

# Innovation, Inevitability, and Credibility: Tracking the Origins of Black Civil Rights Issues

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Black issues are often cast as the somewhat inevitable products of American political development (Klinkner and Smith 1999; King and Smith 2005). That conception of black issues fails to consider the origins of black policy ideas and ignores the purposive efforts of political entrepreneurs. In this paper, I seek to pierce that aura of inevitability by asking, what accounts for shifts in the issue content of the congressional black agenda? I answer that question by using Proquest's Historical Black Newspaper database to place black civil rights priorities within the proper historical context. That context, when informed by the literatures on social movements and agenda setting, suggests that the credibility of problem definitions and policy solutions – in terms of both policymakers' and citizens' perspectives – is essential to the introduction of policy innovations onto the agenda (Kingdon 1995; Mintrom 1997; King, Bentele and Soule 2007; Wood and Vedlitz 2007).

The remainder of the paper proceeds in four sections. Section 1 provides a brief review of the relevant literature. Section 2 explains the basic data that is used to construct the narrative. Section 3 tells four distinct narratives about lynching, segregation, poll taxes, and FEPC. Section 4 synthesizes insights based on the four cases. Finally, Section 5 concludes with a discussion of how the case of black civil rights issues in Congress is helpful to a larger understanding about the role of credibility in policy innovation and policy changes over time.

## 1 Argument

Studies of the civil rights movement are primarily concerned with the dynamics of the movement's mobilization and organization (but see Jenkins, Peck and Weaver (2010) as a notable exception.) (Morris 1984; Payne 1995; Robnett 1996; McAdam 1999; Jenkins, Jacobs and Agnone 2003); how movement activities translated into policy responsiveness from the government (Morris 1993; Skrentny 1998; Santoro 2002; Meyer and Minkoff 2004; Luders 2006; Skrentny 2006); and how that responsiveness was (or was not) implemented through practical policies on the ground (Wolman and Thomas 1970; Walton 1988; Button 1989; Smith 1996; Andrews 2001). This study contributes to the literature by focusing on the agenda setting aspects of the issues themselves. The central concept of agenda setting is that items reach the agenda because political actors are able to define problems such that they introduce new participants into the political fray, thus disrupting

established gatekeepers' control (Cobb and Elder 1972; Schattschneider 1975; Cobb, Ross and Ross 1976; Baumgartner and Jones 1993; Kingdon 1995; Jones and Baumgartner 2005). Mintrom (1997) refines this argument by stressing that policy innovations must be labelled "credible" in order to be adopted on the agenda, and this credibility can result through either a diffusion process from other branches of government or through entrepreneurial skill. Wood and Vedlitz argue that individuals' evaluations of problems can be disrupted by exogenous shocks, such as authoritative new sources of information.

Synthesizing these insights, shifts in black civil rights issues should be driven by how political actors are able to offer new, credible definitions of problems and/or policy solutions for those problems. The contribution of this work is to determine how competing interests – political parties, branches of government, and black advocacy organizations – make the claim that their civil rights programs are the most credible. This exploration of shifts in congressional recognition of black civil rights issues sheds light on the specific questions about the origins of the policy issues that culminate in the 1964 Civil Rights Act, but it also addresses a more general interest in the interplay between government institutions and outsider interest groups to set the policy agenda.

## 2 Data

This paper is the beginning of a much larger quantitative study of black agenda setting in Congress. That project examines every black issue bill introduced in Congress from 1947 to 2002. Here we focus on the origins of two of those issues: anti-lynching bills and legislative attempts to ban poll taxes. I conducted searches for these two issues using the database of Historical Black Newspapers provided by Proquest. This database allows one to search and retrieve full text articles from *The Chicago Defender*, *Los Angeles Sentinel*, *New Amsterdam News*, *Pittsburgh Courier*, and *The Atlanta Daily World*. It should be noted that the aim in these searches was not to compile an exhaustive collection of all articles that discuss particular black civil rights issues. Instead, the articles are used to place the bills in context, and serve as the building blocks for the narrative of black issue change.

Black newspapers during this period were not impartial bystanders reporting on the who, what,

when, and how. Instead, they take a strong position of advocacy in terms of the editorial page and in the types of stories they covered (O’Kelly 1982). That lack of impartiality is what makes the black newspaper database an attractive source of data. Using black newspapers to construct a narrative not only provides more in depth coverage of black issues across a broad timespan, but it also places that coverage solidly within the context of what black protest movements were trying to accomplish (O’Kelly 1982). In that sense, some of the coverage in the black press acts as a crude proxy for the political priorities of black elites.

### **3 The Origins of Four Issues**

The issues of mob violence and voting rights are understood as important problems facing black Americans prior to 1965.

[Figure 1 about here.]

Figure 1 shows black lynchings from 1882 to 1968. As we will see in the narrative, Congress finally put lynching onto the agenda during a resurgence of lynchings between 1917 and 1920. After that small surge, the number of recorded lynching declines steadily until there are only a handful of incidents in 1940. The narrative will demonstrate that the prioritization of anti-lynching bills declines in accordance with the decline illustrated by Figure 1. The complete lack of black voting power in the south is an established fact. The oft stated (though elusively cited) number is that only three percent of eligible black southerners were registered to vote in 1940. Perhaps not coincidentally, that is the same year that Congress recognizes the abolition of poll taxes as an important issue. The remainder of this section explores each of these issues in greater depth.

#### **3.1 Anti-Lynching**

Congress recognized the problem of lynching in 1918 when Leonidas Dyer (R-MO) introduced the first bill that made lynching a national offense (Chicago Defender 1918). The core idea of anti-lynching as a policy solution was to both punish the mob for the committal of violence and to punish the local law enforcement for being complicit in the mob violence (Pittsburgh Courier

1934*a*). Although no meaningful actions were taken on the anti-lynching bill in 1918, grassroots activism, institutional structure, and party politics contributed to progress in the 66th Congress (1919-1920). Republicans needed black votes to win the White House in 1920, so the NAACP listed Dyer's federal anti-lynching bill as the most pressing issue on a questionnaire distributed to the potential candidates for president (Chicago Defender 1920*b*). Dyer used his institutional position as the chair of the House Judiciary Committee to ensure that the anti-lynching bill reached the floor of the House (Chicago Defender 1920*a*). That progress was enough for Republicans to continue to brand themselves as "the party of Lincoln" for its black constituents.

Opponents of the anti-lynching effort largely conceded that mob violence was wrong, so the attacks were levelled against the credibility of the proposed policy solution. The anti-lynching bill was challenged as an unconstitutional intrusion against the states' police powers. Some conservative Republican senators tried to offer a committee to study various civil rights questions, including lynching, as an alternative to what they viewed as the constitutionally dubious solution proposed by the Dyer bill (Chicago Defender 1921*b*). Black organizations mobilized to combat these efforts. William Monroe Trotter, secretary of the National Equal Rights League (NERL), cautioned President Harding not to let a call for a civil rights committee serve as a substitute for action on either segregation or lynching (Chicago Defender 1921*c*). James Weldon Johnson, executive secretary of the NAACP, called on black people to send telegrams in support of anti-lynching legislation, arguing that a vote against the Dyer bill was tantamount to a vote in favor of lynching (Chicago Defender 1921*a*):

The Department of Justice has gone on record in an opinion delivered by Judge Goff, saying that the Dyer anti-lynching bill was constitutional. There is no longer any excuse why any Representative of the American people should oppose a measure designed to end such a monstrous evil as mob murder. Every vote against the Dyer bill in the House of Representatives or in the Senate is a vote for lynching. Every Representative and every Senator who dares to oppose this bill ought to be listed by our voters throughout the United States and placed on record.

Despite Johnson's warnings of electoral retribution for the lack of Republican support, the Dyer

bill was stalled by the Senate Judiciary Committee after passing the House (Chicago Defender 1922*b,a*). The next eight years simply repeated this story for lynching. Black organizations, such as the NAACP, mobilized people to pressure Congress (Chicago Defender 1923); the Republican Party supported the passage of anti-lynching legislation through inclusion on the party platform and pronouncements from President Calvin Coolidge (Chicago Defender 1925*a*; Lautier 1927, 1928); and inevitably the bill would be killed by the threat (or use) of a filibuster in the Senate (Chicago Defender 1925*b*; Brown 1925).

By 1934 the cast of characters had changed in important ways.<sup>1</sup> Walter White had succeeded James Weldon Johnson as the executive secretary of the NAACP, and black people had realigned with Democrats to elect Franklin Roosevelt as president. Despite these changes, the story for anti-lynching efforts in Congress was the same. Rather than the Dyer bill, Senators Edward Costigan (D-CO) and Robert Wagner (D-NY) were the names attached to the anti-lynching legislation drafted by the NAACP (Pittsburgh Courier 1934*b*). At the start of 1934, the NAACP made plans to spend \$15,000 on the lobbying effort for passage of Costigan-Wagner and the Young People's Forum was engaged in daily mailings of 200 form letters asking members to support the anti-lynching effort (Atlanta Daily World 1934*b*). There was a surge of support for Costigan-Wagner in response to grass-roots mobilization and the rise in reported lynchings over the summer. Nonetheless, President Roosevelt was unresponsive to Walter White's pleadings to have Costigan-Wagner listed as "must" legislation, so the 74th Congress ended without passage of a federal anti-lynching law (Pittsburgh Courier 1934*c*; Atlanta Daily World 1934*a*; Pittsburgh Courier 1934*b*).

The 74th Congress (1935-1936) began on an optimistic note with twenty-four anti-lynching bills introduced in Congress, including one by Arthur Mitchell (D-IL) that would make the death/injury of a prisoner in custody a crime in itself (Atlanta Daily World 1935; Pittsburgh Courier 1935*a*). This newfound enthusiasm proved to be for naught when the Costigan-Wagner bill was killed by a southern filibuster in May of 1935 (Pittsburgh Courier 1935*b*). Although the NAACP remained hopeful due to the successful use of a discharge petition in the House (Chicago Defender 1935; NY Amsterdam News 1936), the Senate refused to reconsider anti-lynching legislation during the

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<sup>1</sup>Records appear to be missing in the black newspaper database from 1931 to 1934.

second session (Chicago Defender 1936*a*) – not even a watered down plan to merely study the lynchings reported in 1935 (Chicago Defender 1936*b*).

Black Americans' switch to the Democratic Party changed the mechanics of passing any sort of civil rights legislation. As Republican voters in the Republican controlled Congresses of the 1920s, black organizations had an institutional ally in Dyer. Things were different with the Democrats. The Democratic majority in Congress depended upon the election of southern segregationists, and the seniority system in Congress put the institutional levers of agenda power in the hands of these southern Democrats. Instead of an institutional ally, black Democratic voters in the 1930s had an institutional enemy in Hatton Sumners (D-TX), chairman of the House Judiciary Committee. As a result, black organizations had to become even more mobilized to fights for successful discharge petitions in the House and cloture votes in the Senate that would bypass the normal patterns of congressional lawmaking.

At the start of the 75th Congress (1937-1938), Sumners denounced the forty pending anti-lynching bills as unconstitutional invasions of states' rights, and 2500 students staged a demonstration in New York City to support passage of a federal anti-lynching bill (LA Sentinel 1937*b*). This enthusiasm on the ground was matched by responsiveness in the House. By mid-April, proponents of anti-lynching legislation – now named after Representative Joseph Gavagan (D-NY) – once again discharged the bill from the judiciary committee and passed it in the full House (LA Sentinel 1937*a*). With such speedy action taken in the House, anti-lynching supporters in the Senate were cautiously optimistic. The NAACP launched a campaign to send 100,000 telegrams to the new Senate Majority Leader, Alben Barkley (D-KY), and they counted sixty-five votes – a filibuster proof majority – to finally get a federal lynching bill through the Senate (Chicago Defender 1937*a,b*). Walter White sent the following telegram to Alben Barkley: “We are confident that under your able and uncompromising leadership the Wagner-Van Nuys anti-lynching bill which more than 65 Senators favor will speedily be called up for debate and passage at this session.” Southern senators launched a filibuster in August of 1937 that stretched into the second session of Congress before efforts to pass the anti-lynching bill were abandoned (Pittsburgh Courier 1937; Atlanta Daily World 1938*b*). Despite street protests by the Youth Councils for the NAACP and National Negro Congress

(NNC), President Roosevelt's only concession was a proposal to use the FBI to investigate incidents of lynching; a proposal that Walter White initially dismissed as inadequate for solving the problem and too vague to comment upon (Atlanta Daily World 1938*a*).

The 76th Congress began with lynching still at the top of the black civil rights agenda, but the euphoric atmosphere of the 75th Congress had clearly faded. Instead of receiving presidential support, Vice President Garner put forth a compromise lynching bill that authorized the FBI to investigate incidents of lynching and report their findings (Chicago Defender 1939*b*). Although the NAACP rejected the administration's compromise as inadequate, by April there were only eighty-two of the required 218 signatures for a discharge petition (Chicago Defender 1939*c*). The Gavagan bill had already passed the House at the same point in the 75th Congress. In response to this sluggish start of the anti-lynching effort, the NAACP launched a petition drive, but the 110,000 signatures they received were insufficient to spur action before Congress's summer adjournment (Chicago Defender 1939*a*).

Anti-lynching legislation would never attain the status of "top civil rights priority" again after the start of World War II. Initially, the anti-lynching effort was linked to the ideals that the Allies were supposedly fighting for. Walter White, executive secretary of the NAACP, said that America cannot fight again for Democracy abroad until the scourge of lynching is ended at home (Chicago Defender 1939*d*). Senator Robert Wagner (D-NY) echoed this sentiment when he declared that passage of a federal lynching law in the Senate was a critical test of American Democracy (Chicago Defender 1940*c*). This argument seems to have held some weight as the House passed the Gavagan anti-lynching bill at the start of the second session of Congress in 1940 (Atlanta Daily World 1940*b*), but Senate Majority Leader Alben Barkley said that he would not fight against a filibuster of anti-lynching legislation because that would delay war preparation efforts (Chicago Defender 1940*e, a*).

After that failed effort in 1940, a federal lynching bill became even more of a political football tossed between the two parties for their own aims. Lynching was conspicuously absent from the issue agendas of the presidential campaigns in 1940 because both parties wanted to focus on the war effort (Turner 1940). Republicans soft-pedaled the issue again when they controlled the 80th



Congress (1947-1948). Much of the civil rights agenda was delayed in that Congress because Republicans needed southern Democrats' support to pass some of their signature legislative goals, namely the Taft-Hartley Act (Chicago Defender 1947):

Rep. Gerald Landis (R-IN) told reporters: "Since some of the Southerners opposed us on taxes, the idea is to put 'em on the spot. And if the Senate had not overridden the labor veto," he added "we probably would have got out an anti-lynching bill."

When an anti-lynching bill was revived by Republicans in 1948, it was largely to combat President Truman's characterization of the "do-nothing Congress" (Graves 1948*a*; Atlanta Daily World 1948*a*). Although this Republican strategy was criticized as a political ploy (LA Sentinel 1948*b*; Atlanta Daily World 1948*d*; Wilkins 1948), the House moved quickly to report a tough anti-lynching bill out of committee while hearings were being held in the Senate (Pittsburgh Courier 1948; Atlanta Daily World 1948*a*). The problem is that the Republicans underestimated the opposition to anti-lynching legislation within their own party, so the bill was stalled in the Senate Judiciary Committee due to constitutional concerns (Chicago Defender 1948*b*), just as it had been during the time of Leonidas Dyer. In 2005, the United States Senate officially apologized for never passing an anti-lynching bill.

### **3.2 Poll Taxes**

As alluded to by the discussion of anti-lynching bills, the onset of World War II was instrumental in congressional recognition of poll taxes as a problem. The idea was that the fight for democracy abroad could not be separated from the fight for democracy at home. Denying black southerners the right to vote through poll taxes aligned perfectly with the "double V" campaign. In response, Congressman Lee Geyer (D-CA) introduced legislation to ban poll taxes as a requirement for voting in federal elections (Chicago Defender 1940*d*). The Geyer anti-poll tax bill was able to garner support from advocacy organizations, including a protest demonstration in Birmingham, AL led by the Southern Negro Youth Congress (Chicago Defender 1940*b*; Atlanta Daily World 1940*a*; NY Amsterdam News 1940). However, that grass roots support was not translated into meaningful action by members of Congress. By September of 1940 only forty signatures had been gathered for

a discharge petition (*Atlanta Daily World 1940a*).

There was virtually no action taken on either poll taxes or lynching during 1941. In the second session of Congress the Senate began to hold hearings on Claude Pepper's (D-FL) anti-poll tax legislation, the senate equivalent of the Geyer bill, and Edgar Brown of the National Negro Council called for the reduction of southern representation in the House from seventy-eight to twenty-one in accordance with the 14th Amendment (*Atlanta Daily World 1942*). While hearings dragged on in the Senate, the NAACP, National Negro Congress, and the National Committee to Abolish the Poll Tax continued to put pressure on members of Congress to discharge the Geyer anti-poll tax bill in the House (*Chicago Defender 1942c,b*; *Pittsburgh Courier 1942b*; *Chicago Defender 1942d*). These efforts finally bore fruit when the bill was successfully discharged and passed in October 1942 (*Pittsburgh Courier 1942a*; *NY Amsterdam News 1942a*). That same month the Pepper anti-poll tax bill was finally reported out of committee in the senate (*Chicago Defender 1942a*), but it was promptly killed by another southern filibuster (*NY Amsterdam News 1942c*). This latest feat of southern obstruction prompted the American Civil Liberties Union (ACLU) to suggest using the judicial system to ban poll taxes, but the NAACP maintained that such anti-democratic filibusters during wartime would ultimately backfire against the southern bloc (*NY Amsterdam News 1942b*).

Unfortunately for the NAACP, that backlash never came. Instead, banning the poll tax became caught in the same discharge-filibuster cycle that afflicted anti-lynching bills. The Marcantonio poll tax bill that was discharged and passed in the House (*NY Amsterdam News 1943a,b*) by May 1943. Supporters of the poll tax ban hoped that early action in the House would provide a strategic advantage against a prolonged southern filibuster in the Senate, but the chair of the Senate Judiciary Committee, Frederick Van Nuys (D-IN), gave away this advantage by delaying hearings until the fall. This lack of action by the Senate prompted critics to denounce Congress for adopting an "anti-Negro posture" (McAplin 1943):

Perhaps more than in any other session of Congress since the days of reconstruction, the 78th Congress has talked about the Negro. Most of this talk has been done by the Southern bloc, aided and abetted by some equally reactionary Republicans. Most of it has been attacks against the Negro, maligning him, accusing him, disparaging him

... The anti-poll tax bill is stymied in the Senate Judiciary committee after passage by the House ... This is the record of the Congress, which, as the Defender has previously reported, killed or crippled as much liberal, progressive legislation from which the the Negro was benefitting as it could without disrupting the home front.

The National Negro Congress mobilized New York voters to put increased pressure on Senators Meade and Wagner to support both cloture and final passage of the poll tax ban (Atlanta Daily World 1943*b*). In November the anti-poll tax bill finally emerged from the Senate Judiciary Committee, and it was immediately greeted by the promise of a filibuster and a proposal to abolish poll taxes through constitutional amendment rather than by statute (Atlanta Daily World 1943*a*). True to their word, the southern filibuster held strong until cloture was defeated in May by a vote of 36 in favor of cloture and 44 opposed (Chicago Defender 1944*d*).

Like the anti-lynching effort, the poll tax ban also lacked unequivocal support from the leadership of either party. President Roosevelt offered a vague campaign affirmation that all citizens should have the right to vote regardless of race (Atwater 1944), and the Republican platform called for a constitutional amendment to abolish poll taxes – a plan that was solidly opposed by Walter White and the NAACP (Chicago Defender 1944*c,b*). These tepid endorsements from the two parties show that neither was willing to put much force behind efforts to ban poll taxes. Without such support, there was no reason to believe that anti-poll tax legislation would succeed where anti-lynching bills had failed. The filibuster still seemed insurmountable.

The discharge-filibuster dance was repeated in the 79th Congress (1945-1946). Just as in previous years, anti-poll tax legislation was discharged from committee in May (McAlpin 1945) and passed by the House in June (Pittsburgh Courier 1945). Unfortunately for supporters of abolishing poll taxes, the legislation was met once again by the filibuster. The NAACP urged its members to pressure senators to defeat amendments seeking to substitute a constitutional amendment for the statutory ban, and the National Committee to Abolish the Poll Tax designated March 24-30 as a special week for delegations to demand action on the poll tax ban in the Senate (Atlanta Daily World 1945; Chicago Defender 1946*b*). Nonetheless, in June 1946 Alben Barkley (D-KY), Senate Majority Leader, announced that poll tax legislation would not be considered for the remainder of

the Congress due to the specter of a prolonged filibuster (Chicago Defender 1946*a*).

The ban on poll taxes gained new life as a consequence of the Republican majority in the 80th Congress (1947-1948). From the GOP's perspective, banning poll taxes was a win-win. Either the Democrats would look bad when yet another piece of civil rights legislation was killed by a filibuster, or the Republicans would regain black voters' loyalty by enfranchising black southerners just in time for the 1948 presidential election (NY Amsterdam News 1947; Chicago Defender 1947). With the strategy in place, Speaker Joseph Martin (R-MA) labeled the poll tax bill as "must legislation", and within a month the House passed a bill to abolish poll taxes by a vote of 290 to 112 (Graves 1947; Atlanta Daily World 1947). Despite Speaker Martin's statements and the early passage of a bill in the House, Republicans did not test the filibuster (Atlanta Daily World 1948*b*), and were unable to even attempt passage of a single item on the black civil rights agenda in the Senate (Graves 1948*b*).

Party politics returned to the fore when President Truman convened a special session of Congress to deal strictly with black civil rights issues in 1948 (Atlanta Daily World 1948*h*; Chicago Defender 1948*a*; Atlanta Daily World 1948*i*). During this special session of Congress, the poll tax ban that was passed by the House in July 1947 was finally brought to the Senate floor, where it was greeted by a southern filibuster (Atlanta Daily World 1948*e*). The Conference on Civil Rights Legislation, an umbrella group of nineteen separate civil rights organizations, urged the Republicans to invoke cloture (Atlanta Daily World 1948*g*), but President Pro-Tempore Vandenberg (R-MI) ruled that cloture was out of order because the filibuster was against the motion to consider poll tax legislation rather than the legislation itself (LA Sentinel 1948*a*). After this final blow to black civil rights issues, the 80th Congress ended much in the way it began – with promises to amend the rules governing cloture in the next Congress (Atlanta Daily World 1948*c*).

## 4 Discussion

Anti-lynching legislation emerged in 1918, gained traction in the 66th Congress, enjoyed consistent backing from the Republican party, and was repeatedly passed by the House until 1940. Abolishing poll taxes was recognized by Congress in 1940, replaced lynching as the focus of congressional

attention to civil rights issues in the 77th Congress, and was passed by the House for three consecutive congresses (*Chicago Defender* 1937*c*, 1938*a*, 1944*a*, 1946*c*). Both of these issues are essentially about black Americans' search for reliable allies within the two party system.

During this time period the black vote was at least perceived as up for grabs. Editorials in the black newspapers that I examined constantly emphasized how black voters needed to reward/punish one party or the other at the next election (*Atlanta Daily World* 1948*f*). That perception of black people as a movable bloc of votes provided both parties with the incentive to offer at least rhetorical support for black civil rights initiatives. That is why all four of these issues received a presidential endorsement at some point in their histories, and that helps to explain how these issues were able to stay on the agenda. At the same time, both parties also had significant conservative factions that were opposed to civil rights. Although these factions constituted a minority, they were able to exploit the bicameral structure of Congress to prevent these black issues from moving from the agenda to policy enactment. Thus, the above narratives create a pattern: 1) majoritarian procedures, like the discharge petition, allowed a bipartisan majority to pass civil rights in the House; and 2) the minority faction used obstructionist procedures, like filibusters, to block passage in the Senate. Basically, black Americans were swing voters who still could not garner policy concessions from either party.

Although this was a pattern of failure, these narratives also show that black people did not passively accept that political context. Instead there was constant mobilization, activism, and lobbying. The cycle would not have repeated without these efforts by black activists. Black advocacy groups fulfilled a variety of roles: drafting anti-lynching legislation, mobilizing constituents to put pressure on their elected members of Congress, and lobbying presidents to take stronger stances of support. However, we see that these efforts by themselves were rarely sufficient to move beyond the agenda setting stage. Instead, it was when the NAACP was able to take advantage of changes in the context – such as a rise in lynching over the summer – that they were able to craft a more compelling policy narrative to build support for discharging anti-lynching bills (*Atlanta Daily World* 1934*a*). Black advocacy organizations are also important in altering the focus of debate. This is illustrated most clearly by the NAACP's reaction to the failed Gavagan bill in the 75th Congress. Rather than

asking members of Congress to support passage of anti-lynching legislation, the NAACP shifted focus to gaining pledges of support for votes on cloture (Chicago Defender 1938*c,b*). McBeth et al. (2007) argue that such tactical shifts seek to define the opposition as constraining benefits for a few while distributing costs widely. In this instance, the NAACP argued that southern aristocrats used the filibuster to consolidate their own political and economic power at the expense of majority rule and progressive policies that would benefit the masses.

During the time period of this study, that argument was not enough to expand the scope of conflict, so, in the absence of consistently reliable allies in the party leadership, black advocacy groups relied on black members of Congress. At several points in the story Arthur Mitchell, William Dawson, or Adam Clayton Powell serve as vehicles to introduce these policies into discussion over the objection of their party's leadership. These narratives of black representatives' efforts matches with the prevailing notion in the race and representation literature that black members of Congress are motivated (at least in part) by a racial consciousness that surpasses concerns of party, institution, and constituency (Baker and Cook 2005; Minta 2009). Taken together these three factors – party politics, black activism, and black representation – say something fundamental about black agenda setting. Black agenda setting necessarily requires the support of non-black people; black activism and black representation are the primary tools for gaining that support. That is what explains the shifts in these black civil rights issues.

## 5 Conclusion

This paper began with a discussion about the importance of establishing the credibility of an issue. Taking a closer look at the legislative efforts behind lynching, segregated travel, poll taxes, and a permanent FEPC allows us to flesh out the concept. Mintrom (1997) thought of credibility as a way to reduce the uncertainty between policies and outcomes. In that sense, it is similar to the role of information in Krehbiel (1991). The issues in this paper do not neatly fit into that concept of credibility. First, the type of uncertainty policymakers have to confront is qualitatively different for these black issues. There was seemingly innocuous uncertainty in terms of the constitutionality of anti-lynching policy or banning poll taxes. However, the fundamental uncertainty about policy

and outcomes for these issues was, “how will the south function once the state-sanctioned tools of racial oppression are removed?” This is the question that antebellum Congresses organized out of public discourse for as long as possible. It is the question that Congress decided it was not worth answering after Reconstruction. As the narratives reveal, it was the question that Congress was not yet prepared to answer again.

Second, William Monroe Trotter, James Weldon Johnson, Walter White, and the other black political entrepreneurs were never afforded the role of trusted insider, so their credibility could not have been based on establishing that kind of reputation. Instead, the contentious relationships between party leaders and the leaders of black advocacy groups marks them as marginal outsiders. These two factors mean that the understanding of credibility offered by Mintrom (1997) is not completely applicable here. The credibility that mattered for lynching and poll taxes was the credibility of the threat posed by black political activism. From 1918 to 1948 the threat was credible enough for both parties to attempt policy change, but not credible enough to overcome southern intransigence. The content of the black agenda is often assumed to have been the inevitable product of its times. This study shows that black issues are not examples of inevitability; they are the product of black activism and black representation attempting to establish credibility.

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## List of Figures

- 1 The steady decline in the number of black lynching victims: This plot shows the number of black people who were lynched from 1882 to 1968. The numbers are based on the data collected by the Tuskegee Institute. . . . . 26

Figure 1: The steady decline in the number of black lynching victims: This plot shows the number of black people who were lynched from 1882 to 1968. The numbers are based on the data collected by the Tuskegee Institute.

