

CHAPTER 2

JOHN F. KENNEDY; "THE FIRES OF DISCORD"

On February 28, 1963, President John Fitzgerald Kennedy sent the United States Congress a "Special Message on Civil Rights." A written statement rather than a public speech, the presidential message nonetheless contained strong words concerning the status of black citizens in American society:

"Our Constitution is color blind," . . . but the practices of the country do not always conform to the principles of the Constitution. . . . Equality before the law has not always meant equal treatment and opportunity. And the harmful, wasteful and wrongful results of racial discrimination and segregation still appear in virtually every aspect of national life, in virtually every part of the Nation.

The presidential message went on to point out how great the differences were, in 1963, between the status of blacks and the status of whites in American society:

The Negro baby born in America today -- regardless of the section or state in which he is born -- has about one half as much chance of completing high school as a white baby born in the same place on the same day -- one third as much chance of completing

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college -- one third as much chance of becoming a professional man -- twice as much chance of becoming unemployed -- about one-seventh as much chance of earning [an acceptable middle class income] -- a life expectancy which is seven years less -- and the prospects of earning only half as much.

No American who believes in the basic truth that "all men are created equal, that they are endowed by their Creator with certain inalienable rights", can fully excuse, explain or defend the picture these statistics portray.¹

Along with the presidential message came a series of specific legislative proposals to be addressed by Congress. President Kennedy recommended some improvements in voting rights laws and an extension of the Civil Rights Commission, a government body which could study civil rights problems but had no power to remedy them.²

President Kennedy was praised by civil rights supporters for the strong words in his presidential message, but he was criticized by these same civil rights advocates for the weakness of his legislative proposals.³ Joseph Rauh, Jr., a Washington lawyer and a key lobbyist for civil rights causes, attributed Kennedy's ambivalent behavior to wise political calculation:

President Kennedy was never one to demand Congressional action on need alone. His sense of timing told him he could not overcome the legislative roadblocks in the way of civil rights legislation, and defeat, no matter how gallant, had no appeal for him.⁴

The president was bowing to the generally accepted view that a strong civil rights bill, one that would end racial segregation and racial oppression in the United States, was simply not politically achievable, no matter how much a president might throw his political

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will and his political strength into the battle.

THE SOUTHERN CIVIL RIGHTS "VETO"

The obstacles to passing a civil rights bill were formidable in early 1963. In the House of Representatives, regular legislative committees such as the House Judiciary Committee do not report bills directly to the House floor for a vote. Because debate is limited in the House of Representatives, committee bills first go to the House Rules Committee, where the length of time the bill will be debated and the manner in which the bill will be debated is decided. Many bills that make it through the regular committees, however, often are not reported out of the Rules Committee at all, and usually when this happens the particular bill is dead for the remainder of that session of Congress.

In 1963 the chairman of the House Rules Committee was Howard Smith, a conservative Southern Democrat from Virginia. Smith was ardently opposed to all civil rights legislation, and it was clear he would use his powers as chairman of the Rules Committee to delay any civil rights bill as long as possible. If Democratic President Kennedy wanted a strong civil rights bill, he would have to maneuver it past Democratic Rules Committee Chairman Smith.

Over in the Senate, the situation was even more difficult. The chairman of the Senate Judiciary Committee was James O. Eastland, a Democrat from Mississippi and, as one would expect, a staunch opponent of civil rights. Eastland had used his powers as Judiciary Committee Chairman to kill more than 100 proposed civil rights bills throughout the late 1950s and early 1960s. If Democrat Kennedy wanted a civil rights bill, he would have to find a way around Democrat Eastland and his Judiciary Committee.

A second obstacle in the Senate, and by far the largest obstacle of all, was the filibuster. Over the years Southern senators had made it their policy to filibuster all civil rights bills that came before the Senate, not stopping the debate until the bill was either

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withdrawn by its sponsors or else so badly weakened that it would not change things very much.

There was a way to stop a filibuster and force a vote on a bill, but this method had never been used successfully to stop a civil rights filibuster. Known as "cloture", this method required a 2/3 vote of the Senate (67 votes if all 100 senators were present and voting).⁵ Most observers were predicting in early 1963 that it was highly unlikely that 67 senators could be found to vote cloture on a Southern civil rights filibuster.

CIVIL RIGHTS AND ECONOMICS

Another big problem President Kennedy had with civil rights was the continuing crucial role of the Southern Democrats in Congress. In 1963, the Democratic party was made up of an uneasy coalition of conservative Southern Democrats on the one hand and liberal Northern and Western Democrats on the other, exactly as it was in Franklin Delano Roosevelt's time. Kennedy had a wide assortment of programs other than civil rights that he wanted to get through the Congress, most of them economic programs such as a major tax cut bill, government aid to education, and raising the minimum wage. The only way Kennedy could get these liberal economic programs over the opposition votes of conservative Republicans in Congress was to keep the Southerners in the Democratic fold. Pushing hard for civil rights, however, would have antagonized the Southern Democrats, thereby jeopardizing the entire Kennedy economic program. Kennedy also was aware that many of the elements in his economic program, such as aid to education and raising the minimum wage, would be of direct benefit to blacks.

Clarence Mitchell, Jr., Washington director of the National Association for the Advancement of Colored People (NAACP), recalled that in 1953 Lyndon Johnson, then the Democratic leader in the Senate, gave him a good description of the effect of the civil rights issue on the Democratic party and its social programs:

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Mitchell said:

He [Lyndon Johnson] said he believed in civil rights legislation, but he thought that it was unwise to try to get it through Congress because it would split the Democratic party. He thought that most of the Democrats were poor people and they needed legislation in the social welfare field. He said, "If you could keep the Democrats working together for social welfare legislation then they wouldn't get into these bruising fights in Congress. And the poor people would benefit generally on civil rights." He said he thought it best to concentrate on court action and executive action [to advance civil rights], in order to avoid these party splitting fights in Congress.⁶

THE 1964 PRESIDENTIAL ELECTION

In addition, there was the political problem of keeping the support of Southern Democratic voters in the upcoming 1964 presidential election. Kennedy had defeated Richard Nixon in 1960 in one of the closest presidential races in American history. The electoral votes of several Southern states, particularly Vice-President Lyndon Johnson's home state of Texas, had been essential to Kennedy's victory. Kennedy was going to need that Southern Democratic support again in the 1964 presidential race. Similar to all Democratic presidents, Kennedy knew that, as of 1963, no Democrat had ever been elected president of the United States without carrying a substantial portion of the South. To antagonize the South with a strong push for civil rights could well be presidential political suicide.

CIVIL RIGHTS AND FOREIGN POLICY

The president also was aware that a civil rights battle could

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harm his foreign policy proposals and weaken his position in international affairs. Overseas problems such as the Soviet construction of the Berlin Wall and the Cuban Missile Crisis could be handled more successfully if public opinion in the United States was united behind the chief executive. Kennedy was currently negotiating a nuclear test-ban treaty with the Soviet Union that would require a 2/3 vote of ratification in the Senate. The president knew that to provoke a national controversy over civil rights, a controversy that was likely to produce very little in the way of concrete progress, would divide the American public at a time when foreign policy initiatives called for national unity.

Thus, when dealing with civil rights, President Kennedy faced all the crippling constraints that so often hamper a president's ability to act. The Kennedy administration viewpoint was summed up by Theodore Sorensen, the president's speech writer. "There was no indifference to campaign pledges," Sorensen noted. "But success required selectivity. . . . He would take on civil rights at the right time on the right issue."⁷ Kennedy himself told a news conference, "When I feel there is a necessity for congressional action, with a chance of getting that congressional action, then I will recommend it."⁸

THE LEADERSHIP CONFERENCE

Shortly after President Kennedy's recommended civil rights bill was released to the press and public in March of 1963, the leaders of more than 70 civil rights organizations, operating under the name of the Leadership Conference on Civil Rights, met to discuss the Kennedy proposal. According to Joseph Rauh, Jr., who served as a Washington lobbyist for the Leadership Conference, the group was greatly disappointed. Rauh explained:

The consensus was clear: President Kennedy had yielded on civil rights legislation before the fight had

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even begun; the proposed bill was hardly worth fighting for. . . . [One] legislative representative . . . walked into the meeting with a sheaf of civil rights bills just then being introduced by liberal Republican senators and covering much of what the Democrats had [left out] But there was not much solace in bills introduced by a handful of the Senate Republican minority, and the meeting broke up in disarray. Such comfort as there was came from the hope that [if Kennedy were reelected in 1964] the second Kennedy Administration would be different.⁹

BIRMINGHAM

Unexpected external events totally changed the picture and completely undid Kennedy's political strategy of delaying legislative action on civil rights. In April of 1963, demonstrations began in Birmingham, Alabama, under the direction of Martin Luther King, Jr. The purpose of the demonstrations was to protest and end the practice of segregation in almost every phase of community life, but the immediate target was the eating facilities in downtown Birmingham. In the traditional Southern manner, department stores that accepted black patronage in all other departments would not let blacks eat in the store restaurant or sit at the lunch counter.

WHY BIRMINGHAM?

Birmingham was known as one of the most segregated big cities in the South. From 1957 to 1963 there had been some 18 racial bombings, leading many civil rights supporters to call the city "Bombingham." More than 50 cross-burning incidents had taken place in an effort to scare and threaten blacks. Birmingham had disbanded its professional baseball team rather than let it play racially integrated teams from some of the other cities in the International

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League. City parks were closed rather than desegregate them as ordered by a U.S. Court. When the city refused to desegregate its municipal auditorium, the Metropolitan Opera Company was obliged to cancel its annual visits to Birmingham. Touring companies of Broadway plays and musicals had to cancel their scheduled programs in the city for the same reason.¹⁰

POLICE CLUBS, FIRE HOSES, POLICE DOGS, AND ELECTRIC CATTLE PRODS

By early May the intensity of the Birmingham demonstrations dramatically increased. Black school children marched into downtown Birmingham where they were met by clubs, fire hoses, and police dogs. Large numbers were arrested and hauled away for parading without a permit. In several instances, marching black school children were driven back by white policemen armed with electric cattle prods ordinarily used to drive reluctant cattle from the holding pen into the slaughter house.

The Birmingham police were under the direction of Police Commissioner T. Eugene (Bull) Connor, who also was the Democratic national committeeman from Alabama. As he ordered his police officers to arrest the demonstrators, Bull Connor gave interviews to the national news media that were filled with racial epithets and forceful arguments for white supremacy. As the demonstrations and arrests continued day after day without a settlement, Bull Connor came to symbolize unrelenting Southern white opposition to black demands for equal access to public accommodations.

No United States laws had been violated in Birmingham. There was no national law that guaranteed blacks the right to eat at Birmingham lunch counters or demonstrate in Birmingham streets in defiance of local ordinances. President Kennedy argued he was powerless to send any U.S. Government law enforcement officials to intervene in Birmingham because he had no authority to do so. What

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the president did do was send Assistant Attorney General Burke Marshall to mediate. To liberal supporters of civil rights, the entire situation illustrated, more than any other previous civil rights demonstration, the need for a national solution, backed up by national legislation passed by Congress, to the problem of Southern segregation.

Martin Luther King, Jr., was part of a task force of black civil rights leaders that had come to Birmingham to lead the drive for integration. They had intentionally picked Birmingham because of its reputation for dogged commitment to white supremacy. "If we can crack Birmingham, I am convinced we can crack the South," King argued. "Birmingham is a symbol of segregation for the entire South."¹¹

"A LETTER FROM . . . JAIL"

When Bull Connor secured a state court injunction barring any further racial demonstrations in Birmingham, King defiantly led about 1,000 demonstrators on a march toward downtown. King and his chief aide, the Reverend Ralph Abernathy, were promptly jailed.

During the preparations for the demonstrations, a number of Birmingham white religious leaders -- Protestant, Catholic, and Jewish -- had issued a statement calling King's intervention in Birmingham "unwise and untimely." King wrote a lengthy reply to the clergymen from his jail cell. Entitled "A Letter From the Birmingham Jail," King's reply received extensive national attention. King wrote:

Oppressed people cannot remain oppressed forever. The urge for freedom will eventually come. This is what has happened to the American Negro. Something within has reminded him of his birthright of freedom; something without has reminded him that he can gain it. . . . Recognizing this vital urge that has

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engulfed the Negro community, one should readily understand the public demonstrations.

King's letter to the white clergymen particularly emphasized the point that "the white power structure of this city left the Negro community with no other alternative" but to demonstrate. After serving five-day jail terms, King and Abernathy were released from prison and the demonstrations continued.

On 10 May 1963 an agreement was announced between white and black negotiators endeavoring to solve the Birmingham crisis. Downtown eating places would be desegregated, and black demonstrators still in jail would be released. Tranquility began to return to Birmingham for the first time in more than a month, and it appeared that the crisis had been solved without the need for direct intervention from Washington.

VIOLENCE AND COUNTER-VIOLENCE

Two days later the Reverend A. D. King, Martin Luther King's younger brother and one of the local leaders of the Birmingham integration movement, was at home with his wife. Their five children were asleep. At 10:45 P.M. an automobile drove by and a dynamite bomb was thrown at the front of the house, blew up, and shook the entire building. King and his wife rushed the children to the back door, but as they were running to safety a second explosion, more violent than the first, furthered destroyed the home.

One hour later another dynamite bomb exploded, this one at the integration movement's headquarters at the Gaston Motel. Martin Luther King, Jr., was away from Birmingham at his home in Atlanta, but the bomb blew a hole in a downstairs motel room just below the one the national integration leader had previously occupied. Angry blacks gathered in the streets from nearby restaurants, pool halls, taverns, nightclubs, and small groceries. When police arrived, white officers were the targets of rocks, bricks, and bottles thrown by the

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black crowd. In this case the black response to racial oppression exceeded the limits of nonviolence. Birmingham was having a violent black riot rather than a nonviolent civil rights demonstration.

Despite the efforts of A. D. King and the other nonviolent protest leaders to calm the black crowd, Birmingham had a four hour black riot in which more than 50 persons were injured. Two white owned grocery stores were set on fire, but the flames quickly spread to nearby black homes. Soon an entire block was ablaze. "Nearby, a telephone pole caught fire, giving the appearance of a flaming cross, symbol of the Ku Klux Klan."¹² This time, however, it was blacks and not whites who had set the cross of violence ablaze.

TELEVISION AND BIRMINGHAM

Newspaper and television coverage of the civil rights demonstrations and riots in Birmingham was extensive. Television news film of nonviolent black demonstrators being abused, beaten, and arrested while they sat-in at Birmingham lunch counters was presented nightly in living rooms across the nation. As the intensity of the demonstrations increased, television cameras continued to bring Americans the sights and sounds of police arresting young black children and the segregationist rhetoric of Bull Connor. As a result of this media coverage, the average Northern and Western white became increasingly aware of the Southern black and his problems. A change in national public opinion began to take place as the nation watched an example of Southern white oppression of blacks first hand. Demands for legislative action began pouring into the White House and the Congress from across the country.

As the demonstrations and riots in Birmingham progressed, political commentator Eric Sevareid wrote: "A newspaper or television picture of a snarling police dog set upon a human being is recorded in the permanent photo-electric file of every human brain."¹³ "The cause of desegregation," wrote commentator Walter Lippmann, "must cease to be a Negro movement, blessed by white politicians

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from the Northern states. It must become a national movement to enforce national laws, led and directed by the national government."¹⁴

To policy makers both in the White House and on Capitol Hill, Birmingham was a crucial experience, the flash point that brought forth a large number of proposed civil rights bills. Two years later, a pro-civil rights congressional aide summed it up this way: "The key to the passage of the 1964 civil rights bill was Birmingham, which changed the entire emotional climate on the Hill."¹⁵

President Kennedy himself was well aware that Birmingham was going to force a change in his civil rights policies. At a White House strategy meeting with civil rights leaders, one of those present referred in a hostile way to Bull Connor. Kennedy responded that "Bull Connor has done more for civil rights than anyone in this room."¹⁶ Thereafter the president was often heard to say: "The civil rights movement should thank God for Bull Connor. He's helped it as much as Abraham Lincoln."¹⁷

"I SHALL ASK CONGRESS...TO ACT"

On 31 May 1963 President Kennedy made the decision that he would present a new, much strengthened civil rights bill to Congress. Although the details of that new bill were not yet decided upon, Kennedy elected to announce his decision to the American public immediately.

Governor George Wallace of Alabama provided the opportunity for Kennedy to announce his decision to introduce a new civil rights program. Wallace had pledged to "bar the school house door" rather than permit school integration in the state of Alabama. This pledge applied to the all white University of Alabama as well as the public elementary and high schools in the state. On 11 June 1963 Wallace was physically present at the University as two black students, Vivian Malone and James Hood, were escorted on to the campus by Justice Department officials and U.S. marshals. Because of the governor's threat to "bar the door," President Kennedy had

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"federalized" the Alabama National Guard and then had sent the commander of the Alabama National Guard to order Wallace out of the doorway. After reading a short speech condemning "the trend toward military dictatorship," Wallace "stood aside" and permitted the black students to register.

That evening President Kennedy gave a national television speech to explain the need for his actions at the University of Alabama. He used the occasion to announce that he was preparing a strengthened civil rights bill to go to Congress. His speech, partly extemporaneous and partly based on a draft by speech writer Ted Sorensen, is considered by many observers to be one of his most eloquent. Kennedy told the nation:

We are confronted primarily with a moral issue. It is as old as the scriptures and is as clear as the American Constitution. . . . 100 years of delay have passed since President Lincoln freed the slaves, yet their heirs, their grandsons, are not fully free . . . and this nation, for all its hopes and all its boasts, will not be fully free until all its citizens are free.

We preach freedom around the world, . . . but are we to say to the world . . . that this is the land of the free except for Negroes?

The president concluded:

The fires of discord are burning in every city, North and South, where legal remedies are not at hand. . . .

Next week I shall ask the Congress of the United States to act, to make a commitment it has not fully made in this century to the proposition that race has no place in American life or law.¹⁸

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1. Congressional Quarterly Weekly Report, 8 March 1963, 303.
2. CQ Weekly Report, 5 April 1963, 527.
3. CQ Weekly Report, 8 March 1963, 293.
4. Joseph Rauh, Jr., unpublished manuscript (magazine article) on the role of the Leadership Conference on Civil Rights in the civil rights struggle of 1963-1964, 1. Rauh was legal adviser to the Leadership Conference on Civil Rights.
5. In 1975 the Senate amended its rules to provide that only a 3/5 vote of the Senate (60 votes if all senators are present and voting) is required for cloture.
6. Clarence Mitchell, Jr., interview, 30 April 1969, Tape 1, 2-3, Oral History Collection, LBJ Library, Austin, Texas.
7. Theodore C. Sorensen, Kennedy (New York: Harper and Row, 1965), 476.
8. Sorensen, Kennedy, 476. See also Public Papers of the Presidents, 1961, 8 March 1961, 157.
9. Rauh manuscript, 2.
10. Michael Dorman, We Shall Overcome (New York: Dial Press, 1964), 143.

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11. Congressional Quarterly Almanac - 1963, 336.
12. Dorman, We Shall Overcome, 171.
13. Washington Evening Star, 14 May 1963.
14. Washington Post, 28 May 1963.
15. Stephen Kurzman, minority counsel, Senate Committee on Education and Labor, 20 April 1966, quoted in Peter E. Kane, The Senate Debate on the 1964 Civil Rights Act (Ph.D. dissertation, Purdue University, 1967), 30.
16. Rauh manuscript, 5.
17. Sorensen, Kennedy, 489.
18. CQ Weekly Report, 14 June 1963, 971.