

JOHN FITZGERALD KENNEDY AND THE
RIGHTS OF RACIAL MINORITIES

THESIS

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INTRODUCTION

During an interview with John F. Kennedy, his biographer, James MacGregor Burns, quoted the future President as saying:

You remember Eisenhower, when early in his first term a questioner asked him how he liked the game of politics, replied with a frown that his questioner was using a "derogatory" phrase. "Being President," he said, "is a very fascinating experience--but the word 'politics'--I have no great liking for that." [Kennedy added] I do have a great liking for the word "politics."¹

This is a Kennedy characteristic about which there can be little doubt--he was a politician. And whatever statesmanlike qualities by which he may be remembered can be explained by the evidence that he was a politician par excellence. Indeed, as Professor Burns stated on the eve of Mr. Kennedy's inauguration:

In the long sweep of history the decisive mark of [Kennedy] . . . will not be his age, or his religion, or his Senatorial background, or the other matters so much discussed. . . . What will be crucial is that

¹James MacGregor Burns, John Kennedy: A Political Profile (New York: Avon, 1960), p. 225.

once again America has a political craftsman as President.²

Many people, like Eisenhower, maintain a contemptuous attitude toward politicians. They regard politicians as inherently corrupt. Politics, they say, produces expedience and opportunism; politicians are more interested in votes than personal convictions.

John F. Kennedy is remembered as a champion of the rights of racial minorities; he is also remembered as a martyr. Many assume that Kennedy always acted on the basis of conviction and principle. Today, it is widely believed that discrimination based solely on the color of one's skin is morally wrong and Kennedy is credited with being largely responsible for the diffusion of this belief. The purpose of this thesis is to study his political career with reference to his stand on minority rights in order to determine, as accurately as possible, the degree to which Kennedy was genuinely committed to minority rights.

²Ibid., p. ix.

C H A P T E R I

CONGRESSMAN AND SENATOR

When Kennedy returned from the war in 1945, he almost immediately sought political office. It was customary in the Kennedy family that the oldest boy should go into politics. After the first of Joseph P. Kennedy's sons, Joe Jr., died, John assumed the obligation. Whether John aspired to public office before Joe's death is not known. Apparently he simply followed family custom unquestioningly. He was quoted in 1959 as saying, "Just as I went into politics because Joe died, if anything happened to me tomorrow, Bobby would run for my seat in the Senate. And if Bobby died our younger brother Ted would take over for him."¹

Deciding to run for the Congressional seat vacated by corrupt Boston boss James M. Curley, Kennedy formally announced his candidacy for the Eleventh Massachusetts district on April 22, 1946. In his first campaign speech Kennedy declared, "The temper of the times imposes an

¹Joe McCarthy, "Jack Kennedy: Front Man for a Dynasty," Look (October 13, 1959), p. 28.

obligation upon every thinking citizen to work diligently in peace, as we served tirelessly in war."² Certain major factors were present in Kennedy's first campaign which were both a detriment and an aid to him throughout his political career: he was young (29), Irish, Catholic, and wealthy. These factors had both the immediate and the lasting effect of giving Kennedy a far greater degree of local publicity and, eventually, national attention than the average young politician enjoyed.³

The causes Kennedy chose to champion in 1946 were indicative of the political philosophy he would espouse throughout his years in the House and even his first years in the Senate. He shunned personal attack, generally ignored his nine opponents in the primary, and "talked factually about problems closest to the needs of the Eleventh District--jobs, housing, rent and prices, medical care, veterans' benefits, social security, and other bread-and-butter matters. . . . He spoke not in generalities but in terms of concrete help that he could supply from Washington."⁴ Indeed, his restricted perspective

²New York Times, April 23, 1946, p. 15.

³Congressional Quarterly Weekly Report (Washington: U.S. Government Printing Office, July 22, 1960), p. 1276.

⁴Burns, Kennedy: Political Profile, p. 76.

paid off for him nicely. He won the primary battle without a runoff, stoutly defeated his Republican opponent in November, won reelection in 1948 without opposition, and crushed his 1950 Republican opponent, Vincent J. Celeste, by more than three to one.⁵ The point is that Kennedy was a local politician, representing local interest, and thus local in outlook and philosophy.

Moreover, the forces at work in the Massachusetts Democratic Party tended to isolate it from the national party. "They were mainly concerned with patronage and bread-and-butter liberalism, while the national party, under Roosevelt, had taken over the broader liberal . . . traditions."⁶ Civil rights was not an issue in Massachusetts politics. In fact, the Bay State had abolished slavery seventy-eight years before the first guns were fired on Fort Sumpter; Massachusetts public schools had been integrated for several decades when Kennedy first took office.⁷ With such a tradition it would have been

⁵Congressional Quarterly Weekly Report, July 22, 1960, p. 1277.

⁶Burns, Kennedy: Political Profile, p. 71.

⁷Richard B. Morris and Henry Steele Commager (eds.), Encyclopedia of American History (New York: Harper & Row, 1961), p. 343.

unusual and politically pointless for any New England congressman to adopt civil rights as a political plank. Only when civil rights became a crucial national issue (after the 1954 Supreme Court decision) and Kennedy developed national ambitions did civil rights occupy his attention.

This is not to say, however, that Kennedy was oblivious to all civil rights measures. His first two terms in Congress coincided with President Truman's far-ranging request for civil rights legislation, and Kennedy supported the President on every issue. On December 5, 1946, Mr. Truman created by executive order the Special Committee on Civil Rights, whose duty it was to study civil rights conditions and safeguards and recommend appropriate legislation. Its recommendations formed the basis of Truman's legislative proposals fifteen months later.⁸ On February 2, 1948, before a joint session of Congress, the President proposed action on several fronts, of which the following were the most important: first, the establishment of a permanent civil rights commission, a joint congressional commission on civil rights, and a civil

⁸Congressional Digest, "How the Story Goes" (Washington: U.S. Government Printing Office, 1950), p. 38.

rights division in the Justice Department; second, the enactment of laws to strengthen existing civil rights statutes; third, passage of an anti-lynching bill; fourth, legislation to strengthen the right to vote; fifth, the establishment of a Fair Employment Practice Commission; sixth, the prohibition of discrimination in interstate transportation facilities; seventh, the granting of statehood to Hawaii and Alaska; and eighth, legislation equalizing the opportunities for residents of the United States to become naturalized citizens.⁹

There was a total of seventy-seven bills introduced in the 80th Congress designed to meet the President's recommendations in one way or another. Only one, however, ever got past committee and came to a vote.¹⁰ On July 21, 1947, a bill outlawing the poll tax as a condition for voting in national elections passed the House. Kennedy was one of 290 representatives who voted for passage.¹¹

⁹U.S. Congressional Record, 80th Cong., 2d Sess., 1948, Vol. 94, Part 1, 928.

¹⁰U.S. Legislative Reference Service, Digest of Public Bills (Washington: U.S. Government Printing Office, 1947), pp. 352, 360, 371, 178.

¹¹U.S. Congressional Record, 80th Cong., 1st Sess., 1947, Vol. 93, Part 8, 9551.

On July 26, 1949, Kennedy voted with a majority of the House members of the 81st Congress for passage of another antipoll tax bill.¹² On February 23, 1950, Kennedy voted with the majority to pass a bill which would have established a Fair Employment Practice Commission charged with the responsibility of elimination of discrimination in employment because of race, creed, or color.¹³ Of course, none of these measures passed the Senate.

From his voting record it would seem that Kennedy had a strong commitment to civil rights. He cast an affirmative vote each time a civil rights measure came before the House for consideration. However, he never uttered one word on the floor of the House or to the public news media openly supporting or soliciting support for Mr. Truman's civil rights program. But this was not unusual. While there were loud outcries of opposition to civil rights legislation, that opposition was restricted exclusively (so far as can be discovered from a very thorough investigation) to the South. Few members from

¹²U.S. Congressional Record, 81st Cong., 1st Sess., 1949, Vol. 95, Part 8, 10248.

¹³U.S. Congressional Record, 81st Cong., 2d Sess., 1950, Vol. 96, Part 2, 2162.

Northern states took the House floor in defense of civil rights, and no one from a New England state. Once again, civil rights simply was not a national issue at any time during Kennedy's congressional career. Even the power of presidential prestige could not focus sufficient national attention on the problem of civil rights to force the legislative branch to enact remedies.¹⁴

During six years in Congress, Kennedy generally had demonstrated his liberal leanings. If there was some doubt about his liberalism in the field of human rights, his economic liberalism was subject to little challenge. He had unalterably opposed the Taft-Hartley bill; he had supported broadening the provisions for social security, the pension bill for veterans, and the extension of federal rent control.¹⁵

Kennedy had a safe seat in Congress; no one posed any real threat to his career in the House. He had come to be well liked by his colleagues and was beginning to enjoy a moderate amount of power with the prospect of

¹⁴Congressional Digest, "The Controversy in Congress Over Federal 'Civil Rights' Proposals" (Washington: U.S. Government Printing Office, February, 1950), p. 37.

¹⁵Anna Rothe and Elizabeth Prodrick (eds.), Current Biography (New York: H. W. Wilson, 1950), p. 295.

party leadership within fifteen or twenty years--he might easily have become Speaker of the House before reaching his fiftieth birthday.¹⁶

But Kennedy had no desire to become a permanent fixture in the House. He wanted a higher office. In fact, Kennedy started campaigning for a statewide office as early as 1948. He accepted every speaking invitation from every section of the state that he could squeeze into his schedule, thus exposing himself to as many voters as possible. Interestingly, he initiated this system of statewide campaigning long before he knew what office he was seeking.¹⁷

When Kennedy decided on a political career he had every intention of going as far as his talents would take him. It is not too presumptuous to suggest that Kennedy started running for the Presidency as soon as he entered politics. For a man of such ambition and family background it is not surprising that he chose the Senate race in 1952, and no less formidable an opponent than the venerated incumbent, Henry Cabot Lodge.

¹⁶Burns, Kennedy: A Political Profile, pp. 104-105.

¹⁷Ibid., p. 105.

Kennedy chose to continue to try to capitalize on the needs of Massachusetts in his campaign against the internationally minded Lodge. Professor Burns quoted Kennedy's statement announcing his candidacy: "There is not only a crisis abroad, but there is a crisis here at home in Massachusetts. For entirely too long the representatives of Massachusetts in the United States Senate have stood by helplessly while our industries and jobs disappear"18

Lodge, a member of the Senate since 1937 except for two years during the war, had a national reputation, was an outspoken supporter of Eisenhower's presidential bid, concentrated his campaign efforts on national issues, and firmly aligned himself with Eisenhower. Kennedy received the nomination without opposition in the primary because no other politician was eager to take on the redoubtable Lodge, campaigned vigorously, and defeated Lodge on November 4 by 1,211,984 to 1,141,247.¹⁹ He was the only Democrat to win a statewide race in Massachusetts in 1952.²⁰

¹⁸Ibid., p. 107.

¹⁹Congressional Quarterly Weekly Report, Vol. 18, No. 20, Supplement, July 22, 1960, p. 1277.

²⁰New York Times, November 6, 1952, p. 21.

In spite of Kennedy's record as a congressman, he entered the Senate with a political philosophy still not completely crystalized. In fact, the next five or six years would see Kennedy bounding about on the political sea. He looked for a political philosophy compatible with the American consensus; yet he also looked for a way in which he could satisfy his own desire to act with political courage.

But, for a man not yet certain of his own convictions, the Senate in 1953 and 1954 was an uncomfortable spot. The hysteria of McCarthyism was nearing its climax. Many patriotic, law-abiding American citizens were being subjected to the most damaging kind of interrogation--that which casts suspicion on one's national loyalty. Human dignity was being defiled; the rights of the individual were being flagrantly disregarded and often violated. Americans tolerated this outrage because communist agents reputedly, as Richard Nixon charged, resided "in the high councils of our own government."²¹ Although most thoughtful people realized there was little validity to Senator McCarthy's reckless charges, many others thought there

²¹Eric F. Goldman, The Crucial Decade and After, 1945-1960 (New York: Vintage Books, 1960), p. 135.

must be some basis in fact for the allegations. How else, they wondered, could one explain the fact that the government had not declared war on Soviet Russia, popularly regarded as the center of communism, and thereby destroyed once and for all this menacing threat to Americanism. When an individual dared to point out the constitutional guarantees that were being abused or suggest that McCarthyism was as dangerous as communism, he ran the risk of having people look upon him with suspicion. In such an environment it was potential political suicide for an elected official to oppose McCarthyism.

Kennedy had avoided taking a stand on McCarthyism during his campaign and throughout his first year in the Senate. But by mid-1954 it was clear that the upper chamber was headed for a showdown over McCarthyism. Kennedy had voted against McCarthy on virtually every issue that could enhance McCarthy's tactics, e.g., Senate confirmation of Presidential appointments, which McCarthy wholly opposed, and an immunity bill which would compel waiver of a witness's rights under the Fifth Amendment.²² But, Kennedy's only recorded vote, August 2, 1954, directly

²²Burns, Kennedy: Political Profile, pp. 141-143.

connected with McCarthyism, was for a motion by Senate Majority Leader William F. Knowland to send a censure resolution introduced by Senator Ralph Flanders to a select committee for study. If passed, this motion would postpone the final vote on censure. Kennedy was one of seventy-five Senators who voted for Knowland's motion.²³ Thus, in his only recorded vote on a measure dealing strictly with McCarthyism, it appeared to some that Kennedy voted against censure, or for McCarthy. And at the time Kennedy did not announce how he would vote on the actual censure motion.

When the Senate did vote to censure McCarthy on December 2, 1954, during a special session of Congress, Kennedy lay in a New York hospital recovering from back surgery.²⁴

Although Kennedy later stated repeatedly that he would have voted for censure, the question of how he would have actually voted in 1954 is largely academic. The point is that Kennedy did not immediately and openly oppose McCarthy. But was Kennedy simply acting from political expedience? To some extent, certainly. The fact is that

²³Congressional Quarterly Weekly Report, July 22, 1960, p. 1278.

²⁴Ibid., p. 1278.

McCarthy had most of the country's politicians running scared; he posed a serious threat to any politician, especially Senators who opposed him. Richard Rovere flatly stated, "Everyone in the Senate, or just about everyone, was scared stiff of him. Everyone then believed that McCarthy had the power to destroy those who opposed him, and evidence for this was not lacking."²⁵ ✓

Given the power and influence that McCarthy had, it seems that Kennedy was fortunate from a political point of view to be hospitalized when the censure motion came to a vote. He was saved the immediate discomfort of having to explain his vote. When the country finally realized it had mistakenly placed confidence in a reckless demagogue, Kennedy took the somewhat weak position that he would have voted for censure if he had not been incapacitated. But this never fully satisfied many liberals who felt he should have displayed more aggressiveness towards McCarthy. There is evidence to suggest, moreover, that his lack of firm commitment haunted Kennedy himself.

Kennedy admired courage and was not at all pleased with the possibilities of being regarded as a spineless

²⁵Richard H. Rovere, Senator Joe McCarthy (New York: Harcourt, Brace, 1959), pp. 35-36.

and purely expedient politician. So, from October, 1954, to May, 1955, while recuperating from his back operation, Kennedy undertook a detailed study of political courage as exemplified by politicians of the past. During this period he began to develop a political philosophy which was to guide him for the remainder of his career. With the extremes of McCarthyism still fresh in his mind and using his studies of political courage, Kennedy began unraveling the realities of twentieth-century democracy.

Over the next two years Kennedy articulated his political philosophy in magazine articles and in his book Profiles in Courage. When his philosophy is read accurately his approach to civil rights takes on greater clarity. In an article in the New York Times Magazine he defended the art of politics:

I am convinced that the decline [of the quality of the Senate]--if there has been a decline--has been less in the Senate than in the public's appreciation of the art of politics, of the nature and necessity for compromise and balance, and of the nature of the Senate as a legislative chamber Perhaps if the American people more fully comprehended the terrible pressures which discourage acts of political courage, which drive a Senator to abandon or subdue his conscience, then they might be less critical of those who take the easier road--and more appreciative of those still able to follow the path of courage.²⁶

²⁶John F. Kennedy, "Challenge of Political Courage," New York Times Magazine (December 18, 1955), p. 13.

It is possible to draw more than one conclusion from his statement. In one sense it reads like a courageous defense for simple political expedience, a device which, he implies, every successful politician must employ. And what, after all, is wrong with expedience? It and compromise are natural in the democratic process; therefore, it cannot be intrinsically bad because it enables the government to operate.

However, the politician should not regard these characteristics as excuse or justification for political opportunism. The good politician must also act with courage, although political courage is not easily defined:

[The politician] realizes that once he begins to weigh each issue in terms of his chances for reelection, once he begins to compromise away his principles on one issue after another for fear that to do otherwise would halt his career and prevent future fights for principle, then he has lost the very freedom of conscience which justifies his continuance in office. But to decide at which point and on what issue he will risk his career is an overwhelming and frightening responsibility.²⁷

Kennedy's thinking was beginning to take shape. Clearly he believed the individual politician should act with courage, but he must also be very cautious. It is

²⁷Ibid., p. 34.

easy to deduce from this the role Kennedy thought the Democratic Party should play. Since the Democratic Party traditionally has been the party of progress and change, it follows that the Democrats should lead. But if they are to keep the party membership intact, they must lead from a position just left of center:

We cannot move too far to the left . . . without alienating those wayward moderate and independent Democrats whom we are trying to woo back from the Republican column. [But we cannot stay in the middle and hope to] arouse the much-needed enthusiasm of our more progressive support.²⁸

Kennedy regarded the Democratic Party as sort of a "grand alliance" embodying young voters, women voters, union families, immigrant families, Negroes, big-city voters, independents, and Southerners. He argued that Eisenhower's victory was a result of the deterioration of this alliance.²⁹ Thus Kennedy believed that the leadership of the Democratic Party had to pull these dissident factions back together in order to elect a president. Further, Kennedy apparently thought that the Democratic

²⁸John F. Kennedy, "A Democrat Says Party Must Lead --Or Get Left," Life (March 11, 1957), p. 166.

²⁹Ibid., p. 167.

standard bearer must represent all of the various factions. For a time he thought the Democratic Party and certainly their Presidential nominee had to appeal to both white Southern racists and Negroes. He began to see about 1956 that the unlikely voting alliance between racist and Negro which had been found in the Democratic Party was breaking apart, but he correctly realized that it still had some years left.

All of Kennedy's relations with civil rights issues until the time he was publicly campaigning for President in 1960 can be understood best in the context of his philosophy of principled political expedience.

During the summer of 1957 the Senate was the scene of impassioned debate over the Civil Rights Bill of 1957. Nothing during Kennedy's ten years as an elected public servant challenged his political skill, finesse, and courage so intensely as this single issue. Northerners and Southerners, Negroes and racists, all centered their attention on Kennedy. Each side claimed his support; he wanted to alienate neither. Kennedy was in a genuine political dilemma. He was finally exposed to what Victor Lasky has called the "danger inherent in the necessity

of Senators going on record on major issues before the people."³⁰

His problem was compounded by the fact that the very first vote on the bill threatened to break his ties with the South. Under usual procedure the House-passed bill would go to the Senate Judiciary Committee chaired by James Eastland of Mississippi. Senate liberals, well aware of Eastland's skill in administering the death blow to civil rights measures, proposed a motion that would permit the bill to by-pass the committee.³¹ Kennedy would have nothing to do with such a move. He had no desire to see the bill die in committee, but he believed the motion to by-pass completely the committee set an unwarranted precedent. Thus, he supported an unsuccessful compromise motion by liberal Wayne Morse that would allow the civil rights bill to "proceed normally to committee, subject to discharge in one week."³²

Kennedy was bitterly attacked for voting against the motion to by-pass the committee. To most it seemed that

³⁰Victor Lasky, J.F.K. The Man and the Myth (New York: MacMillan, 1963), p. 247.

³¹New York Times, July 16, 1960, p. 8.

³²Theodore C. Sorensen, Kennedy (New York: Bantam Books, 1965), p. 55.

he had sold out to the South, but this view was not justified. Kennedy's decision was probably influenced to some extent by his desire not to incense his Southern support, but this could not have been an overriding consideration. He clearly had no intention of letting the bill die in committee. Properly interpreted, the whole incident indicates that Kennedy was partially expedient, but, significantly, at no sacrifice of principle. If he could hold on to his Southern support without hurting the civil rights bill, why not? In this case, expedience and good politics were one and the same.

When the bill came before the Senate, the first provision to encounter major difficulty was Title III. This was the real substance of the bill, and here Kennedy held his ground tenaciously. If passed, Title III would provide the attorney general with injunctive power to enforce school desegregation and other civil rights.³³ Under such a plan a liberal President could force school integration and voting rights throughout the South. Indeed, Southern Senators were frothing with anger at the prospect.³⁴ If Kennedy had capitulated to expedience

³³Burns, Kennedy: Political Profile, p. 192.

³⁴Ibid., p. 192.

completely, he would have sided with the Southerners and voted against Title III. But this would have been inconsistent with principle. Instead, he rose on the floor of the Senate to defend Title III and, placing the issue in an understandable context, asserted that everyone who accepted the 1954 Supreme Court decision as legally binding would have to follow suit. "My own endorsement of that decision," he told the Senate, ". . . has been too clear to permit me to cast a vote that will be interpreted as a repudiation of it."³⁵ Title III failed to pass, as expected.³⁶

Critics could argue that Kennedy's stand was simple duplicity--playing both sides to his own political advantage. Maybe so, but if he was acting purely on the basis of expedience (which seems doubtful in this instance) his action was still consistent with his personal conviction.

Kennedy's strong stand on Title III, however, failed to placate the many advocates of civil rights he angered by his vote against by-passing the Eastland committee. And

³⁵U.S. Congressional Record, 85th Cong., 1st Sess., 1957, pp. 12467-12468.

³⁶Congressional Quarterly Weekly Report, July 22, 1960, p. 1278.

he incurred their additional wrath by voting for an amendment to the bill which provided for jury trials in criminal-contempt cases involving voting rights.³⁷ To Kennedy, the prospect of passing any kind of civil rights bill that buttressed the right to vote was better than no bill at all. A count of Senate heads indicated that the civil rights bill would not pass over a marathon Southern filibuster unless the jury-trial amendment was inserted.³⁸

According to James MacGregor Burns, Kennedy was under the severest pressure he had experienced up to that time. The civil rights bloc of labor, NAACP, and Americans for Democratic Action (ADA), was united in its opposition to the amendment. And Southern Senators promised a filibuster against the entire bill unless the amendment was adopted.³⁹ Kennedy's vote was needed, perhaps crucial. But he had other misgivings in addition to the political ones; would the jury-trial amendment actually weaken the substance of the bill? He sought the advice of two law professors described by Sorensen as "noted for their

³⁷Sorensen, Kennedy, p. 56.

³⁸Ibid., p. 56.

³⁹Burns, Kennedy: Political Profile, p. 193.

devotion to civil rights."⁴⁰ Burns quoted one, Mark De Wolfe Howe, as having told Kennedy: "The issue has aroused more legal fuss than it deserves, and is certainly not a question which permits of too much dogmatic stubbornness."⁴¹ The other authority, Paul Freund, agreed. Kennedy then made up his mind to support the amendment. It passed as a part of the Civil Rights Bill of 1957.⁴²

What is the lesson here? Once Kennedy was assured that jury trials would not measurably weaken the bill, he followed his political inclination and voted for the amendment. But, evidently, his political inclination was not enough--he had to feel confident that the bill would still have force. By voting for the amendment, he may have acted expediently, but not until after he had decided it was no compromise of principle.

Overall, Kennedy weathered the 1957 civil rights storm fairly well. He made both sides angry, to be sure; yet he continued to have moderate support in each camp. But the civil rights battle evidently made it clear to

⁴⁰Sorensen, Kennedy, p. 56.

⁴¹Burns, Kennedy: Political Profile, p. 193.

⁴²U.S. Congressional Record, 85th Cong., 1st Sess., 1957, Vol. 103, Part 12, 16478.

Kennedy that a showdown was on the horizon. How would he chart his course? Kennedy was an open, if unannounced, Presidential candidate. Eventually he would have to take a clearer stand.⁴³

Kennedy also realized that the Democratic Party was his vehicle for success or failure. He had to decide whether a total commitment to civil rights would hopelessly splinter the party, or a failure to do so would be regarded as a lack of courage and thus end in ruin. In the end, Kennedy chose to champion the cause of civil rights.⁴⁴

Kennedy had enjoyed considerable support from the Southern delegations in his near Vice-Presidential victory in 1956, but he did not seek that same support in his Presidential bid, although he might have been expected to do so.⁴⁵ If Kennedy had followed the Democratic Party precedent, he would have appealed to both the North and South and tried to line up delegates from both sections. Wilson, Roosevelt, and Stevenson had employed this tactic.

⁴³Congressional Quarterly Weekly Report, July 22, 1960, p. 1278.

⁴⁴James MacGregor Burns, "Kennedy's Liberalism," Progressive, Vol. 26, No. 1 (October, 1960), p. 21.

⁴⁵Ibid., p. 21.

But, according to Burns, "he deliberately spurned this traditional pre-convention strategy and gambled on support from the north."⁴⁶ This does not seem to be the kind of action a man would take if he were motivated exclusively by political expedience.

Kennedy wasted little time in telling the South where he stood. In October of 1957, he flew to Jackson, Mississippi, to deliver a campaign speech. This was in the wake of the Little Rock school riots, and he had been advised to avoid the issue of civil rights. Kennedy was inclined to follow this advice until, upon arrival at Jackson, he discovered that the Republican state chairman had challenged him to state his views on school desegregation.⁴⁷ Kennedy spoke cautiously, but he did tell the Mississippi audience the same thing he had recently told the people of Boston: "I accept the Supreme Court decision as the supreme law of the land. I know that we do not all agree on that issue, but I think most of us do agree on the necessity to uphold law and order in every part of the land."⁴⁸

⁴⁶Ibid., p. 21.

⁴⁷New York Times, October 31, 1957, p. 30.

⁴⁸Burns, Kennedy: Political Profile, p. 195.

But, as Arthur Krock observed at the time, "it was fundamental politics for Kennedy, if he was going to say anything at all in Mississippi on school integration, to hold to the ground he had taken elsewhere."⁴⁹ To Kennedy this was not only right but also partially expedient. He believed most people easily detect political duplicity-- they may not like what he stood for but they would like him even less if he lied. He was right. Even though the Jackson audience was intensely hostile to his position on civil rights, it was inspired by his candor and gave him what Krock described as an "authentic ovation."⁵⁰

The audience liked only his courage, however; they did not like his stand against segregation, tentative though it may have sounded. Many Southerners wanted to support Kennedy--they liked his political honesty--but his civil rights stand was too much for them. Harry Golden quoted Doris Fleeson, a nationally syndicated columnist: "Since his return to Washington (from Mississippi) his mail, a part of it written more in sorrow than in anger, has indicated that he cannot expect from the South in

⁴⁹New York Times, October 31, 1957, p. 30.

⁵⁰Ibid.

1960 the same support, which in coalition with big state delegations, almost put him over for the vice presidential nomination last year."⁵¹

Kennedy's romance with the South was obviously breaking up. On June 23, 1960, when a declared Presidential candidate, he severed that relationship once and for all. During an address to the New York Liberal Party, Kennedy said that he "hoped to win the Democratic nomination for President without a single Southern vote in the convention."⁵²

Having killed his Southern support, Kennedy made a pitch for the Northern Negro vote. He knew, as Theodore White later pointed out, that

Negroes vote in the North. And they vote predominantly in the big-city states, which carry the largest blocs of electoral votes in the nation. Among them, Illinois, Pennsylvania, New York and Michigan measure out to 132 electoral votes--or almost exactly half the number needed to elect the President [The Negro vote] may mean the difference between success or failure in a close national election.⁵³

⁵¹Harry Golden, Mr. Kennedy and the Negro (Greenwich, Conn.: Crest Books, 1964), p. 95.

⁵²New York Times, June 24, 1960, p. 1.

⁵³Theodore H. White, The Making of the President 1960 (New York: Pocket Books, 1961), p. 278.

Throughout his Presidential campaign Kennedy cultivated Negro support. On March 28, 1960, Kennedy clearly stated his views:

I believe that a minimum program must include at least: (1) The enactment of the Part III provisions eliminated from the Civil Rights Act of 1957 which give the Attorney General the right to initiate and intervene in litigation of this nature; (2) Full use of the President's power to issue Executive Orders stating the constitutional objective of equal opportunity and directing all federal agencies to shape their policies and practices to achieve this goal; (3) Enactment of a bill to outlaw the bombing of homes, churches, synagogues and community centers and to bring the FBI into the picture when such bombing occurs, and (4) Absolute protection of the right to vote by federal registrars or by referees, or by a combination of both . . . also . . . the maintenance of voting records and the right to inspect those records.⁵⁴

In spite of this strong stand, Kennedy did not enjoy solid Negro support as the final weeks of the campaign closed. Nixon had not failed to note the power of the Negro vote. Negroes remembered that Eisenhower, a Republican, had intervened in Little Rock. Also, Nixon, like virtually the entire Negro community, was Protestant. Then, in late October each candidate was presented with the opportunity to dramatize his support for the Negro.

⁵⁴Congressional Quarterly Weekly Report, July 22, 1960, p. 1283.

On Wednesday, October 19th, the Reverend Martin Luther King, Jr., along with fifty-two other Negroes, was arrested for a restaurant sit-in in Atlanta, Georgia. Five days later the fifty-two were released; Reverend King alone was held in jail. Furthermore, King was sentenced to four months' hard labor and forthwith spirited away to the State Penitentiary. The situation was so serious that many were predicting that King would never leave the penitentiary alive.⁵⁵

Three Southern governors had already warned Kennedy headquarters that any intrusion in "Southern affairs" or support for Martin Luther King would result in a total loss of Southern support. Now Kennedy had to choose. This was a crisis.⁵⁶

At this juncture Kennedy could still expect some Southern support. It was clear that any effort or statement by him in favor of Reverend King would cost him heavily in the South. It was politically expedient for him to retain as much Southern support as he could--by keeping out of the King involvement he might even pick up

⁵⁵White, Making of the President 1960, p. 385.

⁵⁶Ibid., p. 386.

additional support in the South. But it was more expedient to unite the entire Negro community behind him--if possible. And this is what Kennedy decided to try to do.

According to White, Kennedy's reaction to an aide's suggestion that the candidate call Mrs. King and express his sympathy was "impulsive, direct and immediate."⁵⁷ Kennedy promptly telephoned Mrs. King and expressed concern over the jailing of her husband. Mrs. King was quoted by the press as saying: "Senator Kennedy said he was very much concerned about both of us. He said this must be hard on me. He wanted me to know he was thinking about us and he would do all he could to help."⁵⁸

Nixon headquarters was also alerted to the possibility of offering to help. They declined. Nixon was asked for a statement on Kennedy's conversation with Mrs. King. He had "no comment."⁵⁹ On Thursday, October 27, one day after Kennedy's call, Reverend King was

⁵⁷Ibid., p. 386.

⁵⁸New York Times, October 27, 1960, p. 22.

⁵⁹Ibid., p. 22.

released from prison--"safe and sound"--and Kennedy's intervention was a factor.⁶⁰

The reaction among Negroes was immediate--they were now unified in support of Kennedy. The Reverend Martin Luther King, Sr., who had come out for Nixon a few weeks earlier for religious reasons, switched his support. Negro leaders throughout the nation followed suit.⁶¹

For those who sympathized with the Negro's plight, who believed that Reverend King was right and the state of Georgia wrong, who wanted to see Negroes treated with dignity--for them, Kennedy's action could only be seen as courageous--unquestionably expedient, but also courageous.

The initial stages of research into the political composure of John Kennedy reveal little more than a man imbued with a spirit of economic liberalism, local in outlook, and thus, a man basically unaware of the excruciating plight of the Southern Negro. He spent his early public years representing the interests of Massachusetts. He was a good representative, but not a congressman of sufficient importance to justify a lengthy study.

⁶⁰White, Making of the President 1960, p. 386.

⁶¹Ibid., p. 386.

Kennedy had fallen heir to a political obligation by the death of an older brother. Going into politics for such reasons normally do not inspire a man to great heights. But Kennedy, it turned out, had deep-seated ambition.

Kennedy undertook a search about midway in his career for a method which would enable him to fulfill his ambition. Instead of finding an issue, like many politicians, he settled on a political philosophy deeply rooted in the nature of politics itself. This was the philosophy of political expedience coupled with principle. When the right thing to do is not the expedient thing to do, it usually does not get very far. The key he discovered which successfully fulfilled his ambition was simple--in theory, if not in practice: Always take the expedient course when it does not conflict with principle; when there is a conflict, work to make the right course also the expedient. Political action based on one but not the other, Kennedy believed, would usually fail.

With this philosophy in mind, Kennedy's approach to civil rights fits into a pattern. He did not wreck his Southern support by voting against bypassing the Eastland Judiciary Committee in 1957, but he insisted that the House-passed civil rights bill be forced out of committee

within one week. When it was proposed that Title III of the bill be deleted, Kennedy stood on the principle that Title III was needed. When the heat of battle focused on the jury-trial amendment, Kennedy's political inclination was to vote for its adoption, but he hesitated until he was convinced the amendment would not substantially weaken the bill.

Kennedy gambled that Negro civil rights would become sufficiently explosive that a strong stand would gain him more votes in the North than he would lose in the South. He, therefore, took a strong position for Negro rights. His decision paid off. Although Kennedy still carried seven out of eleven traditionally Southern states,⁶² he carried all Northern states with a heavy Negro vote, and White says this carried the election for him.⁶³ It was certainly expedient to campaign for Negro rights, but most Americans would also say that it was morally right to offer to improve the Negroes' condition.

The one thing not found in Kennedy's relations with the Negro up to his inauguration is a deep emotional

⁶²Ibid., p. 461.

⁶³Ibid., p. 283.

commitment. There was never any question of legal commitment--Supreme Court decisions were the law of the land. This absence of an emotional commitment possibly accounts for his reluctance in taking a strong stand earlier. But, though perhaps Kennedy was led by the Little Rock riots in 1957 to take a stronger stand on civil rights, and though he was led by Martin Luther King's incarceration in 1960 to call Mrs. King and thereby publicly display his sympathy for the Negro, it seems likely that other events would have to unfold before Kennedy would develop a deep emotional commitment.

C H A P T E R I I

THE POLICY OF EXECUTIVE ACTION

When John Fitzgerald Kennedy became the thirty-fourth President of the United States on January 20, 1961, he commented to Lyndon Johnson while watching the inaugural parade: "Did you notice there were no Negroes marching with the Coast Guard unit?"¹ Two days later, Kennedy instructed the Coast Guard to begin an all-out recruiting drive to enroll Negroes.² The new President's reaction was indicative of the manner in which he would try to improve the Negro's status in American life.

Kennedy wanted to accomplish as much change as possible for minority groups by executive action before he went before the Congress and asked for broad legislative changes. In fact, he had little choice in this strategy since Southerners in Congress continued to hold the power over the outcome of many parts of Kennedy's program, and there was no basis for assuming that they would take

¹Harry Golden, Mr. Kennedy and the Negroes (Greenwich, Conn.: Fawcett Publications, 1964), p. 114.

²Ibid.

kindly to a drive for more civil rights legislation.³ But even so, executive action was risky. If Kennedy exercised previously unused executive powers in civil rights matters, he would be doing by executive action what Congress had specifically rejected in the past. Not only would such action set a precedent but it would also invite retaliation against other items in his legislative program.⁴

But Kennedy had made campaign promises; he had given civil rights groups grounds to believe he would take bold action to end discrimination. How the Kennedy administration would strike a balance between the civil rights groups and the formidable forces favoring the status quo in racial matters proved to be the thorniest problem Kennedy faced in his thirty-five months as President.

The President's early civil rights strategy, in view of the arithmetical disadvantage in Congress, was based on a calculation of what could reasonably be expected to pass. He decided to rely for a time on such things as executive action, moral leadership, study groups, and

³Congressional Quarterly Weekly Report, Vol. XIX, No. 3 (January 20, 1961), p. 67.

⁴Ibid.

appointments.⁵ Legislatively, he placed his greatest emphasis on economic measures--measures which he correctly believed would benefit Negroes more than other groups. Kennedy had long been an economic liberal, and he knew the long-established fact that minority groups suffer worst in national economic adversity--Negroes are the last hired and the first fired.⁶

If it appears that Kennedy backed off from civil rights by not immediately proposing new legislation, one should look briefly at what he did in other ways. At his first cabinet meeting, Kennedy asked each member to examine ways in which qualified Negroes could be employed in responsible positions. Many of his earliest appointees were Negroes: Andrew Hatcher, Associate Press Secretary; Carl Rowan, Deputy Assistant Secretary of State for Public Affairs; Robert Weaver, Housing and Home Finance Administrator; George Weaver, Assistant Secretary of Labor; John Duncan, the first Negro Commissioner of the District of Columbia; Clifton R. Wharton, Ambassador to Norway;

⁵Schlesinger, Thousand Days, pp. 850-851.

⁶New York Times, March 12, 1961, IV, p. 7.

Thurgood Marshall, Judge of the Second Circuit Court, later to the Court of Appeals.⁷

Very early Kennedy assigned Vice President Johnson the task of heading two committees on nondiscrimination in government contracts and employment. In March, 1961, he combined by Executive Order the two committees into one, the President's Committee on Equal Employment Opportunity, covering some twenty million employees.⁸ Under the terms of the order, all government contractors and subcontractors were required to file regular compliance reports with the President's Committee showing that they were taking affirmative action to recruit employees without regard to race.⁹

In the Justice Department, Attorney General Robert Kennedy and Burke Marshall, the Assistant Attorney General in charge of the Civil Rights Division, moved with haste and determination unparalleled by their predecessors in

⁷Schlesinger, Thousand Days, p. 851; and Sorensen, Kennedy, pp. 531-532.

⁸Sorensen, Kennedy, p. 532.

⁹New York Times, March 12, 1961, IV, p. 7.

attempts to end segregation and improve Negro voting rights.¹⁰

The President's civil rights program was carried out throughout the executive branch of government with little public fanfare. This was the way Kennedy wanted it, accomplishing as much as possible as soon as possible without the controversial headlines which would accompany a congressional struggle.¹¹

In a democracy, however, there are limits to executive power. In theory total executive action could virtually destroy segregation in one fell swoop. The constitution requires the President to "take care that the laws be faithfully executed."¹² A President could take this to mean that he must administer every law strictly according to his own interpretation of the constitution. For example, he could stop the flow of federal funds to schools practicing racial segregation on the grounds that it violated the Fourteenth Amendment, which prohibits any

¹⁰Marvin Weisbord, "Civil Rights and the New Frontier," Progressive, Vol. XXVI, No. 1 (January, 1962), pp. 15-16.

¹¹Ibid., p. 16.

¹²United States Constitution, Art. II, Sec. III.

denial of the privileges and immunities of citizenship for reasons of color.¹³ But in actual practice, a combination of social, cultural, economic, and political pressures prohibits the Executive from taking such broad action without congressional and court sanction. So what Kennedy sought was a pragmatic means of handling civil rights problems as effectively as possible within the practical limitations of what he thought could be done. Because of the lack of support in Congress, this did not include new civil rights legislation, at least during the first two years of his administration.

Negroes, perhaps encouraged by Mr. Kennedy's actions to believe they had an eager ally in the White House, or perhaps believing that the White House could be encouraged to take greater action, decided to initiate a new drive for equality. The events which developed were the first of a series, lasting throughout the Kennedy administration, which focused national attention on Negro discrimination and tested the Kennedy administration's commitment to the civil rights of minorities.

In early May, 1961, the Congress of Racial Equality (CORE), an organization dedicated to breaking down

¹³New York Times, January 22, 1961, IV, p. 4.

Southern racial barriers through nonviolent tactics, assembled thirteen men and women, Negro and white, in Washington, D.C. They called themselves "Freedom Riders" and set out to demonstrate that despite an Interstate Commerce Commission ban, there was still racial segregation on interstate buses throughout much of the South.

Leaving Washington, the Freedom Riders met with only minor resistance in Virginia, North and South Carolina, and Georgia. But as they crossed into Alabama, unidentified motorists caught up with the bus and hurled an incendiary bomb through a broken window, setting the bus aflame. "The bus soon filled with black, acrid smoke," said one Freedom Rider; "we had to get out somehow--there was no chance at all of surviving inside."¹⁴ The first Riders to escape the flaming bus were beaten by the enraged whites while local law officers looked on and did nothing. Later, at Birmingham's bus terminal, located two blocks from police headquarters, another mob charged the Freedom Riders, swinging fists, blackjacks, and lengths of pipe during the conspicuous absence of the police.¹⁵

¹⁴Time, May 26, 1961, p. 16.

¹⁵Ibid.

The Freedom Riders had dramatically proven their point. The entire nation had seen what happened to a desegregated bus that entered Alabama. The original group sponsored by CORE disbanded and flew to New Orleans and safety. But the outrages against this group only inspired others to take their place.

Nineteen white and Negro college students, mostly from Northern states, decided to finish the Freedom Ride through the South. They gathered in great danger in Birmingham, waited eighteen hours for departure, and finally bussed to Montgomery, only to be met by a wholly unrestrained and "ugly seething mass" of Southern whites.¹⁶

As soon as the college students stepped off the bus, photographers and reporters surged around them. Then the mob began to close in. They first waylaid the press corps, then savagely assaulted the students. The beating and clubbing continued for fifteen uninterrupted minutes. Then the police arrived and announced, according to on-the-scene Newsweek reporter Joseph Cumming, "We'll not have any killings on these streets."¹⁷

¹⁶Newsweek, May 29, 1961, p. 21.

¹⁷Ibid.

With this the students began escaping, but the crowd, now numbering 1,000, turned on the nearest Negroes they could find and began the beating all over again. Finally the police took action; they opened up with tear-gas bombs and dispersed the mob after two hours of violence.¹⁸ Immediately after the first riot at Birmingham, President Kennedy repeatedly tried to reach Alabama Governor John Patterson, but was told the Governor was unavailable. After the Montgomery violence, Kennedy requested Federal District Judge Frank M. Johnson, Jr., to sign an injunction against interfering with travelers on interstate buses. He then instructed the Attorney General to send four hundred United States Marshals and other armed officers, under the command of Assistant Attorney General and future Supreme Court Justice Byron White, into Alabama and ordered them to take "all necessary action" to restore order.¹⁹

The day following the Marshal's arrival, Governor Patterson decided he was available and telegraphed both the President and the Attorney General. He demanded the

¹⁸Ibid.

¹⁹Congressional Quarterly Weekly Report, Vol. XIX, No. 21, May 26, 1961, p. 879.

withdrawal of the federal officers, and told Mr. White that he regarded them as interlopers and warned that they would be arrested if they violated any state law.²⁰ That same day violence again erupted when the Reverend Martin Luther King, Jr., led a rally at a Negro church in Montgomery. The President reacted to this by ordering an additional two hundred federal officers into the city.²¹ Two days later, the Freedom Riders continued their bus ride into Mississippi, this time under police guard.²²

By his actions in Montgomery, Kennedy demonstrated his commitment to a statement he had made four years earlier in Jackson, Mississippi, that it was necessary "to uphold law and order in every part of the land."²³ Many liberal and conservative politicians had said the same thing, but Kennedy backed it up with force when he had to. To date, his administration had accomplished little in the field of legislation, and Kennedy needed Southern support in Congress for his program. But he

²⁰Ibid.

²¹Ibid.

²²Ibid.

²³Burns, Kennedy: Political Profile, p. 195.

felt no compulsion to bargain for the support of Southern congressmen with the lives of Freedom Riders.

Segregation on interstate busses in the Deep South was ended, and the real victory, to be sure, belonged to the Freedom Riders. But it seems undeniable that their victory was immensely assisted by Kennedy's executive decision to send federal marshals to guarantee the Freedom Riders' rights and safety.²⁴ Executive action cannot be regarded as appeasement of the South when used in such an affirmative way.

It is also clear that the President responded to the event without hesitation. And Kennedy would have to do this repeatedly in the future, for more trouble was coming in the South. As one of Reverend King's lieutenants said after the Montgomery riots, "We're going to see it through. We've got to. If we stop now we may lose the psychological advantage."²⁵

Throughout the remainder of 1961, the President continued trying to advance equal rights for all citizens through moral appeal, executive action, presidential

²⁴Weisbord, "Civil Rights and the New Frontier," Progressive, Vol. XXVI, No. 1 (January, 1962), p. 15.

²⁵Newsweek, May 29, 1961, p. 22.

influence, studies submitted by the Civil Rights Commission, and the activities of the President's Committee on Equal Employment Opportunity. But, although the record of the Kennedy administration on civil rights was much better than that of the preceding Eisenhower administration, the leadership of the Negro civil rights organizations, in the spirit of capitalizing on the "psychological advantage" generated by events at Birmingham and Montgomery, demanded more of Kennedy than he was delivering.

One of the things Kennedy promised during the Presidential campaign of 1960 was to abolish racial discrimination in federal housing. In fact, he was highly critical of Eisenhower for not effecting this needed reform which Kennedy argued could be done "with a stroke of a pen."²⁶ The Negro community was perhaps understandably disappointed when, as 1961 closed and 1962 opened, Kennedy had not made the necessary strokes with his own pen. Before long, Kennedy was receiving pens from people all over the country who wished to remind him of his promise.²⁷

²⁶Ibid., January 29, 1962, p. 62.

²⁷Schlesinger, Thousand Days, p. 857.

Arthur Schlesinger, Jr., who was a close Kennedy advisor and policy planner, states that Kennedy planned to execute the order after Congress adjourned in the fall of 1961. He postponed it, Schlesinger reasoned, because he thought it would measurably weaken needed congressional support to establish a new cabinet position, the Department of Urban Affairs, to which he wanted to appoint Housing and Home Finance Director Robert Weaver, a Negro.²⁸

Kennedy had not asked for new civil rights legislation for the same reason. It was a fact that Kennedy had to have the help of Southern Democrats, who occupied strategic committee positions in the House and Senate, to get his tariff-reduction and tax-revision bills passed, both of which the President considered priority measures and particularly beneficial to the Negro.²⁹ Kennedy believed key Southerners would resent either the executive order on housing or any attempt to ram through new civil rights legislation. And he was entirely correct. The President proposed a bill in the spring of 1962 which

²⁸Ibid.

²⁹Newsweek, January 29, 1962, p. 30.

would have exempted everyone with a sixth-grade education from the literacy-test requirement for voting. While not a far-reaching civil rights proposal, it was still filibustered to death by Southern Senators that very spring. The civil rights supporters could not even produce enough votes to invoke cloture.³⁰ This fact added substantial strength to Kennedy's contention that legislation was not yet possible.

Kennedy was not insensitive, however, to the need of maintaining momentum in the civil rights movement. But the matter of momentum, as before and since, was about to take care of itself, this time by means of James Meredith.

The same day Kennedy became President, Meredith wrote a letter to appropriate officials requesting admission to the all-white University of Mississippi. The officials at "Ole Miss" responded predictably by rejecting Meredith's request. Meredith then filed suit in federal district court for admission to the university on the ground that he had been rejected solely because of race. Represented in court by attorneys of the Legal

³⁰Schlesinger, Thousand Days, p. 858.

Defense Fund, National Association for the Advancement of Colored People (NAACP), he lost the suit. But in June, 1962, in New Orleans, the United States Court of Appeals for the Fifth Circuit reversed the findings of the lower court. That decision weathered a summer of legal battling, and was unalterably decided when Supreme Court Justice Hugo Black upheld the Court of Appeals.³¹ Mississippi Governor Ross Barnett then stepped into the arena and invoked the tattered doctrine of interposition, thus wedging the questionable sovereignty of the State of Mississippi between Meredith and the state's university.³² Once again the stage was set for a civil rights confrontation, a dramatic event which led the country and the President to a firmer resolve to improve the rights of Negroes.

The Meredith case presented Kennedy with a unique dilemma. He could not allow Barnett to defy successfully a federal court order expressly enjoining the Governor from any attempt to block Meredith's enrollment. Kennedy reasoned that acquiescence would invite defiance

³¹Time, October 5, 1962, p. 16.

³²Newsweek, October 1, 1962, p. 30.

throughout the South and concomitantly assassinate the Negro's hope and struggle for justice. Indeed, the entire federal system was at stake. On the other hand, the use of force in Mississippi would do little to endear federalism to Southerners. The President also had a responsibility to his party, and Kennedy realized that military intervention in Mississippi would scarcely enhance the prestige of the Democratic party in the South.³³

Thus the President and his Attorney General moved with caution. At this juncture, according to Arthur Schlesinger, Jr., who was specifically commissioned by the President to study and advise the administration on the Meredith issue, Robert Kennedy called Governor Barnett, informed him that his action could only be regarded as a direct defiance of the federal court order, and attempted to reach an agreement on a peaceful solution. Unfortunately, the Governor refused to negotiate and the University of Mississippi officials followed his lead by refusing to register Meredith.³⁴ The Attorney General responded by citing three top university officials and

³³Time, October 5, 1962, p. 16.

³⁴Schlesinger, Thousand Days, p. 859.

the thirteen university trustees for contempt of court. He did not, however, cite Governor Barnett.³⁵

The University's administrators, once in the courtroom, quickly consented to register Meredith, but Barnett continued interposing.³⁶ For a time, it looked as if Barnett was going to defy successfully the United States government. This situation resulted in another conversation with the Attorney General wherein, according to Schlesinger, Barnett told Kennedy, "I consider the Mississippi courts as high as any other court and a lot more capable . . . I am going to obey the laws of Mississippi," to which the Attorney General replied, "My job is to enforce the laws of the United States--I intend to fulfill it."³⁷

The next day Meredith, accompanied by two United States Marshals and a Justice Department lawyer, arrived at the university campus and attempted to register. Barnett, disgusted with the capitulation of the university officials, had meanwhile appointed himself registrar and

³⁵New York Times, September 26, 1962, p. 1.

³⁶Newsweek, October 1, 1962, p. 30.

³⁷Schlesinger, Thousand Days, p. 861.

personally met with Meredith and his retinue. The interview was brief. "Why have you come here?" Barnett demanded of Meredith. "Sir," replied the twenty-nine-year-old Negro, "I have come to register." "Your application," Barnett caustically announced, "has been refused."³⁸

With that Barnett at once dismissed Meredith and in so doing defied two federal court orders that Meredith be admitted. Attorney General Kennedy responded by obtaining a restraining order from the New Orleans Fifth Circuit court directing Barnett not to interfere with the registration of James Meredith.³⁹ But Barnett continued with his interposing and defiance.

The following day Meredith made his second attempt to register, this time at the university's board of trustees' office located in a fourteen-story state office building in Jackson. Shortly before Meredith arrived, Barnett walked over to the trustees' office from the capitol across the street. By the time Meredith pulled up in an auto before the building the crowd in the street had swollen to a shouting, jeering two thousand.⁴⁰

³⁸Newsweek, October 1, 1962, p. 30.

³⁹New York Times, September 26, 1962, p. 1.

⁴⁰Ibid., p. 22.

Accompanied by Chief United States Marshal James P. McShane and John Doar, a leading Justice Department civil rights lawyer, Meredith again faced Mississippi's recalcitrant governor. This time the Governor blocked the doorway into the trustee's office and not only rejected Meredith's admission again, but also refused to accept or read the court papers tendered by Doar.⁴¹

The next move was up to the President and Attorney General, who by this time were in continuous contact. Both Kennedys wanted to avoid the unprecedented move of having a governor arrested for contempt of court, not wanting to make a martyr of Barnett. Yet they could not let such overt defiance go unchecked, and they were determined not to back down. The Justice Department filed charges of contempt against Governor Barnett, the first such action since the Civil War. The President also let it be known that federal troops might be mobilized.⁴²

The next day, Meredith flew to Oxford for his third attempt to register. Barnett's plane was grounded by bad weather and he arrived in his orchid-blue Cadillac

⁴¹Ibid., p. 1.

⁴²Ibid., September 27, 1962, p. 1.

too late for another confrontation. There was a confrontation, however. Lt. Governor Paul Johnson showed the same obstinate resistance of Barnett on the two previous tries. When the Meredith party arrived they found Johnson at the campus gates, flanked by twenty state troopers, twenty sheriffs, and two patrol cars parked nose-to-nose across the road. United States Marshal McShane asked permission to enter and was turned down by Johnson. McShane, disgusted with the repeated resistance, tried to push his way through. He even jostled a bit with Johnson, but the line held. The Meredith party then returned to its automobile and left.

Johnson was, of course, held in contempt by the Federal Court in New Orleans for his defiance and fined \$5,000 unless he cooperated with the federal orders by the following Tuesday.⁴³ But for the third time in the case of Mississippi versus the United States, Mississippi seemed to be winning.

Kennedy was trying diligently to avoid violence--to get Meredith enrolled in the university without making regional heroes out of Barnett and his segregationist

⁴³Ibid., September 30, 1962, p. 1.

followers. At this point, Kennedy was in a genuine predicament. If he initiated a massive confrontation between the federal government and the State of Mississippi, he certainly would have alienated some of his Southern congressional support. Congress was only weakly in his favor anyway. Widespread Southern reaction could wreck a substantial portion of his whole legislative program. In addition Kennedy believed a showdown might do more harm than good to the Negro cause. The immediate prospect of strong intervention did not look very pleasing. By following a cautious course, he hoped to desegregate the University of Mississippi without appearing to the South and, to some extent, the entire nation as a hard-fisted, single-minded President bent on forcing his views on an unreceptive people. Nevertheless, he was equally determined to see James Meredith a student at the University of Mississippi. As it turned out Kennedy had to use more force at Oxford than he thought desirable. But through his patience and because of the bitter violence which erupted at Oxford, national sympathy for the Negro movement was probably more enhanced than diminished. But this result was certainly not planned.

Having failed three times, the administration set out better prepared on the fourth attempt to register Meredith.

The Attorney General increased the Meredith convoy to two dozen United States marshals. Leaving the U.S. Naval Air Station at Memphis, Tennessee, the caravan made its way down the eighty-mile stretch to Oxford. Barnett, meanwhile, had upped his forces also. He deployed two hundred state troopers equipped with steel helmets, gas masks, and clubs around the university campus. An additional force of sheriffs, deputies, and policemen were positioned at the railroad bridge separating the campus from town.⁴⁴ Posing an equally formidable threat were the more than 2,500 students and strangers that had swarmed in to participate in the action.⁴⁵ Fortunately, a Justice Department observer stationed at Oxford realized the impending danger, telephoned Attorney General Kennedy and advised him that the twenty-four United States marshals would not stand a chance against the odds. Robert Kennedy agreed and dispatched instructions to have the caravan return to Memphis.⁴⁶

To the nation, the decision to withdraw looked like a retreat. Some were growing embarrassed at the

⁴⁴Ibid, September 28, 1962, p. 1.

⁴⁵Ibid.

⁴⁶Ibid.

government's apparent inability to enroll Meredith. Governor Barnett and his lieutenants had put up a good fight; the question was now whether Kennedy would make the decision to use sufficient force to enroll Meredith. After the fourth failure, Kennedy consulted with the Attorney General, and decided to use military force as a last resort. That same day, September 28, Robert Kennedy met with General Maxwell Taylor to discuss measures for the necessary troop movement in the event military intervention should be required.⁴⁷

The next afternoon, Saturday the 29th, President Kennedy personally put in a call to Governor Barnett, still hoping the State of Mississippi would register Meredith and guarantee his protection. When Barnett returned Kennedy's call, according to Arthur Schlesinger, the President said, "I am concerned about this matter as I know you must be . . . Here's my problem, Governor, I don't know Meredith, and I didn't put him in there. But under the Constitution I have to carry out the law. I

⁴⁷Schlesinger, Thousand Days, p. 862. Schlesinger and Sorensen are the best sources currently available on the actions and thinking of the President and Attorney General during the period immediately leading up to and including the battle at Oxford. They both joined the White House staff at the President's request.

want your help in doing it." Several hours and conversations later the President said to Barnett, "What we are concerned about is whether you will maintain law and order --prevent the gathering of a mob and action taken by a mob. Can you stop that?⁴⁸

Kennedy's part of the whole dialogue indicates that he based his entire concern on the necessity for implementing the orders of the court. He did not appeal to Barnett on moral grounds; he did not chastise his racism. Clearly Kennedy wanted to avoid using federal troops if possible. He detested the idea of a clash between the United States military and the people of Mississippi. He wanted Meredith enrolled with proper provisions for his safety, but he wanted the State of Mississippi and its Governor to carry this out. In view of the violence that had occurred in Mississippi during his own administration and the repeated deception and defiance displayed by Barnett, it must be said that Kennedy did not reveal great wisdom in believing even momentarily these goals could be accomplished.

The Governor, however, was searching for a way out. In spite of Barnett's obvious lack of good judgment he

⁴⁸Ibid.

was wise enough to know he could not hold out indefinitely. At seven o'clock Saturday night Barnett again called the White House, this time with a compromise solution. He proposed that Meredith be taken to Jackson and registered secretly and assured the President that the state police would control everything. Kennedy reluctantly agreed and determined to keep his part of the bargain. Three hours later Kennedy learned that Barnett had canceled the deal.⁴⁹ There would be no protection for Meredith. The President now had no choice; a collision was inevitable and he prepared for it. After midnight Saturday, Kennedy issued orders federalizing the Mississippi National Guard, directed that additional army troops be moved to Memphis, and requested time on the National Television networks for Sunday evening.⁵⁰

But Barnett, still looking for a face-saving device, called the White House again early Sunday morning with another proposal. He would agree to register Meredith if it was made to appear that he was forced, at gun point, by federal troops. The Attorney General rejected the

⁴⁹Ibid., p. 864.

⁵⁰New York Times, September 30, 1962, p. 1.

notion and informed Barnett that the President planned to report in a national television speech scheduled for that night the Governor's reneging on the agreement to register Meredith at Jackson. Barnett grew agitated at this, and then hinted that it might be best to fly Meredith to Oxford that day, Sunday, and register him when few people would be expecting it.⁵¹ He argued that the Oxford campus would be deserted, that he could save face by feigning ignorance and then protest loudly from his Jackson office. He promised that a large force of state police could provide adequate safety for Meredith and that there would be no need for the National Guard or federal troops. "The Kennedys," according to Ted Sorensen, "agreed to the plan as a means of avoiding Barnett's arrest and a troop deployment."⁵²

Sorensen's account is probably a correct analysis of the Kennedy's thinking, but the President and the Attorney General acted foolishly in placing that much confidence in Barnett's word, inasmuch as he had repeatedly proven untrustworthy. They did, however, keep the Memphis-based

⁵¹Schlesinger, Thousand Days, p. 863.

⁵²Sorensen, Kennedy, p. 544.

troops on stand-by alert and, very fortunately, raised the number of United States marshals guarding Meredith and equipped them with steel helmets and tear gas.⁵³

Late Sunday afternoon, about two hundred federal marshals landed at the Oxford airport and drove the half mile to the "Ole Miss" campus. They went immediately to the Lyceum, the 114-year-old administration building, and set up guard at the entrance to the place where James Meredith would be registered shortly after 8:00 the following morning.⁵⁴

Early in the evening, Meredith arrived at the airport, climbed into a border-patrol car and rode to the campus, accompanied by several United States marshals. They spirited Meredith into Baxter Hall, a campus dormitory, and deposited twenty-four marshals to guard him. The rest inconspicuously left the dormitory and joined the main contingent of marshals at the Lyceum. The marshals' stratagem was to divert attention from Meredith's location and thereby protect his safety. Fortunately, in

⁵³Ibid.

⁵⁴New York Times, October 1, 1962, p. 1.

the riot that followed, the seething mob evidently never suspected Meredith was not inside the Lyceum.⁵⁵

The United States marshals had barely taken their stations in front of the Lyceum when a crowd began to gather. Behind a thin line of fifty state policemen, the force Governor Barnett deployed to keep everything under control, the gathering crowd began jeering the marshals. Then, shortly after seven o'clock, the first trouble started. Within minutes a full-scale riot was underway.⁵⁶ In less than two and one-half hours from the time the first federal marshals landed in Oxford, events proved that Governor Ross Barnett had not kept his word.

Kennedy was scheduled to go before national television cameras at 7:30 p.m., but he postponed his talk until 10:00 in hopes that Barnett would honor his part of the bargain by maintaining peace and order on the Oxford campus. Indeed, the Governor did make a plea for peace, but the way he phrased his speech had the effect of inciting greater violence than it subdued: "My heart says 'never,'" he said, "but my calm judgment abhors the

⁵⁵Time, October 12, 1962, p. 20.

⁵⁶New York Times, October 1, 1962, p. 1.

bloodshed that would follow."⁵⁷ Submission, he reasoned, was unavoidable only because of the "oppressive power" of the United States.⁵⁸

At 10:00 p.m., Kennedy finally made his talk. When he appeared before the camera, he was still uncertain of exactly what was going on in Mississippi, an uncertainty many thought was revealed in his speech.⁵⁹ The President raised no moral arguments about integration, as he would do frequently in the future. Rather, he based his actions exclusively on respect for the law and his obligations and determination to enforce it.⁶⁰ But no matter what Kennedy said, or how eloquently he said it, things had gone too far to avoid violence at "Ole Miss."

By the time Kennedy went on the air, the Mississippi National Guard was arriving at Oxford. The sight of Mississippi men aiding the United States marshals inflamed the mob; it intensified the attack by trying to set fire to a National Guard truck and pelting the marshals

⁵⁷Ibid, p. 23. Text of Barnett's speech.

⁵⁸Ibid.

⁵⁹Time, October 12, 1962, p. 20.

⁶⁰New York Times, October 1, 1962, p. 22. Text of Kennedy's speech.

with large rocks. Then a length of metal pipe crashed into the steel helmet of one of the marshals, sending the man reeling. After his men had sustained two and one-half hours of bombardment and suffered eight casualties, Chief Marshal James McShane reluctantly gave the order: "Let 'em have it! Gas!"⁶¹ The marshals donned gas masks and pitched tin tear-gas canisters into the mob. The crowd retreated--temporarily--but the battle had just begun.

A few of the mob were haphazardly under the dubious command of former Major General Edwin A. Walker, but most were unorganized. They directed their greatest effort to the siege of the Lyceum and thus to the defeat of the United States marshals. They screamed, smashed, and burned throughout the night, and amassed a deadly arsenal: stones, clubs, iron bars, bricks from construction sites, jagged concrete projectiles from smashed-up campus benches, molo-tove cocktails, a fire engine, a bulldozer, shotguns, pictols, and rifles.⁶²

About the time the President spoke, the state police of the sovereign State of Mississippi pulled out,

⁶¹Time, October 12, 1962, p. 20.

⁶²Ibid.

apparently satisfied that everything was going along properly between the mob and "Kennedy's Koon Klan," as the state police had dubbed the federal marshals.⁶³ The police were, of course, doing little to stop the melee, but they had blocked the campus gates. When they left, outsiders swarmed in, many of them armed.⁶⁴ When the President learned of the police evacuation, he took the phone from Robert Kennedy, who was talking to Barnett, and demanded that Barnett send the police back. According to Ted Sorensen, who was with the President, Kennedy interrupted Barnett's excuses and said: "Listen, Governor, somebody's been shot down there already and it's going to get worse. Most of it's happened since those police left and I want them back. Good bye."⁶⁵ Ultimately, Barnett returned the police, but he followed it up with another radio message: "I call on all Mississippians to keep the faith and courage. We will never surrender."⁶⁶

Each report Kennedy received from Oxford told of increased violence. Shortly after midnight, realizing

⁶³Newsweek, October 15, 1962, p. 26.

⁶⁴New York Times, October 1, 1962, p. 1.

⁶⁵Sorensen, Kennedy, p. 546.

⁶⁶Newsweek, October 15, 1962, p. 26.

perhaps for the first time the genuine seriousness of the battle, he ordered the Memphis-based federal troops to Oxford. At 2:00 the first force of an eventual 20,000 rolled onto campus in airlifted jeeps.⁶⁷ As dawn broke federal forces were in Oxford in large number, and the United States Government began to reestablish law and order. But throughout the long night, the President cursed himself for ever believing Barnett and for not ordering the troops in sooner.⁶⁸

Although Barnett was unquestionably at fault for failing to maintain order on the campus, and for precipitating the crisis in the first place, Kennedy cannot escape criticism. His decision to give Barnett a chance to keep order was simply a case of poor judgment. There was nothing in the Governor's immediate past conduct that gave Kennedy any grounds for believing he could be trusted. In fact, Barnett had made the federal government look rather inept simply because Kennedy refused to commit sufficient force to enroll Meredith. Each time Meredith attempted to register, he was accompanied by federal officials and transported in federal planes and cars. Four

⁶⁷New York Times, October 1, 1962, p. 1.

⁶⁸Sorensen, Kennedy, p. 547.

times he was turned down by Mississippi officials; each time the federal officials and their ward ducked tail and left. Each successive failure made Barnett seem more a hero and the federal government more a weakling. When Kennedy decided to commit a force of five hundred untrained United States marshals, they proved to be wholly inadequate; this, in turn, resulted in a bloody and preventable riot. When, at last, he intervened with the army, he intervened with so many troops that Oxford took on the appearance of a conquered province. His confused thinking about the adverse political reaction and the possible damage which might befall the Negro movement caused Kennedy to vacillate in the execution of his duty.

Kennedy's concern that inappropriate federal action might make Barnett appear a martyr and thus strengthen Southern resistance was a valid concern. As it turned out, however, Kennedy's strategy of patience and restrained action, which enabled Barnett to appear victorious until overwhelmed by 20,000 soldiers, probably still had the undesired effect. The battle at Oxford proved once again the supremacy of federal law over conflicting state action, but, unhappily, once again the South did not learn the lesson.

In summary it seems that Kennedy should have moved more decisively. If he had intervened promptly with sufficient force the South would still have been enraged, and conceivably Barnett might still have been regarded as a hero, but the violence, injuries, and deaths could have been avoided. The violence and rioting came to an abrupt halt only when sufficient military personnel were brought to bear at Oxford.

On the positive side, the reasons for Kennedy's restraint were legitimate. If he had ordered Barnett arrested for contempt of court, he might well have had to arrest Lieutenant Governor Paul Johnson, Senate President George Yarborough, and House Speaker Walter Sillers, the respective successors to the governorship, all of whom were last-ditch segregationists.⁶⁹ Certainly the prospect of arresting one Mississippi chief executive after another was not appealing and probably warranted restraint.

Also on the positive side, it must be said that Kennedy did enforce the law in Mississippi, just as he said he would in Jackson five years before. His response was ill-timed, but he did respond.

⁶⁹Wall Street Journal, May 27, 1962, p. 2.

Although certainly not planned or anticipated by Kennedy, it might be argued that the drama played before the nation of the painfully insufficient band of marshals courageously enduring repeated attack and patiently not firing their guns generated national sympathy for the Negro movement, thus creating a climate of opinion favorable to Negro advancement.

Kennedy learned from the Oxford experience. He knew now that his relations with the South were irreparably damaged, and that additional crises and difficult decisions lay ahead. The Oxford battle and those which followed would teach Kennedy that executive action alone was not enough.

C H A P T E R I I I

RESPONSE AND COMMITMENT

Although many Negroes and white liberals felt Kennedy should have disregarded Barnett's defiance and false promises and moved with greater determination to enroll Meredith, they were satisfied with the final results. In fact, the Democrats won more Negro votes in the November elections than ever before.¹ Kennedy then came through on November 20 with the long-promised "stroke of the pen" signature ending discrimination in federally financed housing.² Although the executive ban did not have the teeth some advocates hoped for, it was far stronger than opponents, such as the National Association of Home Builders, desired.

By the end of 1962, Kennedy realized he had to put more energy behind the efforts of his administration in civil rights than the policy of executive action was delivering. For two years major civil rights measures had

¹Schlesinger, Thousand Days, p. 866.

²Newsweek, December 3, 1962, p. 83.

been conspicuously missing from his legislative requests. Liberal congressmen were beginning to complain--Democrats in private, Republicans more audibly. The Negro civil rights leadership was growing increasingly loud in its demands. So a combination of these and other pressures persuaded Kennedy in February, 1963, to gamble that Congress would pass a Presidential request for legislation.³

Kennedy realized the risk inherent in such a request. The presidents who had asked for civil rights legislation in the past had experienced at best a bitter struggle and usually a tactical defeat. Far more ominous was the vital Southern support for the rest of his program he would certainly lose by alienating die-hard Southern segregationists. Faced with such unpleasant prospects, Kennedy's initial civil rights proposals were hardly radical. He only asked for what he thought had a prospect of passing.

In his civil rights message to Congress, February 28, 1963, Kennedy asked for a law offering technical assistance to school districts preparing and implementing desegregation plans. He further requested that the life of the Civil Rights Commission be extended four more years.

³New York Times, March 1, 1963, p. 1.

Still firmly committed to the proposition that the best way to improve the conditions of minorities was to give them the vote, Kennedy emphasized voting rights in his message. Kennedy reasoned that if Negroes got voting equality, they themselves could end segregation and legal discrimination over a period of years. This was the position of many moderate liberals at the time. The fundamental weakness with it was that the Negroes were not interested in waiting another period of years. He noted that existing legislation gave the Justice Department power to initiate suits to end discrimination in voter registration, but he pointed out that litigation was long and agonizingly slow. Thus his major proposal was a law which would authorize temporary federal referees to register Negro voters in counties where voter discrimination suits were pending and where less than 15 percent of the eligible voters were registered. He also asked for a statutory ban on discriminatory methods used in testing white and Negro registrants.⁴ Finally, he revived the

⁴White registrars frequently disqualified Negroes by asking unanswerable questions such as the number of bubbles in a bar of soap. See Newsweek, July 17, 1961, p. 30.

once-defeated bill making a sixth-grade education proof of literacy.⁵

Kennedy's request was received by Congress in predictable fashion: Southern segregationists said he asked for too much; Northern integrationists cried too little.⁶ But the President intended for his proposals to strike the moderate middle. Kennedy believed only a moderate program stood any chance of passage. And there was evidence for the wisdom of Kennedy's strategy.

A study conducted by Princeton University in early 1963 indicated that "between fifteen and twenty percent of the population falls at each of the two poles [those shouting 'now' and those shouting 'never']".⁷ Thus the majority of the population--60 to 70 percent--stood somewhere between. The implication was that the majority, therefore, wanted a moderate solution.⁸ Thus Kennedy believed he must lead the moderate majority to a reform position on civil rights--a position where it would

⁵New York Times, March 1, 1963, p. 1.

⁶Newsweek, March 11, 1963, p. 29.

⁷New York Times, June 2, 1963, IV, p. 10.

⁸Ibid.

desire a civil rights bill, one compatible with its basic moderation. Kennedy, in a word, seemed to be resting his hopes for the passage of a civil rights bill on what some historians believe to be a basic characteristic of the American people: their propensity to accept moderate reform.

Meanwhile, events were developing which once more would strengthen Kennedy's commitment and, this time, would go a long way towards committing the moderate American to some kind of civil rights legislation.

For almost two months, beginning in early April, 1963, the Negroes of Birmingham, Alabama, under the leadership of Martin Luther King, Jr., actively engaged in a massive campaign to gain equality in the town King described as "the most thoroughly segregated city in the U.S."⁹ Specifically, they were demanding to be served at public lunch counters and other public facilities. By the middle of May the black citizens of Birmingham were telling the nation that they intended no longer to remain "niggers" in a Jim Crow town. But they paid dearly for their liberation.

⁹Sorensen, Kennedy, p. 549.

The events in Birmingham made an indelible impression on most of the country, and most Americans were shocked to discover the savagery with which the white power structure of Birmingham suppressed the Negro rebellion. Some memories of the Birmingham riots could never be erased. There was the prostrate Negro youth, photographed as he went spinning across the pavement on his back as firemen blasted him with water from high-pressure fire hoses that ripped furrows in the ground, smashed car windows, and stripped bark off trees.¹⁰ There was the Negro woman, set upon by three policemen, one of whom had his knee jammed into her throat.¹¹ There was the scene of policemen, under the command of public-safety commissioner Eugene (Bull) Connor, using electric cattle prods to force the demonstrating Negroes to disperse.¹² Finally, and terribly, there was Connor releasing his snarling police dogs on the defenseless Negroes and shouting, "Look at those niggers run."¹³

¹⁰Time, May 17, 1963, p. 23.

¹¹Ibid.

¹²Newsweek, May 13, 1963, p. 27.

¹³Ibid., p. 28.

All of these brutal scenes, many of which were televised across the nation and plastered on the front pages of the nation's newspapers, aroused the country and the world. There was a growing awareness across the country that solutions had to be found. Many people, in the wake of Birmingham, could agree with Texas' liberal state legislator Bob Eckhardt's statement that "the Negro's goals are not in reach of court decisions any longer."¹⁴

Finally, the nature of what was needed in terms of civil rights legislation became clear in Kennedy's mind. First, it was obvious that existing federal laws were completely inadequate to handle the Birmingham situation. The federal government could not intervene as it had in Mississippi, because no federal court orders had been broken. The segregated lunch counters and public facilities of Birmingham were not in violation of statutory federal law. Kennedy could not respond in this instance because he had not the legal tools with which to respond. Besides, the magnitude of the Negro revolution was rendering obsolete the strategy of responding only to crises. Clearly, the time had passed when Negro resentment could be abated by the helpful, but nonetheless, token progress

¹⁴Time, May 17, 1963, p. 25.

the administration was making in the field of civil rights. In terms of practical result, the hopes which the Kennedy administration had given Negroes were generating more reckless determination in their movement than caution. As James Reston, in recalling Reinhold Niebuhr's adage, pointed out, "revolutionary movements become more revolutionary in the process of their success."¹⁵ The winds of hope were fanning the flames of resentment among Negroes with the result of enlisting more and more people in the revolt. For nearly a century, the only reason the Negroes had remained segregated was that they were apathetic and acquiescent to the whites. But suddenly it was clear, not only to Kennedy but also to a growing number of Americans, that the former situation had ended, and the percentage of Negroes prepared to revolt against their second-class citizenship was rapidly rising. John Kennedy, therefore, had to reevaluate his approach.

This reevaluation immediately disclosed a second plain fact to Kennedy: his February legislative proposals, if passed, would be inadequate to meet the immediate

¹⁵New York Times, June 16, 1963, IV, p. 10.

need. The President and the Department of Justice began deliberating on additional legislation.¹⁶

The first question was how extensive could the legislative request be and still pass? Indeed, there was no certainty that even a moderate civil rights bill would pass, and the major danger in seeking broad legislation was total defeat. As Anthony Lewis pointed out, a serious setback in Congress might permanently halt the steady progress the President was enjoying in obtaining congressional support for his program.¹⁷ Defeat might also produce violent demonstrations by Negroes. Up to that time the Negro freedom movement had been conspicuously non-violent, but it was nonviolent because the Negroes believed they were making progress. If Congress turned a deaf ear to their just demands, despair might well produce violent reprisal. In view of the solid Southern opposition to civil rights legislation, well-entrenched Southern power in Congress, and the determination of Southern Senators to launch a marathon filibuster, a strong civil rights request, especially if given major legislative

¹⁶Sorensen, Kennedy, p. 550.

¹⁷New York Times, June 2, 1963, IV, p. 8.

priority, could easily produce a deadlock between the executive and legislative branches of government. The manifold problems attendant on civil rights requests made Kennedy's political future very risky.

Meanwhile, the governor of the Union's last "sovereign state" was rattling his saber at the national government. Governor of Alabama George C. Wallace had lost the 1958 gubernatorial race to John Patterson simply because in his own words, "he out-segged me."¹⁸ Bent on not allowing this to happen again in the governor's race of 1962, Wallace "out-segged" everyone by vowing to "stand in the schoolhouse door" to bar Negroes from entering Alabama's white schools.¹⁹ Wallace had been in office less than a year when he was given the opportunity to fulfill his promise.

The University of Alabama was placed under federal court order, June 5, 1963, to register within five days two Negro applicants, Vivian Malone and James A. Hood. Governor Wallace was specifically enjoined from

¹⁸Newsweek, June 3, 1963, p. 20.

¹⁹Congressional Quarterly Weekly Report, Vol. 21, No. 24 (June 14, 1963), p. 957.

interference.²⁰ Knowing full well he could not win, Wallace still determined to defy the federal government, at least to the point of keeping his promise to stand in the door. But Wallace's resistance was mostly a facade; he had no desire to go to jail, and the administration had no desire to send him there. So the Governor was allowed to put on his farcical exhibition. But with the lessons of Mississippi still fresh in the President's mind, Kennedy cautiously took the necessary steps to ensure a smooth operation. For instance, four hundred riot-trained army troops sat in helicopters at Fort Benning, Georgia, ready to move into the Tuscaloosa campus of the University of Alabama in a matter of minutes if they were needed.²¹

Wallace flew to Tuscaloosa June 10th to rehearse his show for the next day. The President sent him a telegram in which, trying to persuade the Governor not to defy the court order, he pointed out that the Governor's plan to block the admission of the Negroes was an advertised threat to orderly compliance with the law. Wallace replied that his presence, on the contrary, "guaranteed peace."²²

²⁰Ibid.

²¹Time, June 21, 1963, p. 13.

²²New York Times, June 11, 1963, p. 1.

Wallace arrived at the university campus at 10 a.m., June 11th. An hour later three federal officials arrived: Deputy Attorney General Nicholas Katzenbach, U.S. Attorney for the Northern District of Alabama Macon L. Weaver, and the area's federal marshal, Peyton Norville, Jr.²³ The three men walked to the doorway of Foster Hall where the registration was to take place and found Wallace waiting with a lectern in front of him, a microphone draped around his neck, and several state troopers at his side.²⁴ Katzenbach informed Wallace that he had a proclamation from the President directing the Governor to step aside to permit the orderly registration of the two Negroes.²⁵ Wallace interrupted Katzenbach with "We don't want to hear any speeches."²⁶ Then, while Katzenbach listened impatiently, Wallace read a lengthy five-page proclamation of his own, charging the central government with unwarranted

²³Congressional Quarterly Weekly Report, Vol. 21, No. 24 (June 14, 1963), p. 957.

²⁴New York Times, June 12, 1963, p. 20.

²⁵Congressional Quarterly Weekly Report, Vol. 21, No. 24 (June 14, 1963), p. 957.

²⁶Time, June 21, 1963, p. 14.

intrusion into the private affairs of the State of Alabama as guaranteed under Article 10 of the Constitution.²⁷

When Wallace finished, Katzenbach asked him to step aside. The Governor did not move. Katzenbach then said: "From the outset, Governor, all of us have known that the final chapter of this history will be the admission of these students."²⁸ When Wallace still refused to step aside, Katzenbach walked away. He arranged for the two Negroes to be taken to their dormitories and left the campus.²⁹

Katzenbach then telephoned the Attorney General, who in turn called the President. At 1:34, approximately one hour after Katzenbach left the university campus, President Kennedy signed an executive order which brought the Alabama National Guard under federal command.³⁰

At approximately 3:30 p.m. the second, and final, confrontation took place. Brigadier General Henry V.

²⁷New York Times, June 12, 1963, p. 20. Text of Wallace's speech.

²⁸Ibid., p. 1.

²⁹Ibid., p. 20.

³⁰Congressional Quarterly Weekly Report, Vol. 21, no. 24 (June 14, 1963), p. 957.

Graham, assistant commander of the 31st Infantry of the Alabama National Guard, walked up to Wallace (whose continued presence at the door proved that he anticipated Kennedy's action), saluted and said: "It is my sad duty to inform you that the National Guard has been federalized. Please stand aside so that the order of the court may be accomplished."³¹ The Governor then read a final prepared statement and stepped back from the doorway. The two Negroes were escorted into the building, politely greeted, and promptly registered without further incident.³²

On that day, June 11, 1963, Alabama capitulated as the last state stronghold of total school segregation. But this was still only a token victory, because it was in no substantial sense a settlement of the problems of the Negro-Americans. However, the events of that day may have been much more far-reaching in importance because Kennedy chose it to initiate a massive attack to end discrimination. He took advantage of national attention focused on the subject and informed the nation by a televised speech of his decision to ask for additional civil rights legislation. It was essentially from that day forward that

³¹Time, June 21, 1963, p. 14.

³²New York Times, June 12, 1963, p. 20.

most Americans remembered John Kennedy as having done more for the advancement of minority rights than any President since Lincoln.

Kennedy opened his remarks with a brief review of the events in Alabama, then asked the American people to join him in a firm commitment to take the necessary steps to end racial discrimination in American life. He spoke factually and eloquently:

This nation was founded by men of many nations and backgrounds. It was founded on the principle that all men are created equal, and that the rights of every man are diminished when the rights of one man are threatened. Today we are committed to a world-wide struggle to promote and protect the rights of all who wish to be free, and when Americans are sent to Viet-Nam or West Berlin, we do not ask for whites only It ought to be possible . . . for every American to enjoy the privileges of being American without regard to his race or his color. In short, every American ought to have the right to be treated as he would wish to be treated, as one would wish his children to be treated. But this is not the case We are confronted primarily with a moral issue. It is as old as the scriptures and is as clear as the American Constitution. The heart of the question is whether all Americans are to be afforded equal rights and equal opportunities, whether we are going to treat our fellow Americans as we want to be treated.

He then warned perceptively of the consequences of inaction:

Now the time has come for the Nation to fulfill its promise. The events in Birmingham and elsewhere have so increased the cries for equality that no city or state or legislative body can prudently choose to ignore them. The fires of frustration and discord are burning in every city, North and South, where legal remedies are not at hand. Redress is sought in the streets, in demonstrations, parades, and protests which create tensions and threaten violence and threaten lives. . . . A great change is at hand, and our task, our obligation, is to make that revolution, that change, peaceful and constructive for all. Those who do nothing are inviting shame as well as violence.

But, he concluded, such consequences can be avoided if Congress and the people take affirmative action:

Next week I shall ask the Congress of the United States to act, to make a commitment . . . to the proposition that race has no place in American life or law. The federal judiciary has upheld that proposition in a series of forthright cases. The executive branch has adopted that position in the conduct of its affairs. . . . But there are other necessary measures which only the Congress can provide. . . . Legislation . . . cannot solve this problem alone. It must be solved in the homes of every American in every community across our country My fellow Americans, this is a problem which faces us all--in every city of the North as well as the South Therefore, I am asking for your help in making it easier for us to move ahead and to provide the kind of equality of treatment which we want for ourselves; to give a chance for every child to be educated to the limit of his talents I ask the support of all our citizens.³³

³³Ibid., p. 20. Text of Kennedy's speech.

What were the salient factors that made Kennedy commit his prestige and his political future to the betterment of conditions of underprivileged Americans? Essentially, Kennedy realized that he could no longer logically base his case against the Barnetts and Wallaces on saying they were legally wrong and at the same time support illegal demonstrations by Negroes in the streets. As James Reston pointed out, he had to ask Congress to pass laws that would enable the President to appeal to the Negroes to seek justice in the courts, rather than in the streets.³⁴

Kennedy also seems to have had a sincere wish to do something constructive. Although political to some extent, his campaign promises still represented a genuine desire to help halt discrimination. His approach to civil rights as President was unquestionably tempered by political considerations, but it was nonetheless morally right. He had done about all that could be done.

His rather weak February legislative proposals had been well received by Negroes; they were anxious and listening. But the proposals were virtually ignored by Congress and by most of the country, which was not listening. A pertinent analogy is the old story of the man

³⁴Ibid., p. 42.

clubbing the mule between the ears to gain his attention. Kennedy needed national attention to have any reasonable chance of passing strong civil rights legislation, and the Birmingham riots and George Wallace provided it. At last there was a climate for change.

On June 19, eight days after his television speech, Kennedy sent to Congress the most far-reaching and comprehensive civil rights bill ever considered by that body. His proposals can be broken down into eight major categories: First, a guarantee to all races of equal access to public accommodations such as hotels, motels, restaurants, and retail stores. The Attorney General was to be empowered to bring suit to protect this right. Second, a provision enabling the Attorney General to file suit in federal court to force the desegregation of public schools and colleges. Third, a provision permitting the federal government to withhold federal funds from any recipient practicing racial discrimination. Fourth, the establishment of a Community Relations Service to help ease racial tensions and disagreements in communities throughout the country. Fifth, a law giving statutory status to the President's Committee on Equal Employment Opportunity. Sixth, provisions to further protect voting rights by

abolishing the arbitrary testing methods of voting registrars and permitting Negro registration by court-appointed referees. Seventh, a provision to give technical and financial assistance to areas trying to desegregate their schools. Eighth, a four-year renewal of the Civil Rights Commission and an expansion of its functions.³⁵

The full importance of these far-reaching measures, especially the public accommodations and voting reforms, can only be realized through a full understanding of the historical course Kennedy had followed to arrive at this point. By the end of 1962, Kennedy had realized that his policy of executive action was not producing the remedies which the growing power of the civil rights movement demanded. He had promised legislation and the pressure was mounting for him to act. He asked for moderate legislation in February, 1963, because the political composition of Congress and the national consensus led him to conclude that a moderate bill was the only bill with any hope of passage. The Birmingham riots, however, forced Kennedy completely to reevaluate his program. Apparently, he became convinced it was necessary to get the Negro movement

³⁵Congressional Quarterly Weekly Report, Vol. 21, no. 25 (June 21, 1963), p. 997.

out of the streets and back into the courts. But in order to do this, new laws were essential. The government had no legal way to deal with a situation like that of Birmingham. Kennedy realized that his February request, even if passed, would not be enough. Stronger legislation was definitely indicated.

Kennedy, half expecting prolonged defiance from Alabama's governor, George Wallace, over the court-ordered admission of two Negro students to the University of Alabama, had tentatively prepared to go before national television to explain the national government's action. When Wallace stepped aside at the first show of force and it became clear that there would be no repeat of the "Ole Miss" episode, Kennedy instinctively and wisely decided to take advantage of national attention and announce his planned civil rights legislative request. He realized that he had the eyes and ears of America and he capitalized on the moment.

Up to that point, Kennedy's record on civil rights had been somewhat equivocal. From his experience with the 1957 Civil Rights Bill throughout the first two years of his administration, Kennedy had been essentially committed to the notion that token progress was better than

no progress at all. Politics were such, he believed, that civil rights legislation would be impossible to pass. He reasoned that a high priority civil rights request would only endanger the rest of his program and thus do far more harm than good.

But, significantly, throughout this time he was also giving Negroes cause for hope. His speech in Jackson, Mississippi, in 1957, his campaign speeches in 1960, his sympathetic call to Mrs. King during the campaign, his inspiring inaugural address, his policy of executive action, the work of the President's Committee on Equal Employment Opportunity, the Justice Department's attacks on discrimination, his numerous Negro appointments, his response to the 1961 Freedom Rides, his intervention in Mississippi, his legislative request in February of 1963--all of these things had the effect of making minority groups, especially Negroes, believe that Kennedy was on their side.

Paradoxically, Kennedy had done too much and not enough at the same time. He had done too much in the sense that Negro demonstrations, as he believed, were almost getting out of hand in Birmingham in the spring of 1963, and he thought things were moving faster than they could be handled. On the other hand, he knew he had done

too little, or the Birmingham riots would not have developed in the first place. If Negroes had been satisfied with the progress being made, they would have had little reason to demonstrate.

There is one very significant point about the Birmingham demonstration of 1963. Unlike the race riots of today, Birmingham in 1963 was nonviolent. It was nonviolent, this writer believes, very largely because Kennedy gave the Negro race reason to hope. When people have hope they have patience. When hope is gone, patience dies. When a whole people lose hope--when they can no longer see the advantage of patience--violence is all too often the result.

Kennedy managed to keep hope alive in Negroes. This spirit showed symptoms of dying during the Birmingham demonstrations, but it was still alive. Kennedy also managed to stay one step ahead of the Negro movement, and that step kept the spirit of hope alive. When he committed himself personally to the movement on June 11, 1963, he at least postponed violent reaction. The problem of race relations in the United States remained negotiable for a while longer.

Kennedy's commitment to minority rights was tentative until the spring of 1963. Before then he had not

adequately understood the nature of minority needs, especially the plight of the Southern Negro. A week after the assassination of Medgar Evers June 11, 1963,³⁶ Kennedy invited Evers' widow, children, and brother-in-law, Charles Evers, to the White House. When they left, the President said to Arthur Schlesinger, Jr.: "I don't understand the South. I'm coming to believe that Thaddeus Stevens was right."³⁷ I had always been taught to regard him as a man of vicious bias. But, when I see this sort of thing, I begin to wonder how else you can treat them."³⁸

Kennedy had two remarkable talents. He never stopped learning and he responded affirmatively to events. It took him several years to appreciate adequately the needs of Negroes. Once he recognized those needs, he boldly sought solutions. His policy of executive action was a step forward for better understanding. He used his

³⁶On the same night Kennedy delivered his speech Medgar Evers, director of the Mississippi NAACP, was murdered in front of his house in Jackson. See New York Times, June 12, p. 1.

³⁷Thaddeus Stevens, A United States Congressman and Reconstructionist, held the theory that the defeated Confederate states were "conquered provinces" and should be treated accordingly.

³⁸Schlessinger, Thousand Days, p. 882.

executive powers in civil rights matters much more than previous Presidents for two reasons: his campaign promise of more vigorous attack on discrimination, and his sincere humanitarian motivations. There can be little doubt that Kennedy was emotionally moved by the Oxford violence, the Birmingham demonstrations, and certainly the Evers murder. He wanted to see conditions improve, but he did not want to endanger his reelection to the Presidency in a futile effort to gain that improvement.

Events played an important role in shaping Kennedy's thinking. State defiance, rioting, bombing--all of these things told Kennedy that a concerted American effort was needed to remedy racial injustice. He tried eloquently to lead the nation to a position that would bring an end to racial bigotry. The thrust of his ultimate policy was the comprehensive 1963 civil rights request and his moral appeal to the American people. John F. Kennedy had been put to a terrible test by the civil rights movement. Kennedy, the consummate practical politician with a strong instinct for political survival came into direct conflict with Kennedy the President, whose clear duty it was to provide the nation with moral as well as political leadership in a crisis. He was the first president in modern

times to make the decision of greatness on the question of civil rights; all others had ducked it. Years earlier, Kennedy had written Profiles in Courage, a book about politicians placed in the position of having to take an action which they knew was best for the country but which would probably wreck their own political careers. It was a prophetic book, because Kennedy found himself in the same position on the question of civil rights. His own act of courage proved he belonged with that list of courageous politicians he once wrote about.

Many people believe that Kennedy did not do enough; they argue that much more was needed. But given the American political arrangement, this writer concludes that Kennedy did all that could be done. We can ask no more of any man.

EPILOGUE

On June 19th, Senate Majority Leader Mike Mansfield introduced the President's Civil Rights Bill in the Senate. The following day Representative Emmanuel Celler, Chairman of the House Judiciary Committee, introduced the bill in the lower chamber.¹ Opposition appeared almost at once, and from a variety of sources.

Predictably, Southerners of both houses were virtually unanimous in total rejection of the measure. Their attack was not, however, based exclusively on divine sanction for segregation, a notion which would have had little appeal for their undecided colleagues. Senator Eastland, a frequent spokesman for the most uncompromising Southern position, expressed their opposition in terms of concern for maintenance of the constitutionally established balance between executive and legislative power when he described the bill as the greatest Presidential grasp for power in the nation's history.² Arguments aside, the

¹Congressional Quarterly Almanac (Washington: U.S. Government Printing Office, 1963), Vol. XIX, pp. 837, 840.

²Congressional Quarterly Weekly Report, Vol. XXI (June 21, 1963), p. 1000.

Southerners could rely on their impressive power in both houses. They chaired twelve of nineteen Senate committees and thirteen of twenty-one House committees.³ On the floor, their traditional weapon of the filibuster could still reduce reason and unreason alike to silence.

Republican opposition was primarily directed at the public accommodations provisions of the bill. Senate Minority Leader Everett Dirksen, who co-sponsored the remainder of the bill, refused to sponsor or in any way endorse the accommodations section.⁴ Senator George Aiken, an influential Republican whose assistance the White House solicited, also balked on this point. He argued that the bill did not distinguish clearly and justly between kinds of accommodations to be desegregated, and he contributed a phrase to the debate which became a cliché of the day when he said that it was one thing to integrate the Waldorf and quite another to apply the same standard to Mrs. Murphy's boarding house.⁵ The considerable clamor over Mrs. Murphy's civil rights tended to

³Newsweek, July 1, 1963, p. 18.

⁴Congressional Quarterly Weekly Report, Vol XXI, June 21, 1963, p. 1000.

⁵Newsweek, July 1, 1963, p. 18.

obscure the bipartisan support for the rest of the bill as originally introduced and worked toward division rather than cooperation.

Shortly after the introduction of the President's bill, Reverend King advised Kennedy of a massive demonstration to be held in Washington designed to show the country and the Congress dramatically but peacefully the size, range, and seriousness of public support for the Civil Rights Bill. Kennedy did not think much of the plan, fearing that its organizers would make extravagant predictions of attendance and over-optimistic promises of the cooperation of public figures and that the event itself would prove an embarrassment to the civil rights movement if it failed to show mass support, or a disaster for it if, through mismanagement, it were not peaceful. Either outcome would supply cautious or indifferent Congressmen with quotable evidence that the time was not ripe. He further feared that, even if the march (as it came to be called) were successful, it would be resented by Southern legislators as an attempt to influence improperly their action on pending legislation, and thus harden the resolve of his most vocal opposition.⁶ The latter objection would

⁶The Washington Post, June 24, 1963, p. 13.

seem to indicate that the President never did fully understand the real gulf which divided him from the representatives of the unreconstructed South; he did not understand, that is, how little they could be moved from their traditional positions by any force of argument or public demonstration whatever; they would neither harden nor soften on the race issue.

As it turned out, the march of August 28th was a great success with far larger crowds than expected and celebrities galore. More significant than the latter, surely, was the solemn, almost ceremonial orderliness of the huge meeting and the grave, responsible tone of the principal speakers.⁷

Spurred perhaps by this emotive spectacle and by the persistent efforts of civil rights leaders, many liberals of both parties in the House decided that an expanded, stronger bill than the President's was needed. By October Representative Celler's Judiciary Subcommittee had reported out a revised bill. Its most controversial section replaced Kennedy's proposed statutory status for the Commission on Equal Employment Opportunity, which dealt only

⁷New York Times, August 29, 1963, p. 1.

with businesses having contracts with the government, by a Fair Employment Practices Commission empowered to deal directly with all businesses of a certain size engaged in interstate commerce.⁸ It was unlikely that this provision would prove any more acceptable to conservative supporters of civil rights legislation than had the public accommodations provision of Kennedy's bill. Both would have been considered dangerous government meddling in private enterprise without adequate means of redress for the businessman. Whatever the worthiness of their motives, the House liberals' action threatened to split further that bipartisan support absolutely necessary to the passage of any civil rights bill.⁹

Thus, by the fall of 1963, the future of the President's Civil Rights Bill looked very doubtful. The Southern bloc opposed all federal civil rights legislation; most conservative Republicans could not give wholehearted support because of the public accommodations section; House liberals had diverted their support to a rival measure of their own creation.

⁸Christian Science Monitor, October 31, 1963, p. 2.

⁹Ibid.

Kennedy's last direct action on his civil rights program was, characteristically, in the tradition of political expedience although it certainly served principle. In late October he called a meeting of House leaders and, with the help of House Minority Leader Charles Halleck, worked out a compromise which many thought superior to the original bill. The President certainly endorsed it with enthusiasm.¹⁰ It strengthened the fair employment section by creating the Fair Employment Practices Commission, but it required that enforcement of its provisions be carried out through the courts. The position of the Attorney General was strengthened by empowering him to intervene on behalf of any individual allegedly deprived of equal protection under the law, but the plaintiff had to first file suit. Voting rights were strengthened by making proof of a sixth-grade education proof of literacy for state and local as well as federal elections.¹¹ The House Judiciary Committee approved the bill on October 29th.¹²

¹⁰Schlesinger, Thousand Days, p. 888.

¹¹Christian Science Monitor, October 31, 1963, p. 2.

¹²The Washington Post, October 29, 1963, p. 1.

Unfortunately, although the revised bill probably had a better chance of passing than either the President's original bill or the liberals' substitute, the Civil Rights Bill was, after all, only one item in the New Frontier domestic program before Congress, and Congress had shown rather consistent indifference or hostility to the administration's proposals. In 1963, indeed, only 27.2 percent of some four hundred requests from the President for Congressional action had received a positive response.¹³ When the President left Washington for the last time on a three-day political fence-mending tour of Texas which would find him in Dallas on November 22, 1963, the lines of communication between the administration and Congress were slack; the whole political climate was one of petty irritability and flagging energy.

The assassination of President Kennedy and the accession of Vice-President Lyndon Johnson wrought a dramatic change in the fortunes of not only the Civil Rights Bill but the whole New Frontier program. It is perhaps impossible to say with any exactitude just how much shock, grief, and some vague sense of guilt for the fate of

¹³Congressional Quarterly Almanac, Vol. XIX, 1963, p. 83.

Kennedy were responsible for the altered temper and willingness to act of Congress when it next met, and how much the extraordinary legislative skills of the new President determined the action which Congress did finally take. Certainly, Johnson made unhesitating use of the emotional state of Congress and the country in appealing for the passage of Kennedy's program at the reconvening of Congress in January, 1964. The response was a legislative output not equaled since Franklin Roosevelt's Hundred Days.¹⁴ The same Congress which had refused to pass any administration bill of substance throughout 1963, with the notable exception of the Nuclear Test Ban Treaty, passed an abundance of New Frontier legislation in the first six months of 1964. For the whole year, the percentage of administration requests receiving positive response was an astonishing 88.2 percent.¹⁵ Despite a die-hard Southern filibuster lasting two and one-half months, the Kennedy Civil Rights Bill was passed and, at last, signed into law July 2, 1964.

¹⁴Thomas A. Bailey, The American Pageant (Boston: D. C. Heath, 1966), p. 980.

¹⁵Congressional Quarterly Almanac, Vol. XIX, 1963, p. 88.

Giving all due honor to the undoubted contribution that President Johnson's peculiar abilities made to the result, there can be little question that the murder of Kennedy was the major stimulus to Congressional action. Curiously, it was an act of public violence, the Birmingham affair, which had roused the previously reluctant Kennedy to ask for a Civil Rights Bill; the act of violence in which he died assured, as it seemed nothing else could have done, its passage.

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