alabama."⁶³

Harold Youngblood took the Republican nomination for one of two seats in the Michigan House of Representatives, but came in third in the general election.⁶⁴

The year 1958 was not a good one for ex-Class of '46 members seeking other offices, with the stupendous exception of Kennedy. A number, however, did secure appointed positions.

Edward Devitt, a Federal district judge since 1954, became the chief judge of the Minnesota district, a position he would retain until 1981. Abe Goff of Idaho resigned as general counsel of the Post Office Department to take a seat on the Interstate Commerce Commission, where he would serve until 1967. William Crow of Pennsylvania in January 1957 became the Washington Regional Administrator for the Securities and Exchange Commission, which he would retain until 1964. Howes Meade of Kentucky was appointed the zone operations commissioner for the Federal Housing Administration. He had resigned as Federal Housing Administrator for the State in 1954 to latch on to the gubernatorial campaign of Edwin Denney, but Denney lost in 1955. Claude Bakewell became postmaster of St. Louis and would serve until 1982. Republicans all.⁶⁵

A different kind of appointment was that of Charles Kersten of Wisconsin, becoming Secretary General of the World Anti-Communist Congress for Freedom and Liberation. The organization folded within a year.⁶⁶

Laurie Battle's continuing the white supremacy fight contrasted with the career arc of fellow Southerner Charles Deane of North Carolina. Having lost his seat because of his refusal to sign the Southern Manifesto, Deane settled ever more firmly into a religious vocation. Clerk of the Pee Dee Baptist Association since 1927, Recording Secretary of the North Carolina Baptist Convention since 1932, and a devotee of Moral ReArmament since 1951, he began to speak out for equal rights.⁶⁷

Deane was also seriously injured in a car wreck in 1957 and spent 41 days in hospital. Edward Jenison of Illinois also spent time in hospital, only three days in his case, but it was due to an assault. Four teenagers in the pay of a car dealer caused a cut right eye, face lacerations, and chest bruises. The car dealer reportedly thought Jenison was trying to hire away his secretary. The dealer and the boys were fined.⁶⁸

On December 30, 1957, Passman suffered a heart attack at a hotel in Monroe, Louisiana, before a dinner. He returned to work on January 30. In September 1958 a cancer was removed from his neck, followed by radiation. He turned 58 in 1958.⁶⁹

On August 10, 1957, Hamilton Jones died in hospital in Charlotte; he was 72. Henderson Lanham died on November 10, 1957. He was on his way to speak to the Floyd County Cerebral Palsy Association or

⁶³ Earl Black, 52-5. *Wellsville Daily Reporter*, October 11, 1957. *The Anniston Star*, September 25, 1957.

⁶⁴ *Detroit Free Press*, December 1, 1958.

⁶⁵ "Collection Historical Note," Devitt Papers. "Biographical Note," Goff Papers. *The Evening Standard*, October 14, 1974. *The Courier-Journal*, May 12, 1954; September 13, 1955. *St. Louis Post-Dispatch*, March 19, 1987.

⁶⁶ "Biographical Note," Kersten Papers. Burke, 26.

⁶⁷ Ramond, 137. Badger (2007), 83. *The Robesonian*, March 15, 1957. *The Daily Tar Heel*, October 7, 1958.

⁶⁸ *Winston-Salem Journal*, September 12, 1957. *Mount Vernon Register-News*, May 15, 1957. *The Kansas City Times*, June 6, 1957. *The Anderson Herald*, June 7, 1957.

⁶⁹ *The Monroe News-Star*, December 31, 1957. *CQWR*, February 7, 1958, 159. *The Atlanta Constitution*, February 9, 1957; November 13, 1958.

maybe it was the Garden Lakes PTA when he turned in front of a switch engine. He was thrown from the car and was pronounced dead at the site in his hometown of Rome. He was 69. Franklin Maloney of Pennsylvania died in hospital in Philadelphia on September 15, 1958. He had experienced a heart attack in 1949. He was 59, second wife Ann Price Maloney surviving.⁷⁰ He was the 12th member of the Class of '46 to die. Lanham was the 4th member of the Class to die in office in the House.

Three of the members of the Class were encased in scandal. The Federal Government's suit against Republican Ernest Bramblett of California to recover \$64,889 with penalties for an alleged \$45,410 paid in illegal salaries to staff was tried in Fresno. Bramblett was ordered to pay \$15,008 plus \$7,295 in interest. James Scoblick of Pennsylvania was paroled from his active sentence of misappropriation of funds from a bank. Robert Tripp Ross, late of New York, took a leave of absence from his position as assistant secretary of defense for legislative and public affairs over accusations that an \$834,150 contract with his wife's Wynn Enterprises for the sale of pants to the Army was improperly awarded. Eisenhower vouched for him, and a House subcommittee found Ross "free of any 'wrongful act'" but said "government contract awards to members of a high government official's family 'are repugnant to public policy.'" The subcommittee found 75 contracts worth over \$25 million in the past eight years to companies connected to the family of Ross' wife.⁷¹ Ross was a "high government official" only since March 1954 – three years. He now went to work as assistant Borough works commissioner in Queens.

Finally, Sen. Kennedy was awarded the 1957 Pulitzer Prize for biography for *Profiles in Courage*. On ABC's *The Mike Wallace Interview*, Drew Pearson charged on December 7, 1957, that the book was ghost-written. The following week ABC disavowed Pearson's claim, and in February 1958 Pearson credited Kennedy with authorship.⁷²

⁷⁰ *The Daily Herald*, November 11, 1957. *The Mon Valley Independent*, November 11, 1957. *The Ogden Standard-Examiner*, November 11, 1957. *The Philadelphia Inquirer Public Ledger*, January 18, 1949; September 18, 1958.

⁷¹ *The Van Nuys News and Valley Green Sheet*, February 14, 1957. *San Mateo Times and Daily News-Leader*, February 13, 1958. *The Modesto Bee and News-Herald*, July 29, 1958. *The Courier* (Connellsville), February 14, 1958. *The Jackson Sun*, August 18, 1957. *Time*, January 21, 1957.

⁷² Clifford, 306-10.