

ROBERT F. KENNEDY
AND THE
AFRICAN AMERICAN CIVIL RIGHTS MOVEMENT

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DEDICATED TO HELEN KEYES

“History is progress through the transmission of acquired skills from one generation to another.”

- EDWARD HALLET CARR.

“Only through education does one come to be dissatisfied with his own knowledge, and only through teaching others does one come to realize the uncomfortable inadequacy of his knowledge. Being dissatisfied with his own knowledge, one then realizes that the trouble lies with himself, and realizing the uncomfortable inadequacy of his knowledge, one then feels stimulated to improve himself.”

- CONFUCIUS.

“It is vital for us as much as them that our young feel that change is possible, that they will be heard, that the follies and the cruelties of the world will yield, however grudgingly, to the sacrifices they are prepared to make.”

- ROBERT F. KENNED

INTRODUCTION

Two popular beliefs exist about Robert F. Kennedy and his experience with the Civil Rights Movement. The first belief, articulated in such accounts as Arthur Schlesinger, Jr.'s Robert F. Kennedy and His Times, and Carl Brauer's John Kennedy and the Second Reconstruction, is that Robert Kennedy was fully aware of the injustice of racial and civil bigotry upon taking over as the Attorney General and that he moved boldly in coordination with Civil Rights Leaders to address the deprivation of civil rights for African-Americans in this country. The other account, made popular through such books as Jack Newfield's Robert F. Kennedy: A Memoir, claim that the period of grief and introspection following the death of Bobby's brother John Kennedy caused Robert Kennedy to earnestly and spiritually embrace civil rights through an identification and sympathy with the "have nots" of American society.

The first view of Robert Kennedy is false because it minimizes the importance of the Civil Rights Movement as a personal and historic force in changing the awareness of Robert Kennedy to the unequal distribution of civil rights and the devastating impact of racial bigotry in this country. The impression left by a magnanimous characterization of Robert Kennedy is that he came to embrace civil rights as a priority issue independent of the Civil Rights Movement. The period is replete with situations, from the Freedom Rides to the protests in Birmingham, Alabama where not only was necessary that there be a Civil Rights Movement to draw attention to civil rights and racial abuses, but it was necessary that this movement employ direct action to force civil rights as a crucial issue

upon Robert Kennedy and his brother. Robert Kennedy's own conduct suggests that he did not fully comprehend the seriousness of the problems which plagued African Americans. For example, Robert Kennedy urged the civil rights leadership to take the fight off the street and into the federal courts, yet he allowed racist, conservative, political cronies to be appointed to the Fifth Circuit Court where many of the suits filed by the NAACP and others would be heard. It is important to remember, when talking of this initial judicial approach by Robert Kennedy to progress in civil rights, that court action is exactly what the southern segregationists wanted in order to keep the situation, which they perpetuated through their intransigence, at a simmer rather than a boil. Also, early in the administration, Robert Kennedy repeatedly told the leaders of the Civil Rights Movement that the climate was not right for civil rights legislation, yet he repeatedly thwarted efforts to educate the country about the moral urgency of equality in civil rights by undermining the direct-action aspect of the non-violent campaign, the mission of the Civil Rights Commission (a subject not even touch upon in this article) and the authority and effectiveness of Harris Wofford. Moreover, Robert Kennedy initially relieved the southern political leaders, all members of the Democratic Party, of the moral scrutiny which came with being in the spotlight of a civil rights campaign, through behind the scenes negotiation, compromise, and crisis management that characterized so much of how the Kennedys operated. Though these negotiations in no way put Kennedy in cahoots with the segregationists (and in fact were consistent with his constitutional obligations to "preserve domestic tranquility"), his maneuvering was the source of

tremendous frustration on the part of activists dedicated to a moral confrontation over racial injustice.

The second account of Robert Kennedy and the Civil Rights Movement is guilty of making Robert Kennedy out to be more of a mythical, mystical character than history can justify or substantiate. Observing the dramatic contrast between his hardline, “ruthless” character before his brother’s death and his empathetic, compassionate character after his brother’s death, it is generally assumed that the intervening death was the cause of this transformation. Yet, by choosing the death of John Kennedy as the watershed tragedy which caused Robert Kennedy to turn dramatically inward and to drastically change his personal philosophy on racial justice, Newfield and others ignore compelling accounts of changes which occurred in Robert Kennedy well before his brother was killed in Dallas. Newfield magnifies the mystical influence of grief and sorrow upon Bobby Kennedy's personal life at the expense of an examination of the social forces which acted upon the Attorney General's public life. In addition, Newfield ignores the historic record that makes it clear that Robert Kennedy had already completed his transformation before his brother’s death.

The truth is that the transformation of Robert Kennedy’s views on civil rights was, for the most part, complete in October 1963 -- only weeks before the President’s death. The reason for this transformation had little to do with empathy stemming from the pain of his brother’s assassination and far more to do with the enormous effort that was made

by a cadre of civil rights activists to use direct action as a mechanism to force Robert Kennedy to confront the morality of his views on civil rights.

At least initially, Robert Kennedy viewed civil rights as a political issue. He thought that progress on civil rights could be achieved through political horse-trading with the politicians who controlled the Democratic “solid-South.” Robert Kennedy’s political approach to civil rights collided dramatically with a new generation of civil rights activists who saw the denial of civil rights as the foremost moral issue confronting the country and who had become frustrated and impatient with politics. To Robert Kennedy’s shock and anger, the new generation of civil rights activists deliberately placed themselves in situations where they would be victimized by violence and did so in order to force a moral crisis on civil rights. These activists believed that by planning direct-action protests that would incite segregationist violence they could embarrass Kennedy Administration into taking dramatic action to secure civil rights for all Americans. This tactic was successful with regard to Robert Kennedy. Confronted with the moral imperative occasioned by the violence visited upon civil rights activists by Southern political leaders that Robert Kennedy had worked with prior to the Kennedy Administration, Robert Kennedy abandoned a political and accommodating approach to civil rights and, against the wishes of some of President Kennedy’s most senior advisors, committed the Kennedy Administration to a morality-based campaign to secure civil rights and the uncertain course of introducing dramatic civil rights legislation to Congress. Through this personal journey, Robert Kennedy became a symbol to many

civil rights activists who saw through his commitment to their cause, a tangible measure of how their efforts could affect a single, yet powerful individual.

CHAPTER ONE: POLITICS

The Kennedy brothers, while not overtly sympathetic to the cause of civil rights, recognized that appearing to be unsympathetic to the plight of “Negro” voters might well cost John Kennedy the Presidency. The Kennedys solution was to bring a civil rights advocate named Harris Wofford into the Presidential campaign yet keep him on a short leash. Much to the chagrin of Robert Kennedy, the campaign manager, Harris Wofford refused to be controlled by the campaign and his advocacy in the name of civil rights while a member of the campaign staff forced John Kennedy to commit himself far further on civil rights than he wished.

I.

In early May of 1960, Robert Kennedy, acting on the advice of his brother-in-law Sargent Shriver, telephoned Harris Wofford and asked him to leave Jack Kennedy's Senate Office, where he had been writing foreign policy speeches, to help with a problem that truly threatened the Kennedys' presidential campaign. "We're in trouble with Negroes," the younger Kennedy told him, "We really don't know much about this whole thing. We've been dealing outside the field of the main Negro leadership and we have to start from scratch."¹

Until this juncture, Robert Kennedy's experience in public service had not intersected with questions of racial justice. Robert Kennedy was the seventh child of a

¹ Wofford, Harris Of Kennedys and Kings: Making Sense of the Sixties, Farrar, Straus, Giroux, 1980, 47.

wealthy Irish-Catholic Bostonian, Joseph Kennedy, who had, for the most part, sheltered his children from the hardships and harsh realities of growing up in the United States. Race questions were rarely discussed in the Kennedy family. If anything, the Kennedy children were raised to think of themselves as victimized brethren of blacks because of anti-Irish discrimination. Race was not a prominent issue in any of John Kennedy's Congressional or Senate campaigns. Said Bobby, "I think those running for office in the Democratic Party looked to just three or four people who would the deliver the Negro vote. And you never had to say you were going to do anything on civil rights. . . you could receive the vote quite easily."²

When Robert Kennedy went to Washington after World War II, he chose to dedicate his energies as a young lawyer to a relentless pursuit of "bad men"³ defined initially as communist when he worked for a fellow Irish-Catholic Senator Joseph McCarthy of Wisconsin on the Senate Internal Security Committee, and later "The Mob" when he served as Chief Counsel to the Senate Rackets Committee. Until Jack's Presidential Campaign, the Kennedy brothers had no reason to explore "Negro" issues, or attract African American voters. This changed dramatically during the Presidential race of 1960.

² Robert Kennedy, In His Own Words: The Unpublished Recollections of the Kennedy Years, edited by Edwin O. Guthman and Jeffrey Shulman, (Bantam Press, New York, 1988) p. 67, 68. See also Harris Wofford Oral History Project, Interview by Berle Bernhard, November 29, 1965, p. 30, John F. Kennedy Memorial Library.

³ Robert Kennedy, In His Own Words, 74

During the Presidential primaries of 1960, the defeat of Hubert Humphrey in Wisconsin and West Virginia eliminated John Kennedy's declared challenger on the Left. A large contingent of party activists from the Humphrey/Eleanor Roosevelt wing of the Party had to be brought into the Kennedy camp quickly before they coalesced around such old-guard Liberals as Adlai Stevenson or New Deal Congressman and former Ambassador to India, Chester Bowles, both of whom were thought to be contemplating a run for the nomination. Making common cause on civil rights seemed one way of attracting these liberals.

In addition to the opportunity provided by Humphrey's defeat, a statistical analysis of the 1956 election revealed alarming defections from F.D.R.'s New Deal Democratic coalition by middle-class "Negro" voters. The statistical analysis was completed by the little-known "Simulmatics Group" in early May. The "Simulmatics" report was the first of the computer assisted voter analyses which have now become commonplace in modern political campaigns. The group responsible for the report was composed of a collection of political scientists, psychologists, and computer scientists from a conglomeration of prestigious private educational institutions commissioned by the Committee for Special Projects of the Democratic Advisory Council to "devise political mechanisms for the collection of facts about voters and their opinions."⁴

⁴ Donald Rivkin to Robert F. Kennedy, June 21, 1960, "Simulmatics Project", Papers of Robert Kennedy, Pre-Administration and Transition, Box 48. The following were involved in the project: William McPhee: Columbia University, "the recognized pioneer in the use of computer models of voter behavior"; Robert Abelson:

The very first Simulmatics report, marked "CONFIDENTIAL," concentrated on voting behavior of African-Americans living in Northern cities. Listing eight eastern and western states (New York, Pennsylvania, California, Illinois, Ohio, Michigan, New Jersey, and Missouri) where the high turnout of the African-American vote had, in previous elections, "a considerable impact on the electoral college results,"⁵ the study pointed out that, "In a close election, even a moderate shift in Negro votes could be decisive in this eight state area... any shifts in the Negro vote could determine the outcome (of the election)."⁶

What made the report disturbing as opposed to merely informative was the conclusion that this ominous voter shift was already in progress, and that the northern "Negro" vote, once "a reservoir of Democratic strength,"⁷ was shifting to the Republican Party.⁸ The shift ran deeper than simple swings to popular personalities. In underlined letters the report emphasized that, "The most significant point of all is the fact that the shift is not an 'Ike' shift: it is a Republican Party shift."⁹ The number of East Coast African-Americans who agreed with the statement "The Democratic Party is better for

Yale University, psychologist and designer of math models; Dr. Ithiel de Sola Pool: Massachusetts Institute of Technology, Chair of the Political Science Department; Harold D. Lasswell: Yale; Paul Lozarsfeld: Columbia; John Turkey: Princeton; Bernard Cohen: Stanford; James Coleman: Johns Hopkins.

⁵ Simulmatics: "Negro Voters in Northern Cities," Report May 15, 1960, No. 1, Copy 31, Pre-Administration Files of Robert F. Kennedy Pre-Administration Papers, Box 48 Simulmatics p.6

⁶ Ibid.

⁷ Ibid., Simulmatics, p. 10.

⁸ Ibid.

people like them." dropped from 90 percent in the affirmative in 1952, to 65 percent in 1956, while the numbers for African-American Democrats living in the Midwest dropped from 93 percent in 1952, to 58 percent in 1956. The percentage of African-American Independents living on the East Coast who responded favorably to the same question dropped from 51 percent in 1952, to 39 percent, while Independents living in the Midwest responded positively to the statement only 19 percent of the time in 1956, as opposed to 43 percent in 1952.

Moreover, citing data showing the decline in public opinion for the stature of the Democratic Party, not only among African-Americans who registered as Independents and Republicans, but among those within the Democratic Party, the report stated that "clearly Negro Democrats have lost faith in their own Party. Now less than two thirds think their Party is better for them. Once 90% thought so."¹⁰

Though many African-Americans leaving the Democratic Party considered themselves Independents, a significant number were registering with the Republican Party. The report concluded, "(the northern Negro voter) will return to the Democratic fold only when the Democrats present them with an image of the Party that best serves their interests."¹¹ It pointed out, "The most important single issue to Northern Negroes is civil rights."¹²

⁹ Ibid., Simulmatics, page 3, point 7.

¹⁰ Ibid., Simulmatics, page 18.

¹¹ Ibid., Simulmatics, page 3, point 7.

¹² Ibid., Simulmatics, page 2, point 5.

The emerging importance of "Negro" issues presented several problems for campaign manager Robert Kennedy. The first was that he and his brother had distant, at best, relationships with prominent African American leaders. The Senator had, in fact, alienated many African-American leaders and Liberal activists when he voted for the Jury Trial Amendment to the 1957 Civil Rights Bill, an amendment that hampered enforcement of civil rights laws by ensuring jury trials for those brought to justice for civil rights violations.

Intensifying this anger was the Kennedy's closeness with segregationist Southern political leaders that grew from the 1956 Democratic Convention. John Kennedy won an enormous amount of support from the Southern delegates when he ran as the conservative alternative to Stuart Symington when Adlai Stevenson turned to the delegates to nominate his Vice-Presidential running-mate in 1956. Moreover, Robert Kennedy enjoyed somewhat of a legendary status among Southerners for his heavy-handed prosecution of communists and mobsters while serving on the Senate Internal Security and Rackets Committees.

The Kennedys realized that an embrace of the Liberals risked a fissure with the segregationist politicians who controlled the votes in the one-party, Democratic "solid south." Any attempt to warm to "Negro" issues could initiate either a powerful defection to Senate Majority Leader Lyndon Johnson of Texas, who was expected enter the race, or instigate an entirely separate "Dixiecrat" effort similar to that of 1948 when the Southern delegates walked out of Harry Truman's Convention. As an example of the deference

that the Kennedys showed toward the South's political structure, voter registration drives were launched by the Kennedy campaign in every section of the country -- except in the South where nearly all of those unregistered were black.¹³

Arthur Schlesinger, Jr., a historian and long-time Kennedy advisor recalled a long-held misperception about the Kennedy campaign:

One of the many misconceptions about the Kennedys is that they were highly organized, systematic planners; that, for example, Robert Kennedy had a great nationwide organization, and a timetable, and everything was methodically worked out. The Kennedys were not very good. They had no belief in the value of long term planning. They were brilliant improvisers, i.e., in any particular situation, they could move in and mobilize resources in a series of 'ad hoc' actions.¹⁴

Robert Kennedy's improvised remedy to the problem of the "Negro" voters was to put together a separate effort within the Kennedy campaign, under the direction of their more liberal minded brother-in-law Sargent Shriver (nick-named "the family Communist") and using the contacts of Harris Wofford to win the support of the African-American voters.

Originally drawn to the Kennedy candidacy through the Senator's iconoclastic foreign policy as expressed by his famous critique of the French war in Algeria, Wofford brought considerable prestige to what was initially called the "Minorities Section" of the Kennedy campaign. Wofford had been an attorney for the Civil Rights Commission

¹³ Memorandum, Frank Thompson to Robert Kennedy, Pre-Administration Papers, General Correspondence Files, Box 14.

¹⁴ Arthur Schlesinger, Jr., as interviewed by Jean Stein, American Journey, The Times of Robert Kennedy, ed. George Plimpton, (Harcourt Brace Jovanovich, Inc.,

during the Eisenhower Administration. He was a friend and confidant of Martin Luther King's and had earned the trust of Chester Bowles as his assistant in India when Bowles served as Ambassador there. He shared with King and Bowles an admiration for the principles of non-violence that Mahatma Gandhi utilized to rid the Indian sub-continent of the British.

With Wofford, the Kennedys hoped to diffuse two potentialities: the defection of the increasingly popular Martin Luther King and his middle-class supporters to the Republicans, and the strengthening of support amongst Liberals for Chester Bowles whose Liberal allies also loomed as last ditch challengers to Kennedy's nomination.

With the large degree of autonomy granted them by Robert Kennedy, Shriver and Wofford embarked on a two-fold strategy. First, they moved to neutralize opposition to Kennedy's nomination among African-American activists prior to the convention. Later, they would begin an effort to rally outright support for Kennedy from African-American voters in time for the November election.¹⁵

At the same time that Shriver and Wofford sought the support of civil rights advocates, John Kennedy's Harvard roommate Bob Trouteman solidified support among Southern politicians by making rounds in the Southern states. These parallel, separate

New York, 1970) 68.

¹⁵ History Interview of Harris Wofford by Berle Bernhard, November 29, 1965, p.531.

campaigns¹⁶ were established to win support from otherwise antagonistic factions of the Democratic Party.¹⁷

With only two months until the Convention, Shriver and Wofford arranged quiet meetings between Kennedy and Democratic activists to rally grass roots support from African American delegates and second echelon "Negro" political and civic leaders for the Senator. The first such meeting, with a militant delegation from Michigan at the Kennedy town house in Georgetown on the first of June, sobered the candidate to the difficulties ahead when specific demands were made of Kennedy on civil rights.

Wofford and Shriver then set out to build relations with what Robert Kennedy referred to as the "Negro Leadership". Most of the African-Americans the Kennedys' considered prominent in 1960 were, with the exception of Wilkins, highly visible entertainers and athletes and all of these were committed to one or another of the candidates: Roy Wilkins himself was a closet Johnson supporter;¹⁸ Adam Clayton Powell had already been paid by Lyndon Johnson for his support; Harry Belafonte supported Adlai Stevenson; and Jackie Robinson was leaning toward the Republicans and Richard Nixon. Wofford arranged a somewhat pointless meeting between Senator

¹⁶ The Kennedy campaign headquarters was at 2100 Connecticut Avenue. The Civil Rights Section's office was on K Street.

¹⁷ Bob Trouteman attended meetings of the Civil Rights Section on the condition that his presence at the meetings was not made known, nor entered into the minutes. See RFK Papers, Pre-Administration Files, General Subject Files, Box 40 "Minority Group Folder" 6/22/60 - 8/11/60.

¹⁸ Harry S. Ashmore, Hearts and Minds: The Anatomy of Racism from Roosevelt to Reagan, (McGraw Hill, New York, 1982), 368.

Kennedy and Roy Wilkins. Ignored were the young and aggressive civil rights agitators who, despite the initial disapproval of the NAACP, had instigated the sit-in movement in Greensboro, North Carolina that had gathered momentum in more than 15 cities throughout the South and Border states.

It was Harry Belafonte who pointed the Kennedy's unabashedly in the direction of Martin Luther King, Jr. Confronted unexpectedly at his New York City apartment one night by a frustrated and exasperated John Kennedy at the end of May, Belafonte told him to seek King's support, who at that time was not as nationally known as others in the civil rights establishment.¹⁹ "Forget me. Forget Jackie Robinson," said Belafonte. "If you can join the cause of King, and be counseled by him, you'll have an alliance that will make the difference."²⁰

Belafonte's advice to Kennedy pleased Harris Wofford who was eager that his friend Dr. King play a more weighted role in the campaign. Following Belafonte's comments, Wofford sent Senator Kennedy a lengthy memo dated June 9, on how he fared with the "Negro" vote relative to Richard Nixon.

Wofford called attention to the advantages enjoyed by Nixon over Kennedy. Wofford pointed out that Nixon had "joined the NAACP as a life-time member and announced this while he was in Texas in the last campaign. He ruled that the 1957 Civil Rights Bill could bypass Eastland's (Senator from Mississippi) Judiciary Committee

¹⁹ Taylor Branch, Parting the Waters: America In the King Years, 1954 - 1963, (Simon and Schuster, New York, 1988), 306.

(where it most certainly would have been killed). And recently he brought his Government Contracts Committee to life in a timely campaign fashion, with some belated action against discrimination in employment on government contracts." This he compared to Kennedy's weak record on the 1957 Civil Rights Act, Kennedy's support by Southern politicians, and "even worse, ...the presence of ...Sam Englehardt, the Secretary and Founder of the (white) Citizen's Council of Alabama." (the coat and tie branch of the Ku Klux Klan) at a breakfast meeting Kennedy had had with Alabama Governor John Patterson.²¹

Most important in the memo is Wofford's reference to the friendship that existed between Martin Luther King and Richard Nixon. The two had met in Africa in March of 1957, and had followed up conversations there with a formal call by King to Vice President Nixon's Capitol Office in June 13, of that year. Wofford referred to the relationship of Nixon and King as a "genuine friendship."²²

²⁰ Parting the Waters, 307.

²¹ The Papers of Harris Wofford, Harris Wofford to Senator John Kennedy, June 9, 1960, Box 32, John F. Kennedy Library.

²² Nixon and King met for the first time in Africa early in 1957, an encounter followed by a visit to the Vice-President's Capitol Hill office on June 13, of that year. Publicly, King praised Nixon. Yet in a letter to Earl Mazo, King wrote "Nixon has a genius for convincing one that he is sincere...he almost disarms you with his apparent sincerity...If Richard Nixon is not sincere, he is the most dangerous man in America." See David Garrow, Bearing the Cross: Martin Luther King and the Southern Christian Leadership Conference, (Vintage Books, New York, 1986), 90, 94-95.

Both the memo of Harris Wofford and the advice of Belafonte were effective. Kennedy agreed to meet alone with King at a "get acquainted" breakfast that Wofford arranged at Joseph P. Kennedy's New York apartment on June, 23 1960.

The meeting went well. King expressed the imperative of strong action by the executive branch on civil rights, suggesting Presidential initiatives on protecting the right to vote and banning discrimination in Federally assisted housing. Kennedy, in no position to demur, agreed enthusiastically with King. The meeting had a positive impact on King. He left, "impressed by the forthright and honest manner in which (Kennedy) discussed the civil rights question. I have no doubt that he would do the right thing on this issue if he were elected President."²³ Yet, whatever King's personal impressions of Kennedy, he chose to play his cards close to his chest, reporting to Wofford that Kennedy lacked "depthed understanding" on civil rights matters.²⁴

As the convention approached, support for Kennedy from the Liberal base firmed as a Johnson candidacy seemed imminent. With encouragement from Arthur Schlesinger and Wofford, John Kennedy confidently courted party Liberals and became more and more enthusiastic about cornering Johnson with this new alliance. At one point John Kennedy declared to the New York Liberal party that he planned to win the Democratic nomination "without a single Southern vote."²⁵ This unexpected remark angered Robert

²³ Garrow, Bearing the Cross, 139.

²⁴ Ibid, 314.

²⁵ Carl M. Brauer, John Kennedy and the Second Reconstruction, (Columbia University Press, New York, 1977), 33.

Kennedy. He quickly cabled his brother that such statements were, "going to look like a gratuitous insult to the Southern political leaders who have been interested in you over the last few months." With the convention still to come, Bobby pointed out that "there is no sense in turning on them (the Southerners) at this moment."²⁶ The candidate toned down his remarks.

II.

At last, in mid-July, the Los Angeles convention convened. Despite lukewarm support from party liberals, many of whom hoped Adlai Stevenson would still enter the race, and a not-surprising conservative challenge from Lyndon Johnson, Robert Kennedy took control of the convention management confident that Jack had the votes needed to win on the first ballot.

The cautious Kennedys felt compelled to constantly reinforce their ties to the liberal wing of the party to help contain both Adlai Stevenson and Lyndon Johnson's candidacies. Appeals to the sympathies of the civil rights constituency played a major role in the hand holding between the Liberals and the Kennedy organization. Sargent Shriver, Louis Martin and Harris Wofford arranged breakfasts between John Kennedy and African-American delegates throughout the convention. Robert Kennedy made a special effort to attend each morning and chat informally with the delegates to allay any

²⁶ Carl M. Brauer, John Kennedy and the Second Reconstruction, 34; Arthur M. Schlesinger, Jr., Robert F. Kennedy and His Times, (Houghton Mifflin Co., Inc., Boston, 1978), 225.

misgivings that might have arisen through his contact with Southern politicians. Recalled Wofford, "Bob Kennedy had been a question mark for a number of Negro delegates."²⁷

As a further incentive to maintain the loyalty of the Liberal wing of the party, Robert Kennedy arranged for Chester Bowles to be the Chairman of the Platform Committee. This manoeuver presented Bowles, assisted by Harris Wofford, his former staff assistant in India, an opportunity to push for a civil rights plank that urged strong federal action on discrimination and a commitment by the Democratic Party to pursue racial equality. Their efforts were given impetus by Martin Luther King and Roy Wilkins who staged mid-convention marches outside of the Convention Hall to call attention to the need for a strongly-worded Civil Rights Plank.

Obligated by their conscience on one hand, and their personal loyalties to King on the other, Bowles and Wofford drafted the strongest Civil Rights Plank they dared to present to the convention, a plank that went far beyond anything they had considered advising the candidate to support in the past. They felt that they owed it to King to start out the negotiation process with a bold proposal so that after the negotiations with the Southern delegations, the Democrats would not be left with a hollow commitment. To prepare for the negotiating process, they also drew up progressively watered-down planks to fall back upon during later stages of negotiation.

²⁷ Oral History Interview of Harris Wofford by Larry Hackman, Old Westbury, New York, May 22, 1968, John F. Kennedy Library.

In the "worst-case" strategic planning that followed Johnson's entry into the race for the nomination, the Kennedy forces ceded the votes of the Southern delegates to Johnson. The formula for Jack Kennedy's was to maintain liberal support and isolate Lyndon Johnson to his Southern base. Already challenged by Richard Nixon who, three weeks prior to the Democratic Convention, had promised strong executive action to accelerate progress in civil rights, Robert Kennedy turned against the Southern delegates that he had been so careful not to offend only days earlier. Bobby drew a line in the political sand that he knew Johnson could not cross without destroying his support from "Dixie." Almost without warning, Bobby stood on a chair in the eighth-floor suite occupied by the Kennedy forces and announced:

We have the strongest Civil Rights Plank the Democratic Party has ever had. I want you fellows to make it clear to your delegations that the Kennedy forces are unequivocally in favor of this plank and that we want it passed in the Convention. Those of you who are dealing with Southern delegations, make it absolutely clear how we stand on civil rights. Don't fuzz it up. . . don't let there be any doubt anywhere as to how the Kennedy people stand on this.

Harris Wofford and Chester Bowles were shocked and somewhat panicked by Bobby's announcement. They were among the few people who knew that Robert Kennedy had not even read the Civil Rights Plank that he had so enthusiastically endorsed -- plank they fully expected to have to negotiate away.

Though the record shows that Robert and John Kennedy pushed for the adoption of the strongest civil rights platform in American history, further analysis reveals that Robert Kennedy, trusted to act as the candidate's representative in platform discussions,

had not read the Civil Rights Platform, was unfamiliar with the extent of its strongly-worded commitments, and had embraced it for reasons that were wholly unconnected with civil rights issues. When John Kennedy learned of the Civil Rights Plank, and the manner in which it was adopted, he was infuriated. He termed the Plank an "albatross" to be worn around his neck throughout the Fall campaign.

Yet, Bobby's political gamble was successful. Unable to match the Liberal rhetoric of the Kennedys, Johnson waffled on the proposed language and thus could not extend his support beyond the South. Confident that his brother's nomination had been secured and already looking ahead to the Fall election, Robert Kennedy and Steve Smith colluded with then-Governor Fritz Hollings of South Carolina and Governor John Patterson of Alabama to withhold the first-ballot nomination votes of their states' delegations to keep John Kennedy from being "soiled" by "segregationist" support.²⁸

Kennedy was nominated on the first ballot, receiving nearly 90% of the votes of the "Negro" delegates.²⁹ That night Wofford, and Shriver went to bed, satisfied, though somewhat shocked, that their efforts had succeeded in such a stunning manner. The next morning, they awoke to a nightmare.

The decision to offer the Vice-Presidential nomination to Lyndon Johnson was made during private conversations between Bobby and Jack Kennedy. No other political

²⁸ Carl Brauer, John F. Kennedy and the Second Reconstruction, 33-34; See also: Oral History Interview of John Patterson, JFK Library, Box 23.

²⁹ Oral History Interview, Harris Wofford by Berle Bernhard, p. 17; Oral History Interview, Marjorie Lawson, 21, John F. Kennedy Library.

advisors were consulted about the pros and cons of asking Lyndon Johnson to become his running-mate. Again, while accounts in popular history speak of the "regional balance" that was brought to the Democratic ticket, the Kennedys are fortunate that such a dividend could be reaped from such a colossal miscalculation.

In the fog of late-night decision-making, Bobby and Jack decided that, as a symbolic formality, and as a gesture of unity, an offer should be extended to Johnson to be the number two-man on the ticket. Both Kennedys fully expected that the Texan would rejected the offer for two reasons. First, they thought that Johnson would surely chose to retain and consolidate his control of the Senate as the Majority Leader rather than accept the powerless position of Vice President. Second, both knew of Johnson's disdain for Jack and the Kennedys. It was inconceivable to them that Johnson would allow himself to become John Kennedy's underling.

When John Kennedy met with Lyndon Johnson the inconceivable happened. Johnson accepted his offer to be his Vice President. Stunned and dazed, Kennedy returned to his hotel room to inform his younger brother, who's short reply summarized the magnitude of the miscalculation, "Oh my god! Now what do we do?"³⁰ In a panic, Robert Kennedy rushed to Johnson's quarters in an attempt to persuade the Speaker that he should not accept the nomination as Vice President. Confused, hurt and angry,

³⁰ Arthur M. Schlesinger, Jr., Robert Kennedy and His Times, (Houghton Mifflin Co., Boston, 1978), 218.

Johnson refused to listen to Bobby and a shouting match ensued. Thus, began one of the most acrimonious relationships in American political history.

The selection of Johnson as Kennedy's running-mate was a stab in the back to those who had allied themselves with Kennedy in order to thwart the agenda of the conservatives in the Party. The Liberals, having only grudgingly given their support to Kennedy, were infuriated. The African-American delegates felt simply betrayed by the choice of Johnson, who was seen by many as a Southern obstructionist.

John Kennedy was genuinely concerned about the anger shown by the Liberals toward his choice of Johnson as his running-mate and the perception that he had abandoned the "Negro" delegates. He directed Wofford to arrange an immediate post-convention meeting with African-American delegates so that he could respond to their concerns. Kennedy opened the meeting by reading a prepared statement that reaffirmed his commitment to the Civil Rights Plank of the Party Platform. Then, speaking extemporaneously, urged African-Americans to continue to support his campaign, claiming to be a fellow victim of discrimination as an Irish Catholic. He stated, "I never thought a platform was a bunch of timber that could be thrown aside after the election. We want your help, we need your help in this election. I face problems as a candidate for President, problems which other candidates don't face."³¹

Kennedy was immediately confronted by one of the Michigan delegates with whom he had met in early June. "You have said time and time again that you do not seek

the support of the South." said the exasperated delegate, "How can you account for the fact that Senator Johnson is perhaps a symbol against the sit-ins (that had gained recognition as the new testing-ground for progress on civil rights)?" Kennedy faltered. In what a "New York Times" reporter termed "an uncharacteristic ramble", the candidate responded to this specific question by welcoming all who supported the Democratic Platform, "as Johnson had," into his campaign organization. He attempted to regain his composure by speaking about the platform, yet fatigued, he allowed his personal frustration regarding the events of the last several days to eclipse his public posture. In the process, he wound-up further distancing himself from the Civil Rights Plank drafted by Bowles and Wofford, commenting, "It was written by people associated with me. In the final analysis, I bear the responsibility." Exasperated by the pull and tug of the party's competing constituencies, he finally blurted out, "I can assure you that I am not doing anything but the best that I can." Here Pierre Salinger intervened, and the press was asked to leave the meeting.³²

Though Harris Wofford claims to have privately recognized the dividends of having Johnson on the ticket,³³ the dividends of his and Shriver's labors, so disproportionately large only hours earlier, seemed to vaporize instantaneously. Their efforts to build confidence for Kennedy among African-American voters in time for the

³¹ *New York Times*, July 16, 6:4.

³² Kennedy mumbled, "I had not expected... a public meeting." *The New York Times*, July 16, 6:4.

³³ Oral History Interview of Harris Wofford by Larry Hackman, May 22,

general election had been set-back. Clearly, having Johnson on the ticket made all the more difficult the task of drawing his friend Martin Luther King closer to Kennedy and the Democrats. Before the convention, King had proclaimed Johnson "unacceptable"³⁴ for national office. It was quite possible that Dr. Martin Luther King, Jr., would go the way of his father and declare his loyalties to the Republican Party, which was, after-all, the "Party of Lincoln."

The success of Richard Nixon at the Republican Convention seemed to tip the balance of African-American support further away from the Kennedys. The civil rights debate at the Republican Convention provided Nixon the opportunity to undercut the power and appeal of one of his principle Republican rivals, and in the process, gain credibility among African-Americans voters as an advocate of civil rights. Nelson Rockefeller's draft of the Republican's Civil Rights Plank specifically embraced the Supreme Courts historic ruling in the 1954 Brown v. The Board of Education case that outlawed the "separate-but-equal" doctrine. This endorsement collided head-on with the conservative doctrine of minimalist government and States' Rights.

Nixon, who had already established his credentials with conservatives through his anti-communist rhetoric, moved to shore up his support from moderate and Liberal Republicans.³⁵ Nixon flew to the convention to "rescue" Rockefeller's Civil Rights

1968, Old Westbury, New York, p. 69, JFK Library.

³⁴ Carl Brauer, The Second Reconstruction, 31.

³⁵ *The New York Times*, July 29, 1:1.

Plank, becoming the white knight of the liberal Republican establishment and gaining an activist reputation among African-Americans. After receiving the nomination, Nixon continued his winning streak with African-Americans by kicking off his general election campaign on August 3 in Hawaii, a state he called a "model for its racial harmony."³⁶

III.

The race for the "Negro" vote was on. In a calculated move, the Republican Senators introduced strong civil rights legislation in the Fall that Southern Democrats were sure to reject -- exposing as a paper tiger the civil rights commitment their party's nominee had made at the convention.³⁷ The awkward position Jack found himself contributed to the sense of frustration that characterized the initial stages of the general election campaign. Theodore White, a chronicler of the period wrote "the spirit of the leader had percolated down through staff and machinery. And the leader was in bad temper."³⁸

Senator Kennedy once again called upon Wofford, the man Bobby had brought into the Minorities Section of the campaign. Referring to the Republican's embarrassing civil rights legislative manoeuver, Jack demanded, "Get me out of this goddamn mess in

³⁶ See Day-By-Day In the 1960's.

³⁷ Oral History Interview of Harris Wofford by Larry Hackman, May 22, 1968, 47, JFK Library.

³⁸ Theodore H. White, The Making of the President, 1960, (Antheneum Publishers, New York, 1961), 251.

the Senate."³⁹ Wofford suggested that the candidate avoid, if not belittle when he could, the legislative issues created by Senate Republicans. In its place, Wofford urged a commitment to strong executive action to end discrimination, much like the one Nixon had made. A specific statement of what action Kennedy would take as President, however, would "one-up" Nixon on the issue, and make it clear that, indeed, a new era of accountability would arrive if Kennedy were elected. Wofford suggested that Kennedy pledge to issue an Executive Order ending discrimination in federally subsidized housing -- emphasizing the immediate and lasting impact that such an Order would have on the lives of many "Negroes."

Kennedy seized this advice. Cornered by the press on the Republican's Civil Rights Bill, Kennedy attempted to dodge the GOP attack by dismissing the Republican Civil Rights bill as a symbolic gesture and asserted that strong executive action could make an immediate difference in the fight for civil rights. Citing specifically the power at the disposal of the Chief Executive, Kennedy confidently asserted that with "a stroke of a pen," he would issue an Executive Order outlawing discrimination in federally subsidized housing.⁴⁰

Meanwhile, Robert Kennedy shouldered even more responsibilities for the general election campaign. To him fell the task of laying the foundation of a nation-wide

³⁹ Oral History Interview of Harris Wofford by Larry Hackman, May 22, 1968, p.47 Old Westbury New York.

⁴⁰ This "simple act" was the same one that Wofford had called upon Eisenhower to complete when he was a member of the Civil Rights Commission.

political machine just as many of the closest of the Kennedy lieutenants were being overcome with exhaustion. Bobby responded to the gloomy, tired laments of campaign workers, such as Pierre Salinger, the campaign press spokesman, who complained, "This country is just too big, there's too much of it,"⁴¹ with injections of pure energy. He was an authoritative figure, at times was bitter and angered by inaction. His expectations of the staff were high. Responding to a reporter about some of the complaints aimed at him by some of the campaign staff, Bobby answered impatiently, "I'm not running a popularity contest. It doesn't matter if they like me or not. Jack can be nice to them... Somebody has to be able to say no. If people are not getting off their behinds and working enough, how do you say that nicely? Every time you make a decision in this business you make somebody mad."⁴²

The efforts of Shriver, Wofford and Louis Martin became a source of irritation to Bobby. As campaign manager, Robert Kennedy came to value the judgement of Byron "Whizzer" White, who had been the director of the highly successful "Citizens for Kennedy" organizations. White opposed special campaign efforts on civil rights. He pressed a strategy that stressed economic growth as the source of opportunity for all ethnic groups.⁴³

⁴¹ Theodore H. White, The Making of the President, 251.

⁴² Arthur M. Schlesinger, Robert Kennedy and His Times, page 223.

⁴³ Oral History Interview of Harris Wofford by Larry Hackman, May 22, 1968, John F. Kennedy Library.

White and Wofford soon clashed openly about campaign priorities. An October Civil Rights Convention planned for October was the source of one such confrontation. White was able to convince Bobby that it would be too controversial to call this meeting of Democratic Party leaders and civil rights activists the "Civil Rights Convention." He insisted that Wofford change the name of the meeting to the "Constitutional Rights Convention." Though Bobby allowed the "Minorities Section" to change its name to the Civil Rights Section of the campaign, he forced Wofford to cave into White's demands. Bobby's siding with White indicated to Wofford that civil rights would play less of a role in the campaign. As Wofford had anticipated, the patience amongst the top campaign advisors towards the activities of the "Civil Rights Section" of the campaign diminished as the calendar advanced closer to November. The inability of Louis Martin, who had joined Shriver & Wofford's efforts after the convention, to prevent Jackie Robinson's endorsement of Nixon, despite a joint appearance Martin had arranged between the Kennedy and the baseball star, angered Robert Kennedy.

Nevertheless, Bobby did authorize some risky ventures on the advice of Wofford and Martin, and Sargent Shriver. One such venture was the "buying" of positive campaign coverage through the purchase of "hundreds of thousands of dollars"⁴⁴ of over-priced campaign advertisements in prominent "Negro" periodicals, such as Ebony and

⁴⁴ JFK Library Oral History Interview of Harris Wofford by Larry Hackman, May 22, 1968, 74

Jet. Another, involved a cash transfer of over \$50,000 to Adam Clayton Powell to "reimburse" the Congressman of Harlem for the expenses of his outspoken support.⁴⁵

Despite these and other risky ventures, and despite the Civil Rights Plank in August, the second of the Simulmatics reports offered an even more dismal prognosis on the "Negro" vote than the original report in May. Entitled, "Kennedy Before Labor Day", the report warned that "Negro voters are a danger point for the Kennedy campaign." In underlined letters, it stated, "[T]he Negro trend away from the Democratic Party is continuing."⁴⁶ Its companion report "Nixon Before Labor Day" the study, citing the presence of Johnson on the ticket, reported: "Nixon is running very strong amongst Negro Independents . . . only an extremely bold position on civil rights would gain Kennedy a strong Negro majority."⁴⁷

⁴⁵ Oral History Interview of Harris Wofford by Larry Hackman, May 22, 1968, John F. Kennedy Library.

⁴⁶ Simulmatics, "Kennedy Before Labor Day", August 25, 1960, Simulmatics Report No. 2, Copy 2, The Papers of Robert Kennedy, Pre-Administration and Campaign, Box 48.

⁴⁷ Nixon held a commanding lead over Kennedy among African-American Independents drawing 48 percent of this group's support, as compared with 18 percent who supported Kennedy. The report stated. "Johnson on the ticket helps Nixon here." Nationally, Nixon led Kennedy with 39.5 percent of the African-American vote as compared to 37.5 percent for Kennedy and 23 percent undecided. Subtracting the Undecided vote, the figures showed that Kennedy's support among African-Americans had declined from 55 percent in May, to 54 percent after Labor Day. In the crucial Border States, Nixon enjoyed 40 percent support as opposed to Kennedy's 29 percent. And in the Democratic "Solid South," Nixon led Kennedy 41 to 36 percent. Simulmatics, "Nixon Before Labor Day", August 25, 1960, Simulmatics Report No. 3, Copy 2, The Papers of Robert Kennedy, Pre-Administration and Campaign, Box 48.

After another brief, yet inconsequential meeting between King and John Kennedy in mid-September,⁴⁸ a hard-pressed Wofford gambled on a political coup. He sought to arrange a photo-opportunity meeting between the two leaders from which Kennedy would emerge with what would appear as an endorsement from King and his Southern Christian Leadership Conference. To Wofford's surprise, he met stiff resistance from none other than Robert Kennedy, the one who had encouraged him to foster Negro support in the first place. "Three Southern Governors," Bobby told his brother Jack, "have told me that if you come out for Nikita Khrushchev, Jimmy Hoffa, or Martin Luther King, they'll throw their states to Nixon."⁴⁹

Still, John Kennedy decided to go with Wofford's gamble. After wrangling with King over the location of the proposed meeting,⁵⁰ the two agreed to meet during the week of October 19. Unknown to Wofford and Kennedy, however, was the fact that King had been pressed by Marion Barry and Julian Bond to join them that same week for a sit-in at an Atlanta department store. King used the appointment with Kennedy as an excuse to decline Barry and Bond's request.⁵¹

⁴⁸ David Garrow, Cross, 142.

⁴⁹ JFK Library Oral History Interview of Harris Wofford by Berle Bernhard, November 29, 1965, 16, and Arthur Schlesinger, Jr., Robert Kennedy and His Times.

⁵⁰ King wanted the meeting to take place in the heart of Dixie -- Kennedy in one of the border states. They agreed on Florida: far enough below the Mason-Dixon line to be considered the "deep" South, yet not yet on the front lines of the sit-in movement.

⁵¹ JFK Oral History Interview of Harris Wofford by Larry Hackman, May 22, 1968, 17, and Garrow, Cross, 143.

Wofford's scheme collapsed when King informed him that he was obligated to meet with Nixon in a similar fashion - exactly the event which would negate the appearance of a SCLC endorsement of John Kennedy. Kennedy's response was instantaneous: "To hell with that,"⁵² he snapped sensing a trap like the one he had already gone through with Jackie Robinson. "Tell him it's off."⁵³ The Kennedys were not happy with Wofford's "coup." The meeting was canceled and Wofford's credibility continued to decline.

Harris Wofford's "Constitutional Rights Convention" in New York City on October 11th was yet another "embarrassment" for Jack Kennedy. The convention attracted those impassioned by the lack of civil rights for African-Americans. Jack Kennedy, while perhaps concerned about this situation, was by no means "impassioned" by it. Yet as the guest of honor at this Democratic function, John Kennedy was forced to sit at center stage for over an hour while one Liberal after another stepped to the microphone to read emotional reports and recommendations. Finally, Kennedy stood to address the excited audience. Carried by the pitch of the previous speakers, Kennedy gave an impassioned speech to those gathered there, a speech which extended his commitment even beyond that of the infamous Civil Rights Platform of August.

With the meeting with Kennedy canceled, Marion Barry and Julian Bond renewed their request of King to join them at the sit-in at Rich's Department store in downtown

⁵² JFK Library Oral History Interview of Harris Wofford by Larry Hackman, May 22, 1968, 17.

Atlanta. King hesitated. Julian Bond recalled, "I indicated to him that he was going to have to go to jail if he intended to maintain his position as one of the leaders in the civil rights struggle."⁵⁴ King, realizing that he had to "practice what he preached,"⁵⁵ eventually agreed to join the protest and face arrest. On October 19, Martin Luther King was arrested in Atlanta Georgia along with the students he accompanied for violating the "trespassing laws" by requesting service at a "White Only" counter in the Magnolia Room of Rich's Department Store.

IV.

John Kennedy once told John Kenneth Galbraith: "The finest strategies are usually the result of accidents."⁵⁶ Such was the way Kennedy won over many African-American supporters of the 1960 election. John Kennedy's call to Coretta King to offer his support as her husband sat in jail, and Robert Kennedy's call to Judge Mitchell to secure King's release are widely known developments of the 1960 campaign. However, the circumstances under which those calls were made have been less publicized and deserve examination. They hardly resemble the premeditated "command decision"⁵⁷ which Theodore White described in his enormously popular account of the 1960 Presidential race.

⁵³ Taylor Branch, Parting the Waters, 349.

⁵⁴ Garrow, Cross, 143.

⁵⁵ Branch, Parting the Waters, 352.

⁵⁶ John Kenneth Galbraith, Ambassador's Journal, 6.

⁵⁷ Theodore White, The Making of the President, 1960, (Atheneum

Fearing that a statement condemning King's jailing would lose more white votes than it would gain in African-American votes, the campaign staff counseled the candidate against making a public statement when King was imprisoned. Harris Wofford initially accepted this line of reasoning. Yet, troubled by thoughts of his friend King sitting in jail, Wofford made calls to Atlanta authorities to inquire as to King's condition.

Mayor William Hartsfield of Atlanta, meanwhile, was consumed with anxiety over the threat of violence prompted by King's arrest. Never having wanted the attention King's arrest had focused on Atlanta, Hartsfield sought to justify King's release. When word reached him that Wofford, aide to the Democratic presidential nominee, had made calls inquiring about King's condition, the Mayor seized the justification he had hoped for. Hartsfield called a press conference and announced that he would release King and the other demonstrators at the request of his Democratic standard bearer - a request that candidate Kennedy never made. As Hartsfield explained to Wofford on the telephone, "Now, I know that I ran with the ball farther than you expected, Harris, my boy, but I needed a peg to swing on and you gave it to me, and I've swung on it."⁵⁸

Suddenly, as he realized the damage such an unauthorized use of Kennedy clout could have on his personal credibility and on the campaign, Wofford found himself in the ironic position of begging Hartsfield not to release King -- at least not in the manner which the Mayor planned. His exhortations were to no avail. Wofford was left

Publishers, New York, 1961), 322-323.

⁵⁸ Branch, Parting the Waters, 355.

explaining the chain of events which had led to King's release to a skeptical and infuriated campaign staff then on the road with John Kennedy in the Midwest. Robert Kennedy received word of the fiasco back in Washington through Bob Trouteman, who hearing Hartsfield's announcement over his car radio, had pulled his car over to the side of the road in Atlanta to place an angry long-distance call to the campaign manager.⁵⁹ Wofford's credibility suffered a permanent blow.

But the incident had not yet run its full course. When Judge J. Oscar Mitchell of neighboring DeKalb County heard that King had been arrested in Atlanta, he issued his own warrant for King's arrest. The warrant stated that King had violated the terms of probation Mitchell had imposed on King the previous September for driving without a valid Georgia driver's license in May of 1959. When the other demonstrators were released, King was re-arrested and sentenced to four months of hard labor in prison. The sentence Mitchell imposed began in the middle of the night of October 26, 1960 at the isolated rural Reidsville State Penitentiary. While King's arrest and jailing in Atlanta was politically symbolic, imprisonment in the rural state prison was genuinely life-threatening. "Negro" prisoners at this facility were known to disappear into the night without a trace. The possibility of King dying in a Georgia prison as a result of a sentence imposed by a Democratic Judge, in a state politically dominated by the Democratic Party headed by Democratic Governor Vandiver, spelled potential disaster

⁵⁹ JFK Library Oral History Interview of Harris Wofford by Berle Bernhard, November 29, 1965, 21.

for the Democratic presidential nominee. The Republicans prepared to rub this situation in the Kennedys' face. Rumors spread that Lawrence Walsh (who would later become the Special Prosecutor in the Iran/Contra investigation) was preparing a statement for President Eisenhower depicting the arrest as a clear demonstration of "Democratic" justice.⁶⁰

Here, Robert Kennedy intervened. In a telephone conversation with Gov. Vandiver, the two agreed that King had to be released. Vandiver insisted that the release had to occur in a fashion which would shelter him from local political fallout. Vandiver asked Robert Kennedy for time to resolve the situation quietly, making him promise that the President would not make a public statement about the arrest in exchange for King's release. The candidate, still on the road in the Midwest, informed of Vandiver's conditions via a telephone conversation with his brother, agreed to the terms. This agreement scuttled attempts by Wofford to get in out in front of the events by having John Kennedy issue a statement that condemned Georgia's racist judicial system. After siding with Bobby and Vandiver's plan of action, Jack telephoned Wofford to reassure him of his intentions. "What we need most is to get King out, isn't it?"⁶¹

⁶⁰ "[W]e learned that very key Republicans were pressing for a major statement by Eisenhower or by Nixon saying this is what Democratic justice is like, and it could have been the turning point in the campaign, I suppose, the other way, as far as the Negro vote was concerned, if Eisenhower had issued the kind of statement that Nixon says that he asked him to issue." JFK Library Oral History of Harris Wofford by Berle Bernhard, November 29, 1965, 230

⁶¹ Branch, Parting the Water, 359.

Wofford was dissatisfied. That night, upset over Kennedy response to the day's events, Wofford and Louis Martin, convinced Sargent Shriver that Kennedy should make a gesture similar to Chester Bowles' telephone call of condolences to Coretta King that evening, so as to at least demonstrate that Kennedy was concerned about this situation on a humanitarian level. After Wofford relayed Coretta's telephone number, Shriver raced out to O'Hare Airport in Chicago where Kennedy was staying, waiting to fly out early the next morning, waited until the entourage of advisers had left the room where Kennedy relaxed, and asked Kennedy to make the telephone call which Wofford suggested. The candidate spontaneously agreed and placed the call immediately.⁶²

John Kennedy would always be amazed by the affect that this short, spontaneous phone call would have on his life, and the presidential campaign. At the time, he did not think much of it -- leaning over to Pierre Salinger on the plane the next day to say, "By the way, I called Coretta King last night." Yet, that phone call created a ripple effect amongst African-Americans. Martin Luther King's father, up to that time a visible Nixon supporter, called a press conference to discuss the details of Kennedy's call to his

⁶² "(Shriver) told me later that he drove out to O'Hare Inn at eighty miles an hour and the whole gang was there: the Senator, O'Donnell, O'Brien, Sorensen, Salinger - all of them. He said he knew if he brought it up and there was a committee discussion, nothing would happen. So, he waited. Ted Sorensen went off to work on a speech; Pierre went out to the press and finally only O'Donnell was there -- and then he left. Shriver said to Kennedy, 'I know you don't want to issue a public statement. . . but have you thought of calling Mrs. King?' Jack looked up and said, 'That's a wonderful idea. Do you have her number?' Shriver dialed and got her. Jack was great on the phone." Notes from American Journey, Interviews by Jean Stein, edited by George Plimpton, Harcourt Brace Jovanovich, Inc. New York, p. 92

daughter-in-law, and to announce that he had switched allegiances as a result of Kennedy's show of concern for Coretta and his son and would encourage his parishioners to vote for Kennedy in November.

When word reached Robert Kennedy of his brother's phone call and the lack of consultation on the part of Wofford, Martin, and Shriver on this move, he was furious. With less than a week until the election, the disaster he foresaw in dealing with King seemed to be unfolding. Bracing himself for negative backlash from the media, he called Shriver, his brother-in-law, and belittled him over the telephone.⁶³ He summoned Wofford and Martin to the campaign headquarters. His frustration with their efforts overflowing, he said to them, "That is the last thing you bomb-throwers will do for this campaign... You just lost the election."⁶⁴

Events were such that Robert Kennedy, on instruction from Governor Vandiver, was forced to call Judge Mitchell himself, from a payphone in New York in order to secure King's release. According to Vandiver, the Judge had asked that Bobby himself call him to request that King be freed.⁶⁵ Kennedy took this opportunity to berate the

⁶³ Taylor Branch Interview of Sargent Shriver, November 30, 1983, for Parting the Water, 364, 958.

⁶⁴ Schlesinger, Robert Kennedy and His Times, 227.

⁶⁵ "Robert Kennedy: Either I talked with the Governor or the Governor sent me a message -I think I talked with the Governor - and he said that, if I called the Judge, he thought that the Judge would let Martin Luther King off - and that that would be helpful.

Anthony Lewis: In other words, the suggestion came from Governor Vandiver?:

Kennedy: Yes.

Lewis: There's a footnote to history.

Judge for the embarrassment he had caused the country by sending King to jail for a misdemeanor.

To the surprise and relief of the Kennedys, the event did not get disastrous press coverage in the East-Coast and the white Southern periodicals they anticipated. It did, however, generate an enormous amount of coverage and exposure in the "Negro" press.

With the election only a few days away, Shriver, Wofford and Martin embarked upon a secret project to reap the electoral benefits of all this interstate telephoning. They began work on "The Blue Bomb." This pamphlet, printed in an eye catching blue and distributed to thousands of African-American churches nationwide on the last Sunday before the election, described King's release from jail as the direct result of the intervention by John and Robert Kennedy. John Kennedy was described as the candidate "with a heart" compared to Richard Nixon, who had "no comment" about King's imprisonment. This entire project was completed without the authorization or the knowledge of either of the Kennedy brothers. Wofford and Martin, in fact, were under strict orders from Shriver not to tell anyone of their activities.

Another final project was a mailing put together by Wofford, Congressman Adam Clayton Powell and Congressman Ray Jones for Kennedy's benefit. The mailing, with

Kennedy: Yes, I know, isn't it? It's the first time I've told it, because I thought it would destroy the Governor. Anyway, the suggestion came from him either directly or indirectly. The Judge was a good friend of the Governor, and the Judge said that if I called and it was a matter of importance, he'd make the arrangements. So I called. And I was out on Long Island speaking at the time. I went into a pay booth and I called the Judge and said, will he get out on bail? Whatever I said, he got him out."

neither letterhead nor other identifying marks, consisted of a lease which Richard Nixon had signed for one of his apartments, a lease which contained a racial covenant circled in red, with the word "shame" printed boldly on the front.⁶⁶ Harris Wofford alone sent out 500 of these mailers to friends in the African-American community.⁶⁷

The response to the week's activities was overwhelming. Less than two weeks after King's arrest, six days after John Kennedy's phone call to Coretta King, five days after Robert Kennedy's call to J. Oscar Mitchell, and two days after the "Blue Bomb" was distributed to African-American churches and Nixon's lease with the racial covenant had been mailed, John Kennedy edged out Richard Nixon in the General Election on the strength of overwhelming support from "Negro" voters. Though the final tally of votes for the presidential election of 1960 was so close that nearly every ethnic group and voting block has claimed some responsibility for Kennedy's triumph, no single voting block can claim to have provided more of a margin of victory than African-Americans, who cast their ballots 4-1 in favor of Kennedy.⁶⁸ The Kennedys' rhetoric throughout the

In His Own Words, 70.

⁶⁶ JFK Library Interview of Harris Wofford by Larry Hackman, 67.

⁶⁷ Interview of Harris Wofford by Larry Hackman, May 22, 1968, Old Westbury, NY, p. 67, John F. Kennedy Library

⁶⁸ Carl Brauer, The Second Reconstruction, 59, Fawn M. Brodie, Richard Nixon and the Shaping of His Character, (Harvard University Press, Cambridge, MA., 1983), 432: "The vote was decisive in at least five states. Kennedy won New Jersey by 30,000 votes. The black Democratic vote in this state was 125,000. Michigan was won by 65,000; the black vote was 225,000. Missouri had 100,000 black votes; Kennedy won by 35,000. In South Carolina Kennedy won by 10,000; 40,000 blacks voted for him. In Illinois where Kennedy carried the state by only 9,000 votes, 250,000 blacks were said to be in his column."

primary and general election, pledging aggressive action on civil rights, combined with the events of the previous week, created an avalanche of support for Kennedy among African-Americans of all political persuasions on election day. The events of that week were perhaps captured best by the comments by John Wardlaw, Vice President Richard Nixon's African-American chauffeur in Washington. Discussing the election results with Nixon, he said:

Mr. Vice-President, I can't tell you how sick I am about the way my people voted in the election. You know I had been talking to all my friends. They were all for you. But when Mr. Robert Kennedy called the judge to get Dr. King out of jail - well, they just all turned to him.⁶⁹

V.

By the time John Kennedy won the 1960 election on November 8, he had raised the hopes of all who urged strong action against discrimination and segregation. The strong Civil Rights Plank had seemed a bold move in the direction of racial equality; the pledge to issue an Executive Order desegregating federally funded housing appeared to signal strong executive action, at long last, to use the powers of the presidency to remedy centuries of second-class status; and the call to Coretta King indicated a personal interest and commitment on the part of the presidential candidate. Kennedy's campaign rhetoric mobilized those who had been waiting nearly all of their lives for the words he had uttered. The elderly Roy Wilkins remembered:

⁶⁹ Fawn M. Brodie, Richard Nixon: The Shaping of His Character, (Harvard University Press, Cambridge, MA, 1983), 432.

[T]he man simply captivated both of us (Roy and his wife Minnie) with his fresh formulation of the position of the Negro in the United States... This was a new formulation in entirely new language. "Well", I said to myself, "this is what we've been waiting for."⁷⁰

Robert Kennedy shared responsibility for the raised expectations. By assigning Wofford, a Gandhian thinker, to a position of great responsibility within the campaign and allowing him a high degree of autonomy and unprecedented access, Robert Kennedy surrendered control over a personally charged aspect of the campaign.

Robert Kennedy did not seem interested or concerned by the pledges made by the candidate on civil rights, through Wofford's sometimes aggressive tactics, including such statements as action "with the stroke of a pen." By failing to read the Civil Rights Plank which had been submitted to the Platform Committee, Robert Kennedy had committed his brother to what even Wofford and Bowles considered "unrealistic" action on behalf of civil rights. By failing to consult with anyone on the decision to offer the Vice Presidency to Lyndon Johnson, opinions which would have surely counseled strongly against offering Johnson the position, Robert Kennedy set off a chain of events which required his brother to go beyond the already "unrealistic" commitment to civil rights he had accepted with the platform. By calling Judge Mitchell, Robert Kennedy contributed to the impression that the Kennedys were much more emotionally committed to civil rights issues than they actually were. This fueled expectations that strong, perhaps

⁷⁰ JFK Library Oral History Interview of Roy Wilkins by Berle Bernhard, August 14, 1964.

unconventional action to secure civil rights and racial harmony was imminent by the Northern President.

Wofford, Shriver, and Martin managed to create a huge reservoir of good will and high expectation for the Kennedys about which the new President and his brother were both unfamiliar and uncomfortable. All of these developments were politically motivated maneuvers to promote a political gain. The Kennedys were, after all, politicians. They said what the African-American voters wanted to hear in order to win their votes. Perhaps they were not aware how long many African-Americans had waited to hear the rhetoric which John Kennedy spoke. The Kennedys were ill prepared for the emotional flood of activism which their words released. Harvard historian, campaign adviser, and Kennedy White House Aide Arthur Schlesinger wrote several years before Kennedy's run for the presidency:

American History has been marked by recurrent swings of conservatism and of liberalism. During the periods of inaction, unsolved social problems pile up till the demand for reform becomes overwhelming. Then a liberal government comes to power, the dam breaks and a flood of change sweeps away a great deal in a short time.⁷¹

America stood poised at the beginning of another quarter century cycle of liberalism. This era of liberalism awaited release by the unsuspecting Kennedys. Particularly eager for such rhetorical encouragement were those who had attended neither

⁷¹ Arthur Schlesinger as quoted by Marcus Cunliffe, in Pastmasters, "Arthur Schlesinger", 354.

the Democratic nor the Republican Conventions of that year. They were the new civil rights activists who sat "illegally" in lunch counters throughout the South.

CHAPTER TWO: BUILDING THE STRUCTURE

When Robert Kennedy took over as the Attorney General, his standing with the civil rights advocates plunged to a new low. He refused to bring into the Justice Department anyone who spoke forcefully on behalf of civil rights issues and racial equality. Instead, he filled the two most sensitive posts at the Justice Department with, in one case, a person hostile to an aggressive civil rights agenda and, in the other, an attorney who lacked a relationships, credentials, and credibility with civil rights leaders.

I.

Robert Kennedy intended to leave Washington after his brother won the election. He was uncomfortable with continuing to live under Jack's shadow. At the advice of close friends such as William O. Douglas, he prepared to return to Massachusetts to enter state politics as a candidate for Governor.⁷² Jack Kennedy had other plans for Bobby. He shuffled through his staff appointments to find a place for him. He had already appointed professional statesmen to head the executive departments of his administration, calling on the "best and the brightest" to serve on what became known as the "New Frontier". But few of these New Frontiersmen were close personal friends of the President. John Kennedy wanted someone who would be his eyes and ears outside of the

⁷² Arthur Schlesinger, Robert Kennedy and His Times, 239.

White House -- who could tell him the truth, no matter how painful the truth might be. He needed his brother Bobby.

The President tried unsuccessfully to find a role at the State and Defense Department commensurate with Bobby's role -- Bobby was not qualified to head either one of these Departments and no one needed an Under Secretary who was the brother of the President.⁷³ Finally, John asked his Bobby to become the Attorney General, a position which Abe Ribicoff, the former Governor of Connecticut had recently declined.⁷⁴ Robert remembered, "I didn't want to be Attorney General... In the first place, I thought nepotism was a problem. Secondly, I had been chasing bad men for three years and I didn't want to spend the rest of my life doing that."⁷⁵ Joe Kennedy, Sr., joined Jack in putting pressure on Bobby. Finally, on the morning he was announced as Jack's choice for Attorney General, Robert acquiesced. "President Kennedy felt that it might be nice to have somebody around whom he could discuss things with," Robert later

⁷³ Robert Kennedy: "I didn't want to be in the White House. I didn't want to do that. If I was going to work in government at all, I wanted to have a position of my own responsibility, not just taking direct orders from anybody. I didn't want that. If I was going to do it, I had to have a position which had equality of responsibility and prestige, because otherwise I would be resented, and rightfully so, by anybody for whom I would be working or anybody else who had a higher position... I had to be in the Cabinet... and the only place I could really be in the Cabinet was as Attorney General." JFK Library Oral History Interview of Robert Kennedy by Anthony Lewis, New York City, December 4, 1964; McClean, Virginia, December 6 and 22, 1964.

⁷⁴ Ribicoff refused the position because of his opinion that it simply would not be proper for a Jewish Attorney General to put Negro children in Protestant schools at the direction of a Catholic President, In His Own Words, 74.

⁷⁵ Arthur Schlesinger, RFK and Times, 239.

explained, "For that reason I did it - not so much to become Attorney General as to be around during that time."⁷⁶

Reactions to Robert Kennedy's appointment as Attorney General were overwhelmingly negative.⁷⁷ At age thirty-five, Robert Kennedy was to become the youngest chief law enforcement official of the United States, and he had never even argued a case in court. Harris Wofford, never actually very fond of Bobby, remembered considering even the suggestion that Robert might be Attorney General "appalling."⁷⁸ It is interesting to note that one of the only sources of support for Bobby's appointment as Attorney General was from Southerners. Said Bobby later, "All the Southerners were

⁷⁶ RFK, In His Own Words, 74.

⁷⁷ John Kennedy fully expected this negative reaction. When asked by a Washington Post reporter how he would announce his brother's appointment, Jack said, "Well, I think I'll open the front door of the Georgetown house some morning around 2:00 a.m., look up and down the street and if there's no one there I'll whisper, 'It's Bobby.'", Schlesinger, RFK and Times, 243.

⁷⁸ Wofford had met Robert for the first time in 1957, when he went to Bobby's Rackets Committee office to discuss an upcoming trip he was taking with Chester Bowles to the U.S.S.R. (Kennedy had visited the Soviet Union three years earlier). Wofford described this first encounter: "Meeting with Robert Kennedy in early 1957 did nothing to make me want his brother to become President. . . .He went into a diatribe against the Soviet regime, which he explained was a great evil and ever present threat, and bid me good-bye. Having come to anti-communism early I did not appreciate his moralizing." He thought Robert Kennedy "insufferable." Harris Wofford, Of Kennedys and Kings, 32-33, see also, JFK Library Oral History Interview of Harris Wofford by Larry Hackman, 92. Ironically, some of Wofford's misgivings about Robert as Attorney General stemmed from the swirl of events that had led to Kings release during the 1960 campaign. While Wofford was grateful for Bobby's involvement in the effort to free King, he viewed Bobby's intimidating call to Judge Mitchell as a dangerous violation of legal ethics. Taylor Branch, Parting the Waters: America In the King Years, 1954-1963, (Simon and Schuster, New York, 1988), 367

very much in favor of my being Attorney General. The strongest support I received . . . came from Southerners."⁷⁹

Negative reactions notwithstanding, Robert Kennedy moved to assemble a Justice Department team of unprecedented talent to make up for his lack of legal experience. Nearly all of the top appointments he made were graduates of Ivy League Law Schools. Robert Kennedy's choice of his friend Byron White as Deputy Attorney General, however, did nothing to assuage the misgivings many civil rights advocates had voiced about his nomination as Attorney General. White and Wofford had "clashed quite a bit in the campaign," primarily because White's antipathy towards civil rights as a campaign theme⁸⁰. As the Deputy Attorney General, White would be the second most powerful voice in establishing Justice Department priorities. And like many people in the country at the time, he still did not consider civil rights issues to be a priority.

Meanwhile, there was a concerted effort to get Harris Wofford into the Justice Department as the Assistant Attorney General for the Civil Rights Division. Sargent Shriver sent to Bobby's home a confidential letter in December of 1960. "You know that I'm high on Wofford," he wrote, "He's imaginative, resourceful, an excellent lawyer, widely traveled, hardworking, and dedicated. I've looked over some of the other persons

⁷⁹ Robert Kennedy: In His Own Words, (Bantam Press, New York, 1988), edited by Edwin O. Guthman and Jeffrey Shulman, 77.

⁸⁰ Harris Wofford, JFK Oral History Interview of Harris Wofford by Larry Hackman, 124.

suggested for The Division and none of them compared with Harris."⁸¹ Even John Seigenthaler, one of Robert Kennedy's closest friends and working companions, became a "champion" of getting Wofford into that position.⁸² Wofford himself was quite eager and enthusiastic about moving into a position that would enable him to guide the Administration into action on civil rights.

Robert Kennedy was dead set against appointing Wofford to the Justice Department. He remembered: "Harris Wofford was very emotionally involved in all of these [civil rights] matters and was rather, in some areas, a slight madman."⁸³ By this time Wofford had become an unpopular figure within the inner circle of Kennedy advisers. The list of grievances against him was long: The failed meetings with Martin Luther King, Jr., the Civil Rights Plank and the Constitutional Rights Convention had extended John Kennedy's commitment to civil rights far beyond that which the inner circle and the President-elect were comfortable. The apparent misuse of the Kennedy name to get Martin Luther King out of jail had dragged the candidate into an early and unwanted confrontation with Southern Democrats. Worse, the distribution of Nixon's lease at the very end of the campaign had initiated a FBI investigation of the Kennedy campaign for violation of Hatch Act that requires that political mailings include letterhead or other identifying marks. This threatened to be a tremendous source of

⁸¹ Letter, Sargent Shriver to Robert Kennedy, 12/23/1960, The Papers of Robert Kennedy, Pre-Administration Correspondence, 1959 - 1960, Box 27, Sargent Shriver, Folder #2.

⁸² JFK Oral History Interview of Harris Wofford by Larry Hackman, 124.

embarrassment as Robert Kennedy, the campaign manager, prepared to take over as the head of the Justice Department with responsibility over the FBI. Wofford had put Bobby in the position of being investigated by the very federal bureaucracy he was to lead.

Another Wofford offense was his crusade to derail the appointment of Senator William Fulbright for Secretary of State. As part of the transition talent search, Wofford felt it his responsibility to act against this man whom the President-elect held in high esteem.⁸⁴ As soon as Wofford discovered that the Southern Senator was being considered for this position, he asked Liberal-minded friends to call the President-elect and Robert Kennedy and voice their disapproval. Robert Kennedy was also opposed to Fulbright, and it was his word which sank the nomination.⁸⁵ Nevertheless, Wofford's public campaign not only violated the Kennedy team spirit, but also abused the confidence he had been granted as part of the transition team. In the Kennedy eyes, Harris Wofford was shaping up to be a loose cannon.⁸⁶

⁸³ RFK, In His Own Words, 79.

⁸⁴ David Halberstam, The Best and the Brightest, (Fawcett Crest Books, Greenwich, CT, 1972), 40.

⁸⁵ Bobby wrote in a memorandum: "I was very strongly against Fullbright. I felt... that any time we took a position against any of the nations of Africa, or any time that we would take a position that was unpopular, that the Russians and the others would be able to say, 'Well, this is all done because we have a Secretary of State who feels that the white man is superior to the Negro... we'd be unnecessarily burdened by having a man in that job who had this terrible impediment of having signed the Southern Manifesto.'" RFK memorandum, February 9, 1961, 10-11, RFK Papers, quoted in RFK and His Times, 233.

⁸⁶ David Halberstam, The Best and the Brightest, 40.

Though President Kennedy appointed a large number of African-Americans to Government positions, none of the aggressive members of the campaign's Civil Rights Section were given influential positions in the new Administration, positions that would have been necessary if they were to follow through on the expectations they had helped raise to such a feverish pitch through their campaign activities. Instead, Wofford, Martin and Shriver were dispersed throughout the Administration. Louis Martin assumed a position as the Vice-Chairman of the Democratic Party. Sargent Shriver accepted command of the President's experimental Peace Corps, where he created a place for his friend Harris Wofford.

On February 7, 1961 President Kennedy received the members of the Civil Rights Commission, to ask them to continue working through his administration. The President had made a campaign pledge to extend the life of the Commission, but he wished to avoid placing it in the spotlight by immediately changing its personnel.⁸⁷ President Kennedy was surprised by the militancy of the Commission members who visited with him. Chairman John Hannah confronted him directly and demanded to know why the President had not appointed a Special Assistant to advise him on civil rights in the White House. The flustered President replied, "But I have appointed a Special Assistant, working full time on civil rights issues, Harris Wofford." Soon after the delegation departed, the mystified Wofford was summoned to the White House and sworn into his

⁸⁷ Taylor Branch, Parting the Waters, 400; Victor S. Navasky, Kennedy Justice, (Antheneum, New York, 1971), 160., JFK Library Oral History Interview of

new post.⁸⁸ In another Kennedy improvisation, the Gandhian "madman" Robert Kennedy had recruited into the campaign, was invited to set up shop in the White House.

Burke Marshall, a corporate lawyer from the Washington law firm of Covington and Burling, was appointed as the Assistant Attorney General for the Civil Rights Division. His selection was made at the advice of Byron White, though White had never met or worked with Marshall. The first encounter between Marshall and Robert Kennedy was a disaster. The contrast of personality types between Burke Marshall and Robert Kennedy could not have been more distinctive. Where Robert Kennedy was an impulsive, emotional firecracker, an intense competitor in sports and athletic activity, Burke Marshall was a quiet, reserved academic/rationalist, who spoke so softly that at times, he seemed to whisper. The opposing personality types did not take to each other. Ed Guthman, the Justice Department's press spokesman, recalled, "Marshall was so self-effacing and laconic that when he came in for an interview with the equally laconic Attorney General, the meeting was notable only for long periods of dreadful silence... Bob was not impressed and doubted very much that he could establish a relationship with

Harris Wofford by Berle Bernhard, 35.

⁸⁸ Wofford on his swearing in: "Ralph Dungan called me and said, 'The President wants you to come over.' ...I remember going over there to see the President... Tom Hughes happened to be there too, from the State Department. And the old man of the White House who comes and swears people in with a book came in and said, 'Are you Harris Wofford?' And I said, 'Yes.' He said, 'Would you raise your right hand?' And I remember thinking to myself, I really ought to talk with the President about this. In any case I raised my right hand and took the oath after him and a little later they called me in to discuss what the job would be." JFK Library Oral History Interview of Harris Wofford by Berle Bernhard.

Marshall."⁸⁹ Bobby confided to another intimate, "I have nothing in common with that man."⁹⁰ Nevertheless, he went ahead with the nomination on the strength of White's suggestion. The decision even surprised Marshall.

Leaving aside the fact that Robert Kennedy's first encounter with his new appointee to the Civil Rights Division was awkward and largely uncommunicative owing largely to the differences in their personalities, Marshall met the criteria Robert Kennedy had set for that position: "I didn't want to have someone in the Civil Rights Division who was dealing not from fact but was dealing from emotion and who wasn't going to give what was in the best interest of President Kennedy....I wanted advice and ideas from somebody who had the same interests and motivations that I had."⁹¹

In early 1961, Robert Kennedy's overriding motivation was the reelection of his brother as presidency in 1964. Robert Kennedy wanted for the Justice Department's Civil Rights Division someone who did not have his own civil rights agenda, one that would be independent and perhaps even damaging to the President. Robert Kennedy wanted a bureaucrat who would run the Civil Rights Division more like a cold, colorless corporation than an agency of liberation. The Attorney General wanted an Assistant Attorney General for civil rights who was truly an "assistant" and not someone who

⁸⁹ Edwin O. Guthman, We Band of Brothers, 96.

⁹⁰ Victor Navasky, Kennedy Justice, 162.

⁹¹ Robert Kennedy In His Own Words: The Unpublished Recollections of the Kennedy Years, edited by Edwin O. Guthman and Jeffery Shulman, (Bantum Press, New York, 1988), 78-79.

would take control of the division and manipulate its political machinery. That person was the "corporate" lawyer Burke Marshall. "The Civil Rights Division", recalls Marshall, "had a big job of litigation to do, and that, all by itself, was interesting. I just didn't think about how the government was organized, ...who was where. It didn't occur to me to worry about centers of power, and centers of decision making."

The appointment of the young, quiet, unknown, corporate lawyer as the head of the Civil Rights Division did not move or inspire the members of the civil rights establishment. The appointment of Marshall seemed to betray a willingness, if not an outright desire on the part of Robert Kennedy, to allow civil rights issues to lay fallow during his brother's administration.

Despite his corporate background, Marshall, unknown to most, did have a tremendous interest in civil rights issues, an interest kindled by a fellow associate at his corporate law firm: Harris Wofford. The two engaged in lengthy conversations on civil rights when Wofford was a member of the Civil Rights Commission. Indeed, unknown to all but Harris Wofford, it was Burke Marshall, during one of their in depth conversations about civil rights, who suggested to Harris Wofford the highly controversial concept of assigning Federal Voting Referees to areas where African-Americans had been intimidated away from the polls -- a controversial proposal that Wofford had made to the Civil Rights Commission.⁹² Wofford encouraged Marshall to

⁹² Harris Wofford interviewed by Larry Hackman, February 13, 1969, Robert F. Kennedy Oral History Project, JFK Library.

take a job teaching corporate law at the all-black Howard University Law School in Washington, D.C. Marshall found the experience "awfully interesting. Howard ...exposed me to black students, and Howard Law School, at that time, was full of people who knew these (civil rights) issues."⁹³ Marshall had the full support of Harris Wofford when he took over as the Assistant Attorney General for civil rights at the Justice Department. "(Marshall) was the one person that I thought might be able to do a better job than I could at that spot." said Wofford. "Burke just generates confidence in his balance and judgement."⁹⁴

Despite his personal interests, Marshall's familiarity with civil rights issues were not well known. They were, at times, deliberately concealed by Marshall. His testimony at his confirmation hearings of March 3 and 15 of 1961 was revealing:

Senator Johnston (D-Louisiana):		Mr. Marshall, how long have you been practicing law?
Marshall:		Since 1951, Senator.
Johnston:		What has been the nature of your practice?
Marshall:		I have been all of that time with a law firm called Covington & Burling here in Washington, it is a large law firm. The practice is mainly business law. My only practice has been mainly in the anti-trust area.
Johnston:		Anti-trust?

⁹³ From my interview with Professor Marshall, February 17, 1989, Yale University Law School, New Haven CT.

⁹⁴ Wofford, commenting after Bobby Kennedy's death said, "You know Bob was, by the time he was killed, more deeply committed to the whole black problem than anybody else in the United States, I would guess. And Burke played a crucial, crucial, role in that ...Burke was really able to lead him in deep." Harris Wofford, interviewed by Berle Bernhard, November 29, 1965, "JFK Oral History Project".

Marshall:		Anti-trust, yes Senator.
Johnston:		I believe you have been assigned over here as Assistant Attorney General under the Civil Rights Section. Isn't it something along that line?
Marshall:		That's correct Senator.
Johnston:		What experience have you had in that field?
Marshall:		Virtually none, Senator. I have really had no experience in that field.
Johnston:		Now have you had any association or affiliation in anyway with the Civil Rights Commission?
Marshall:		No, Senator.
Johnston:		Do you know any of the members of the Commission?
Marshall:		No, I do not. I do not know any of the members of the Commission.

Public signals on the nature of the Justice Department's future civil rights policies did not look good. By bringing White into the Justice Department, Robert Kennedy brought on a known antagonist of those who urged strong action on civil rights. Next, Kennedy appointed a quiet, non-confrontational corporate lawyer to head the Civil Rights Division, a person whom, by his own admission, had "virtually no experience" in civil rights matters. Compounding the disappointment over the appointments were disturbing leaks coming from the White House that the new administration would not push civil rights legislation in Congress. The message from the White House was that President Kennedy's margin of victory was too narrow to risk any adventurous initiatives in Congress, especially with regard to something as divisive and party splitting as civil rights.

II

When Robert Kennedy took over at the Justice Department, it's my guess that he anticipated that 80% of his work would be concentrated on organized crime, and that ...the rest (would be spent) on all other activities of the Justice Department.⁹⁵

Such was Burke Marshall's recollection of the time Bobby Kennedy thought that he could divide among his duties as the Attorney General. Bobby relished the opportunity to crush the notorious "bad men" of organized crime and racketeering while attempting to minimize his involvement in civil rights issues. He knew that civil rights struggles were bound to become a political liability for his brother. Robert Kennedy vividly remembered the fate of the previous Attorney General William Rogers, the man "blamed" for the integration of Little Rock, relative to the political fortunes of his boss, Richard Nixon. When Rogers accompanied Nixon on a cross-country campaign swing, he was forced to hide in the plane while Nixon toured several cities in the South. Robert Kennedy quite openly bemoaned his own situation: "[I]f my brother were going to run again in 1964, to have an Attorney General who can't hide in a plane and has the same last name as the President of the United States would just be fatal."⁹⁶

Yet, personal involvement in civil rights was forced upon Bobby at a very early date. Judge Skelley Wright of the Federal Court of Appeals lost very little time in asking

⁹⁵ From my interview of Burke Marshall, February 17, 1989.

⁹⁶ RFK interview by Anthony Lewis (with Burke Marshall present), New York City, December 4, 1964; McClean Virginia, December 6 and 22, 1964.

the Justice Department to intervene to enforce his interpretation of Brown v. The Board of Education as applied to the public schools in New Orleans, Louisiana. Though U.S. District Court Judge Wright had ordered the school officials to desegregate at the rate of a grade-per-year, the New Orleans school officials refused.

Unwilling to see the power of the Federal Government challenged by a group of school officials in New Orleans and the Governor of Louisiana, Robert Kennedy asserted the authority of the Justice Department. The nature of the Attorney General's involvement in this case, however, crystalized early frustration with his views on civil rights. Many civil rights advocates saw Kennedy's entrance into the case more to secure the sovereignty of the Federal Government than to secure the rights of African-American school children per se. The crisis became, not a showdown over what rights would be afforded to which Americans, but rather a show-down over who wielded more power, the Federal Government or the School Board of New Orleans. In a joint interview of Robert Kennedy and Burke Marshall in 1964, the case was characterized by Burke Marshall as "a defiance by the Governor and the state school board ...Someone had to back down." Added Robert Kennedy, "The United States (government) couldn't back down."⁹⁷

Many were also frustrated at Kennedy's willingness to negotiate an end to the stand-off between the Louisiana school board officials and Federal Judge Skelley Wright. A new generation of African-Americans, inspired by the lifting campaign rhetoric of

⁹⁷ In His Own Words, pp. 78-80.

John Kennedy, among others, expected decisive action by the Federal Government to end the second-class citizenship they had suffered under for so long, and were perplexed at the Attorney General's willingness to compromise with Southern segregationists over the doling out of their civil rights. To an increasing number of African-Americans, negotiation was fast becoming a symbol of continued accommodation, appeasement and delay.

Robert Kennedy had reason to want to negotiate with the Southern segregationists. It was reason based on what was then widely accepted historic lessons from the period of Reconstruction following the Civil War. The Kennedys, both Robert and John, had been educated to the now largely discounted "consensus" view of Reconstruction history, a history that was critical of the federal occupation of the South yet little concerned about the failure to fully vest freed slaves with rights under the United States Constitution. The result was to sew the belief in the Kennedy brothers, and most other similarly educated persons at that time, that an aggressive and confrontational federal approach to civil rights in the South would actually set back progress there. The consensus view at the Justice Department and in the White House during the early part of the Kennedy Administration, was that peaceful, negotiated change was what was needed in order to make change in the South permanent.⁹⁸

⁹⁸ Eric Foner's Nothing but Freedom and America in the Era of Reconstruction provide excellent examples of new examinations of this period.

After lengthy and delicate negotiations, the New Orleans School Board, backed up by the state of Louisiana, enacted a desegregation plan which was acceptable to Federal Judge Skelley Wright and the Justice Department. The conflict was resolved peacefully and with no bloodshed. The resolution of this crisis was held up as a model for future civil rights confrontations by Attorney General Robert Kennedy. It was consistent with the Kennedy's "consensus" view of social change, a view where challenges to traditional race relationships were initiated, accepted and applied at local levels, by local residents, with local consent, and with little authoritative directives from the Federal Government.

It is interesting to note the contrast between what the Kennedy Administration officials saw as beginning of their coming to grips with civil rights, and when civil rights activists pinpoint the beginning of the Kennedy Administration's commitment to their campaign. Those in the Kennedy Justice Department invariably point to the desegregation crisis of New Orleans as the departure point, while the leaders of the African-American Civil Rights Movement point to a rather different crisis, a crisis which will be discussed in detail in the following chapters, in which Robert Kennedy and the Justice Department was as much of a target for civil rights activists as the Southern segregationists were.

The desegregation of the New Orleans school system is rarely mentioned by these activists as a milestone of progress on civil rights. New Orleans, to many who would be on the front lines of the Civil Rights Movement of the 1960's, was not the celebrated milestone it was to the Kennedy Justice Department. It was, instead a millstone, sad

reminder of how painfully slow the process of desegregation, using the constitutional framework of the judiciary, was in allowing them the most basic of public rights nearly a century after emancipation. Those who would become leaders of "The Movement," were losing patience with and the confidence in the Federal Government through which the NAACP had been working for so long. They began to confront, not only the secondary status they had been relegated to for so long, but the very institutions which they had been assured would assist them in securing their rights. III.

John Lewis, who would become one of the most confrontational of the civil rights activists, now the third most powerful member of Congress, described growing up as a sharecropper's son in rural Georgia, as follows:

[W]e really didn't discuss the whole question of segregation. It was something that existed and that we saw when we went to the town, into Troy, to the dime store. We saw the sign saying White Only or Colored. When you went to go to the water fountain, you knew not to drink out of the fountain that said White Only, that you were directed to drink out of the one saying Colored. You couldn't go to the soda fountain and get a Coke. Somehow we grew up knowing that you couldn't cross that line, but there was not that much discussing it within my family, not at all. It was a sense of fear, I guess, on the part of my parents, that we must stay in our place. There was a certain point where then you couldn't - you knew not to go any further.⁹⁹

When Rosa Parks said "no" to the bus driver who asked her to move to "her place" at the back of the bus, Rosa said no to far more than simply a bus driver. She said no to

⁹⁹ John Lewis interviewed by Howell Raines, My Soul Is Rested: Movement Days in the Deep South Remembered, (G.P. Putnam Sons, New York, 1977), 72.

an entire century of injustice, a century of second class citizenship which mocked the ideal of American freedom. When Rosa Parks said no to the bus driver she turned her back on a social structure in which African-Americans were expected to "know," as John Lewis' family did, the lines which separated white America from black America. When Rosa Parks said no, she took an uncertain fate into her own hands, and turned away from the path which such institutions such as the NAACP had trod for decades, the path of constitutional, internal remedies for their grievances. With a single act, and with a single word, Rosa Parks articulated the frustration and impatience of an entire segment of the American population.

On January 1, 1957, the Southern Christian Leadership Conference was founded on the strength of the communal spirit which made the Montgomery bus boycott, initiated by Rosa Parks' simple protest, so successful. Their expressed purpose was to employ non-violent tactics to "redeem the soul of America." This goal proved significantly and historically more broad than the secular and legalistic goals of the NAACP.

In early 1961, spontaneous sit-in demonstrations occurred in both the north and the South. Spurred on by the encouragement of one of the first SCLC Coordinators, Ella Baker, the students of Fisk University, in Raleigh North Carolina founded the Student Non-Violent Coordinating Committee ("SNCC") to achieve "a more unified sense of direction for training and action in nationwide resistance."¹⁰⁰ In the north, James Farmer

¹⁰⁰ In Struggle, SNCC and the Black Awakening of the 1960's, by Clayborn Carson, (Harvard University Press, 1981), 20.

left the NAACP, where he had been the Activities Director under Roy Wilkins, to replace James R. Robinson at the Congress of Racial Equality (“CORE”). Farmer's return to CORE, historian August Meier writes, "marked the changeover from the bureaucratic leader to the charismatic leader... who could make CORE a major influence among Negro protest organizations."¹⁰¹

From these groups emerged a new cadre of political, and social civil rights “activists.” They stood in sharp contrast to the civil rights “advocates” of previous generations. Where the civil rights advocates of a previous generation worked "within" the system, the new activists had a profound and deep-seated distrust for American institutions as they knew them. They were motivated into action by Mahatma Gandhi whose principles said nothing of waiting for decades for a judicial system to dole out their rights.

Gandhi's strategy for social change was based on the use of "non-violent, direct action." The first part of this formula, the "non-violent" aspect, was palatable, even welcomed by the Kennedy Administration. Non-violence was as much born of social and political reality as it was to philosophic and theological truisms. "It was non-violence," explained James Farmer, "because it presented to the Northern Liberals a most favorable image of blacks."¹⁰²

¹⁰¹ August Meier and Elliot Rudwick, CORE A Study In the Civil Rights Movement, 1942 -1968, (Oxford University Press), 1973), 131.

¹⁰² James Farmer, from an interview I conducted at his home in Fredericksburg, VA, February 24, 1989, 3:00 p.m., Tape 2 of 2.

The second part, the "direct- action" aspect, clearly was not acceptable by the Kennedy Administration. Robert Kennedy initially viewed direct-action as a clear and unequivocal threat to the stability of the United States. Yet, this dichotomy, that of encouraging non-violence while condemning direct-action, was one which only those outside of the movement would make. Those within the movement knew that Gandhi's non-violence had to be coupled with direct action because without direct action, non-violence assumes age old names: submission, passivity, and indifference.

The eventual force of the direct-action movement was, ironically, heightened by the frustration that the new activists felt for the Kennedy brothers and their administration. Young African-Americans were moved by the rhetoric of the youthful John Kennedy as he campaigned for the White House.¹⁰³ There was a great deal of hope that the young Kennedys would apply their own direct action to racial injustice.

Martin Luther King sought a meeting with President Kennedy early after his inauguration to prod him to take direct, Executive Branch actions to end racial discrimination as promised during the 1960 campaign. Yet King was time and time rebuffed by Kennedy who seemed more preoccupied with building ties to the legislative establishment than with seeking contacts among civil rights leaders.

On April 14, Robert Kennedy invited Martin King to the Justice Department to meet with him in his brother's stead. The meeting was cordial yet inconclusive. King

¹⁰³ From my interviews of John Lewis, Frank Smith, Walter Fauntroy, John Wilson and James Farmer.

urged Robert Kennedy to pursue, as Attorney General, alternative strategies to the slow process of litigation that produced results such as the Brown v. The Board of Education decision only after years of court appeals. King specifically suggested that Robert use his influence to petition the Interstate Commerce Commission to bar discrimination in facilities serving interstate patrons. The Attorney General, however, made no promises. He told King that inert bureaucracies such as the ICC were immune to decisive action, and that a petition as he suggested would be delayed for years in internal study.¹⁰⁴

Meanwhile, Harris Wofford found that his recommendations to John Kennedy on civil rights were being systematically ignored. He had received no feedback at all pertaining to the detailed memorandum he had prepared that provided the President a blueprint for strong executive leadership in civil rights. In a memorandum dated December 30, 1960, Wofford indicated that the environment was right for a two-pronged attack. On one front would be the strong Southern voice of Lyndon Johnson; on the other, the bold civil rights pledges of the Democratic Platform. Wofford wrote to Kennedy: "It took a strong civil rights platform and campaign, and Lyndon Johnson and substantial Southern support to win in 1960. The same combination is short-hand for what the problem requires in 1961 and the years ahead." Citing what Bob Trouteman had called the "liberating effect" which Kennedy's call to Coretta King had on some Southern politicians, Wofford urged Kennedy to use the same type of unconventional approach to

¹⁰⁴ John Maguire interviewed by Jean Stein, American Journey, edited by George Plimpton, (Harcourt Brace Jovanovich, Inc., New York, 1970), 96.

"shock and reshape the thought patterns and the political patterns of this (racial) problem."¹⁰⁵

Wofford's strategy was never to be. Robert Kennedy backed the Administration away from the Democratic Party's Civil Rights Plank during his confirmation hearings on January 13, 1961. After repeated questioning from the liberal republican Kenneth Keating (whom Kennedy would challenge, defeat and replace as New York's U.S. Senator in 1964) on whether the Administration would live up to its platform promises on civil rights, the Attorney General Designate answered, "They (the civil rights recommendations) will be made based on the legislation that now exists, and what the situation is at the time. . . .All facts have to be examined and then if President-Elect Kennedy requests a recommendation from the Department of Justice we will study the matter and make a recommendation to the President." This was in sharp contrast to the "affirmative new atmosphere" to which the candidate had pledged himself in the 1960 platform.¹⁰⁶

Next, Robert Kennedy muzzled an unexpected advocate of civil rights, Lyndon Johnson, who had become, since their confrontation at the Convention, an arch-enemy. The Vice-President was eager to shed his burly Southern image so as to fit more

¹⁰⁵ Letter, Harris Wofford to President-elect Kennedy, December 30, 1960, The Pre-Administration Files of Robert F. Kennedy, Political Correspondence, Box 52, Harris Wofford.

¹⁰⁶ RFK Senate Confirmation Hearings, Ju-1, 87-1, January 13, 1961, the Committee on the Judiciary, 87th Congress, p. 38.

comfortably with the urbane, sophisticated intellectuals who made up the Kennedy's "Camelot." Civil rights offered him the most visible means of repudiating his past. The Vice-President sought and received the President's appointment as the Chairman of the President's Commission on Equal Employment Opportunity. Yet, the role would prove little more than ceremonial as the Kennedys were not enthusiastic about Johnson as a spokesman for civil rights. Robert Kennedy explained, "The President always felt that Johnson, on civil rights, wanted to get too far involved in it personally than was necessary."¹⁰⁷ The Attorney General instructed Johnson to speak "no more than the President was speaking" on civil rights matters -- which at the time was not at all.¹⁰⁸ John Nolan, a Kennedy Justice Department Assistant, described the meetings of the PCEEO as "scripted,"¹⁰⁹ a formula for inaction.

President Kennedy refused to sign the Executive Order to end discrimination in federally subsidized housing -- the Order he himself had described as simply "the stroke of a pen" during the campaign in 1960. In fact, the President showed intense irritation towards Harris Wofford for his efforts to have him sign the Order which he had so readily pledged himself.¹¹⁰ As more and more time went by without the President signing the

¹⁰⁷ RFK, In His Own Words, 76.

¹⁰⁸ RFK, In His Own Words, 77.

¹⁰⁹ From my interview of John Nolan in Washington, D.C., February 22, 1989.

¹¹⁰ In the "Ink for Jack" campaign, hundreds of bottles of ink and pens were sent to the White House to encourage the President to sign the Executive Order on Housing. The President, sensing Wofford's involvement had all of the pens and ink deposited in Wofford's office.

Order on housing, it became all too clear to Harris Wofford that, despite his appointment to the President's White House staff, the President had no intention of allowing him to use the White House as a center for civil rights action. To Wofford's great disappointment, the center for decisions pertaining to civil rights would be at the Justice Department.

In a speech drafted and revised repeatedly as its first communication to all the pertinent parties in its future integration cases, Robert Kennedy mapped out the obligation of the Justice Department in pursuing the civil rights goals of the new President. He articulated a purely legal obligation, devoid of a moral imperative. In explaining the Justice Department role in the desegregation of public schools, Robert Kennedy was only willing to go as far as to state, “We are maintaining the orders of the courts. We are doing nothing more nor less.”¹¹¹

With the former campaign manager at the head of the Justice Department, and now in charge of the civil rights efforts, the civil rights constituency and increasingly the civil rights activists and leaders began to take the view that the authority of the Justice Department in this field would be exercised only to the extent it served the re-election prospects of the Attorney General's brother.¹¹²

¹¹¹ Robert F. Kennedy, Rights for Americans: The Speeches of Robert F. Kennedy, edited by Thomas A. Hopkins, (The Bobbs Merrill Co., Inc., 1964), Delivered at the Law Day Exercises at the University of Georgia Law School, May 6, 1961, p.22.

¹¹² From author interviews of John Lewis, Walter Fauntroy, James Farmer, Frank Smith, John Wilson.

To deny political motivations in the exercise of the Kennedy's duties and responsibilities, including in their duties to protect civil rights, would be counter intuitive and in contrast to many undeniable facts. Politics and political considerations were the lifeblood which had sustained the Kennedys through their journey from the Eleventh Congressional District to the White House.

Comparisons are often made between the "political" considerations of the early Kennedy era and the "statesman" conduct of the Eisenhower Administration. Such comparisons are not entirely fair. Eisenhower and his lieutenants approached the White House from a different front than the Kennedys and their supporters. As the Supreme Allied Commander, Dwight Eisenhower commanded the largest army ever assembled on the planet and descended, in a manner not unlike George Washington, upon the Presidency from the most powerful role this country has ever, and with luck, will ever know. Robert and John Kennedy, on the contrary, scrapped and fought their way to the White House, cajoling an army of sympathizers to build support for their cause in thousands of counties, and in hundreds of precincts across the country. The game of politics brought them to the top of the heap, and they did not simply discard the rules and skills acquired from the previous sixteen years upon entering the Executive Branch.

In some ways, it was surprising that the Kennedys did not make more political appointments and take more stock in political considerations than they did. The "Best and Brightest" were no collection of political hacks, nor were projects such as the Peace

Corps, or the Alliance for Progress simply the end game of horse trading on Capitol Hill.

Still political considerations, by necessity, did play an important role in the deliberations at the Justice Department as they did at the White House. Some such considerations, such as the Tax Cut of 1963 and the Reapportionment suit brought by the Attorney General in 1961,¹¹³ were beneficial to the country and their political origins have been blurred or denied. Other such considerations backfired to the extent that they have become the bastard offspring of real-politic Kennedy myopia. Such was the fate of the appointment of the federal judges to the Fifth Circuit Court.

On May 19, 1961, President Kennedy signed the Senate Bill 912, otherwise known as the Judiciary Act of 1960, which increased by 73 the number of slots for judges on the Federal Bench. Such an increase placed a tremendous burden on the Executive Branch to find judges for the new slots as well as old vacancies. To this gargantuan task was assigned Robert Kennedy's Justice Department.

Robert Kennedy defined leadership as action. From Robert McNamara overhauling everything from weapons procurement to nuclear strategy at the Pentagon, to the Peace Corps volunteers who dug wells in sub Saharan Africa, the Executive Branch was to be the preserve and priority for persons of action. Federal judges were not

¹¹³ For an interesting insight as to the political considerations given this case, see Robert F. Kennedy, In His Own Words: The Unpublished Recollections of the Kennedy Years, edited by Edwin O. Guthman and Jeffery Shulman, (Bantum Press, New York, 1988), 219-223, 382

considered to be "pioneers on the New Frontier". Faced with such a large number of slots to fill, and concerned with more kinetic areas of Government, the Justice Department relied upon the Senate for an unprecedented, and to some a suspicious degree of "advice and consent" on nominees for the federal bench.

The politicization of nominations to the federal bench provided significant dividends for the Kennedy Administration. Nominations allowed the Kennedys to repay scores of political debts accrued over the last decade.¹¹⁴ Deference to the Senate also provided the means to extract return political favors in the future.¹¹⁵

To Southern segregationist political leaders, deference to their interests held out a much more sacred dividend. Said John Patterson, the segregationist Governor of Alabama:

¹¹⁴ "In the Kennedy Administration it was even the practice to have a 'spotter', a trusted Kennedy man, in each state. The spotter's opinions were always solicited before a nomination was made, to ensure that the candidate had never voiced an anti-Kennedy position. Support for the President 'before Wisconsin' was the highest accolade that a potential nominee could earn." See Mary Curzan, "A Case Study in the Selection of Federal Judges in the Fifth Circuit, 1953 - 1963." Yale Ph.D. dissertation. This dissertation was previously available only in summary. Recently the whole dissertation has been declassified, making information such as above available for the first time.

¹¹⁵ See RFK, Anthony Lewis interview: "The President of the United States is attempting to obtain the passage of important legislation in many, many fields, and the appointment of a judge who is recommended by the chairman of a committee, or a key figure on a committee can make the whole difference on his legislative program." Joseph Dolan, in an interview conducted by Mary Curzan, would call the judicial appointments in "the truest of Tammany Tradition." See Mary H. Curzan, "A Case Study in the Selection of Federal Judges in the Fifth Circuit Court, 1953 - 1963", p. 5, Yale Ph.D. dissertation, Yale University Social Studies Department.

[L]ong before Mr. Kennedy ever came on the scene, we knew down here that we were fighting a delaying battle in so far as the segregation of public schools and public facilities were concerned. You see, our position had always been to fight a legal battle. We fought it legally in the courts, and our whole policy was to avoid confrontation, to avoid a decision. You see, when you know the decision is going to be against you in advance, then you're foolish to try to push it to a conclusion when you might be able to delay it another year or two, you see. This was our policy.¹¹⁶

Robert Kennedy's nomination of judges for the federal bench stiffened the resolve of the segregationists in the South. It was for these appointments that Robert Kennedy would receive his most devastating, and prolonged criticism. In his much-read book, *Kennedy Justice*, Victor Navasky would write:

No aspect of Robert Kennedy's Attorney Generalship is more vulnerable to criticism than these appointments. For it was a blatant contradiction for the Kennedys to forego civil rights legislation and executive action in favor of litigation and at the same time to appoint as lifetime litigation-overseers men dedicated to frustrating that litigation.¹¹⁷

Even those who would later become close friends fault Robert Kennedy for this abuse of executive privilege. Marian Wright, who would become one of Robert Kennedy's most dedicated supporters said

[T]he big thing that formed my first impression of the Kennedys was their choice of judgeships, the fantastically segregationist judges who

¹¹⁶ Oral History Interview of Governor John Patterson by John Stewart, May 26, 1967, Montgomery Alabama, p. 30

¹¹⁷ Victor Navasky, *Kennedy Justice*, (Atheneum, New York, 1971), page 244

were appointed to district benches in the South! How Burke Marshall could say, "I saw Judge Cox sitting there in the Justice Department, and he promised me he would uphold the law."¹¹⁸ I mean those of us who had been working in the South long enough, we know that kind.¹¹⁹

The effects of these judicial appointments would not be felt immediately. Yet, the effect would be felt definitively. In writing about the appointment just one of the segregationist judges, Harold Cox of Mississippi, Roy Wilkins would write, "For 986,000 Negro Mississippians, Judge Cox was another strand in their barbed-wire fence, another cross over their shoulders, and another boulder in the road up which their young people had to struggle."¹²⁰

The conservative judicial structure which Robert Kennedy put in place by the end of 1961 stood in sharp contrast to the increasingly radicalized civil rights groups organizing throughout the South during the same period of time. Moreover, as Attorney General, Robert Kennedy embraced a radically different gradualist strategy for addressing civil rights deprivations that was on a collision course with the direct-action tactics being adopted by civil rights activists. A conflict between these disparate structures was soon to come.

¹¹⁸ "We sat on my couch in my office, and I talked to him. And I said that the greatest reservation that I had was whether he'd enforce the law and whether he'd live up to the Constitution....and the interpretation of the Constitution by the Supreme Court. He assured me that he would.... He was very gracious. He said that there wouldn't be any problem about that..." page 109, In His Own Words, interview with Anthony Lewis.

¹¹⁹ Jean Stein, American Journey: The Times of Robert Kennedy, interviews by Jean Stein, edited by George Plimpton, (Harcourt Brace Jovanovich, Inc., New York,) page 112.

¹²⁰ Roy Wilkins, Standing Fast,

CHAPTER THREE: FIRST LESSONS

The Freedom Rides took the Kennedy Justice Department by surprise. Though they were informed of the rides, it is doubtful that they took the enterprise seriously as CORE activists were not nationally known. The Attorney General and the President were shocked by the violence the Riders encountered. The Justice Department and Robert Kennedy gained a much soberer view of segregationist southern politicians. The results for the activists were a complete victory for Gandhian tactics and principles. It invigorated "the Movement" as it was becoming more provided a renewed sense of purpose and emboldened confidence.

In April of 1961, Roy Wilkins tried to talk James Farmer, his former employee, and now the Executive Director of CORE, out of embarking on what was to be known as "the Freedom Rides". After pointing out the tremendous personal and financial toll to which the riders would be subjected, Wilkins reasoned with Farmer, "All we need is one good test case so we can fight it out in the courts and put an end to segregated travel in this country, just as we reduced the concept of segregated schools to ashes." Farmer was not to be deterred. He replied, "Roy, we've had test cases... and the status remains quo."¹²¹ He refused to call them off.

The rides were planned to deliberately encourage violence. As Farmer later explained:

¹²¹ James Farmer, Lay Bare the Heart, (Arbor House, New York, 1985), 13

We planned the Freedom Ride with the specific intention of creating a crisis. We were counting on the bigots in the South to do our work for us. We figured that the government would have to respond if we created a situation that was headline news all over the world, and affected the nation's image abroad. An international crisis, that was our strategy.

On May 4, 1961, The Freedom Riders left Washington, D.C. riding buses from the two major interstate carriers, Trailways and Greyhound for the stated purpose of testing compliance with the Supreme Court ruling in Boyton vs. Virginia.¹²² After traveling relatively unmolested through 800 miles of interstate highways, both buses the Trailways bus and the Greyhound bus were attacked after leaving Anniston, Alabama. The first was shot at and burned on the freeway, while the other was set upon by the Ku Klux Klan when it pulled into the bus station in Birmingham.

"I would say the dominant reaction in the Department of Justice was: Why are they doing this? Why are they making so much trouble for us?"¹²³ such was the recollection of Assistant Attorney General Ramsey Clark to James Farmer's group as the violence inflicted upon them began to unravel. Confusion permeated the Justice Department, the Attorney General, and the President of the United States. No one knew just what it was that the Freedom Riders wanted, perhaps because they wanted so little. Possibly paralyzed by a misrepresentation of Reconstruction History, these powerful men

¹²² According to Burke Marshall, the Freedom Riders misinterpreted the Supreme Court ruling in this case. The Court did not outlaw segregation in interstate bus facilities in this decision. Instead, the ruling made illegal the use of public law enforcement to enforce privately mandated segregation in interstate bus facilities. See author interview with Burke Marshall, February 17, 1989.

sat as powerless spectators of the events unfolding in the South. The Attorney General was shunned by the Freedom Riders. At one point, he asked Martin Luther King to inquire with James Farmer as to the possibility, after the first group of riders had been arrested at the terminus of their journey in Jackson, Mississippi, of a suspension of the rides, allowing for a "cooling off period." Farmer icily responded to King, "Tell him we've been cooling off for a hundred years and we're not going to cool off any longer."¹²⁴

The frustration of the White House soon turned to anger. President Kennedy called his Negro liaison, Harris Wofford, into the Oval Office. "Stop them!" he told Wofford, "Get your friends off those buses.... Tell them to call it off!"¹²⁵

For his part, Robert Kennedy was not used to being ignored. Said SNCC activist John Wilson, "I think that was the first time that Robert Kennedy realized that he couldn't just pick up the phone and call people to clear up a situation like this."¹²⁶ The violence which occurred was irrational to Robert Kennedy. Especially incredulous was the acquiescence to this violence by his "great friend" John Patterson. "The President and the Attorney General thought they were dealing with a sensible, rational person (in John Patterson),"¹²⁷ recalled Burke Marshall of the time. Governor John Patterson paid no heed to the Attorney General's entreaties to provide protection for the riders. "Mr. Robert

¹²³ American Journey, page 94.

¹²⁴ See author interview with James Farmer, February 24, 1989, Fredericksburg, VA.

¹²⁵ Harris Wofford, Of Kennedys and Kings, page 125, 153.

¹²⁶ Author interview of John Wilson.

¹²⁷ Author interview with Burke Marshall, February 17, 1989.

Kennedy either did not care or he did not have any understanding to amount to anything of our problems down here." claimed Patterson later, "[i]t was, `You see it my way or else.' There was no room for negotiation with (Robert Kennedy)." Eventually the exchanges between the Kennedys and Governor Patterson became so bitter that the Governor simply stopped receiving phone calls from the Attorney General and the President. At that point, the President appointed Bobby's Personal Assistant John Seigenthaler to be his personal representative to Governor Patterson, to confront him person to person.

Peter Maas, a reporter for "Look" magazine recalled a watershed moment for the Attorney General during this crisis. "I think Bob changed on the day that his administrative assistant - John Seigenthaler, got hit over the head in Montgomery. I was in his office right afterward. He was possessed by an enormous anger . . . He took it as if he had been down in Montgomery himself and had been hit."¹²⁸ The mob attack upon John Seigenthaler prompted Robert Kennedy to order United States Marshals into Alabama. In what John Lewis, the head of the Student Non-Violent Coordinating Committee, would call "one of the greatest acts of Robert Kennedy in the area of civil rights", Federal marshals flew into Montgomery to protect the Freedom Riders with reinforcements arriving in time to prevent an angry mob from burning the church in which the Freedom Riders and the First Baptist Church congregation had gathered with Martin Luther King.

The Freedom Rides were a fantastic success for the direct-action activists. The Government, at the direction of Robert Kennedy and John Kennedy, did, in the end, come to the assistance of the activists, a by no means forgone conclusion when the riders set out. The response of Robert Kennedy during the Freedom Rides began a perception of the Attorney General as articulated by James Farmer, "(We knew) that when the chips were down, he could be forced to come to our assistance - that he would not be on the other side."¹²⁹ "It's true that the Freedom Rides stimulated the Department of Justice, not just to deal with the crises, but to deal with the underlying problem of segregation in interstate facilities," said Burke Marshall "It brought to the attention to me, the Attorney General, and the President the enormous opposition to the most minor form of racial desegregation. The behavior of the Klan and the local government, the violence, was a shock to the Attorney General."¹³⁰ As planned, the brutality of the segregationist retaliation pricked the conscience of the Federal Government.

Another achievement of the Freedom Ride was the realization of what united action could bring about among different organizations. The Freedom Rides eventually involved four separate civil rights organizations. The Congress of Racial Equality instigated the rides, the students from SNCC prevented the rides from being derailed by violence and acquiescence, the Southern Christian Leadership Conference sustained the

¹²⁸ Peter Maas, from Jean Stein interview, American Journey, page 103

¹²⁹ Author interview with James Farmer, February 24, 1989, Fredericksburg, VA.

¹³⁰ See author interview, February 17, 1989, New Haven, CT, Yale University

rides through the summer of 1961, and the NAACP provided the legal assistance to the Riders once they were jailed.

On May 29, 1961, the Justice Department filed an unusual petition with the Interstate Commerce Commission. The petition asked the Department to explicitly and definitively outlaw discrimination in the facilities over which they had authority: facilities doing business in interstate commerce. Three months, three weeks and three days later, the ICC acting with uncharacteristic speed with the prodding of the Justice Department, issued the Order. The Justice Department petition and the ICC ruling demonstrated to the new activists that, given the right stimulus, the federal bureaucracy could be mobilized in their favor. They found a particularly raw nerve in Robert Kennedy.

Through the crisis of the Freedom Rides, civil rights activists gained an appreciation of the emotional, moralistic side of Robert Kennedy. They were encouraged to force similar moral confrontations to prompt the Attorney General to not only intervene in crises, but to attack the source of the protestor's discontent: segregated public facilities.

CHAPTER FOUR: PARTNERSHIP (?)

The volatility of the Freedom Rides alarmed the Attorney General. He sought, through voter registration, not only to marry the energy of the activists with his brother's electoral welfare, but to channel the energy of the movement into what he viewed as constructive political empowerment as opposed to what he viewed as destructive confrontation through direct-action.

Nearly a year after admitting so to Harris Wofford, Robert Kennedy was in trouble with "Negroes" all over again. Recall his statement of May of 1960: "We've been dealing outside the field of the main Negro leadership and we have to start from scratch."

The hospitals of Georgia and the jails of Mississippi were filling up with the new black leadership of the 1960's, many of whom had been sitting at lunch counters a year earlier: Diane Nash, James Farmer, Stockley Carmichael, John Lewis, James Bevel, Jerome Smith, Jim Peck, John Wilson, Frank Smith and Marion Barry. The personalities with whom the Kennedys had worked hard to develop relations with, Harry Belafonte, Jackie Robinson, Rafer Johnson, Adam Clayton Powell, were nowhere near the action. Martin Luther King seemed to be the only link to this new group and even he had to struggle to stay on top of the unfolding of events.

Kennedy Administration found itself caught in the cross-fire it had trod such a delicate path to avoid. On one side were citizens who were blatantly being denied the most basic of rights who were represented on the streets by an anonymous collection of

young activists who used direct action to demonstrate the inadequacy of the legal mechanisms designed to ensure those rights. On the other side was the established political structure, the Southern-dominated Democratic Congress with a choke-hold on President Kennedy's entire progressive legislative agenda. It became the task of the thirty-five-year-old Robert Kennedy to somehow extract the President, the Party and the country from this morass.

In approaching this dilemma, Robert Kennedy had two previous, yet not always parallel obligations. The first was to maintain law and order pursuant to his responsibility as the chief law enforcement officer in the government. The second was to protect his brother's presidency from the political damage from both the violent confrontations even the most paltry civil rights action would incur in the South, and the negative reaction such democratic/segregationist reaction would have with liberals of the north. To maintain order the government had to provide the means for the activists to work "within the system". Chaos would prevail if the Federal Government became merely a spectator, as it had been during the Freedom Rides, to activities carried out in frustration. The sense of partnership would be the key to constructive social change.

On June 16, 1961 Robert Kennedy invited the leaders of the umbrella "Freedom Ride Coordinating Committee", including Diane Nash, and Charles Sherrod from SNCC (just out of jail), Wyatt Walker of SCLC, to the Justice Department. It was then that he first broached the suggestion that they channel their energies away from direct action protests such as the Freedom Rides into voter registration. Voter registration seemed to

offer the only combination of responsible social change "within the system", and partnership and shared purpose with the Executive Branch. Voter registration was seen by Robert Kennedy as an activity which would be beneficial to the African-American interests, the Democratic Party, the democratic process, the country, and not least of all, the reelection prospects of his brother (the registered voters were assumed to be voting for the Kennedy Administration.) It promised institutionalized concern with "Negro" issues, and a political dividend for the Kennedy Administration.

The new activists were not enthusiastic about the channel the Federal Government asked them to direct their energies. Recalled Robert Kennedy, "[t]hey rather resented it. That's not what they wanted to do, and that's not where they were going to focus their attention."¹³¹ Burke Marshall explained, "It was if they (the Kennedys) were asking Negro leaders to divert their energies, and those of their organizations, into channels that would require as little change and movement as possible."¹³² Robert Kennedy justified the voter registration emphasis by making the case that voter registration was the clear domain of the Federal Government, and activities on behalf of voter registration would allow the Justice Department to support the activists to the maximum extent of its authority. Moreover, he argued, voter registration, being a nonpartisan civic activity, would release for their use large sums of tax free money from foundations such as the Teutonic Foundation run by the Kennedy's friend Steven Currier.

¹³¹ In His Own Words, page 103

¹³² Hearts and Minds: The Anatomy of Racism from Roosevelt to Reagan,

The students were resentful of what they considered a bribe to buy their cooperation. Yet, Attorney General had three rather important allies: Roy Wilkins, Martin Luther King and after some deliberation, James Farmer. The NAACP, and SCLC leaders had long looked to voting rights a venue toward civil rights. Farmer was dubious of the distinction made between direct action and voter registration. However, Farmer recognized what an enormous difference a millionaire such as Currier (independently wealthy, he had married a member of the Mellon Family) could have on logistical problems faced by the activists -- chief among them securing sufficient money to post bail for jailed protesters.¹³³ With the promise of money and the perceived promise of Federal protection from the Federal Government, the participation of the NAACP, the urging their inspirational leader, Dr. King, and the consent of the new activist leader James Farmer the young Freedom Riders agreed. The Civil Rights Movement was brought on board the Kennedy ship.

Though the Kennedy Administration tried to align the interests of the young activists with the interests of the new administration, it wanted to keep a watchful eye on them as well. It was after the Freedom Rides that Burke Marshall began to speak to the Attorney General about a "spy gap"¹³⁴ that existed with regard to knowledge of civil rights activities. Robert Kennedy began to put in place an infrastructure to gain

page 335.

¹³³ See author interview with James Farmer.

¹³⁴ Kenneth O'Reilly, "The FBI and the Civil Rights Movement During the Kennedy Years - From the Freedom Rides to Albany", The Journal of Southern History,

information on the activities of the young activists so that the embarrassing and chaotic Freedom Ride situation would not be repeated.

Steven Currier, placed an important condition on the release of the money from the Teutonic Foundation, a condition most likely requested by Robert Kennedy. His condition was that the heads of each one of the groups (NAACP, SCLC, The Urban League, SNCC, CORE, and The National Council of Negro Women) would have to meet secretly once a month in New York, were they would share and discuss, off the record, their group's upcoming plans with each other and, the ultimate purpose, with him. None of the members of this gathering, eventually called the Council on United Civil Rights Leadership, had any illusions that having Steven Currier sitting in on their conversations was any different than speaking in the presence of Robert or John Kennedy themselves. Yet, they agreed to the condition.¹³⁵

The Attorney General also reached understandings with three prominent entertainers, Harry Belafonte, Dick Gregory, and Sammy Davis Jr., to provide him with "ex-Currier" information on the activities of the activists. These three popular characters circulated freely through the movement, and gained a great knowledge of plans and

vol. 54 (May 1988), 205.

¹³⁵ See author interview of James Farmer.

activities.¹³⁶ It is also about this time that the Attorney General authorized surveillance of Martin Luther King and the tapping of his associate Stanley Levison's phone.¹³⁷

¹³⁶ Item 88.4, Civil Rights, 1963, Meeting Recordings, Presidential Recording, John F. Kennedy Library.

¹³⁷ The tapping of Stanley Levison's phone did not initiate the tap on Martin Luther King's phone. That tap was not approved by the Attorney General until October 23, 1963. Several facts, some brought to light only in the last several years, should be examined as a gauge to the times and the decision to tap Martin Luther King's phone. The Justice Department never gave the Federal Bureau of Investigation the permission to "bug" (place microphones and other listening devices) in Martin Luther King's Hotel rooms or his private home. Due to an idiosyncrasy of the law, the FBI had all the authority they needed to initiate that surveillance: their own. Evidence points to the fact that it was at the request of the Director of the FBI that the taps were placed on Stanley Levison's phone. The request to tap Martin Luther King's phone was repeatedly turned down by the Attorney General until a point was reached where the Hoover was leaking inaccurate information around Washington, D.C. about Martin Luther King's involvement with the Communist Party.

The Kennedys had a lot to lose if King were to be discredited as a communist or as a degenerate. There was an assumption that King was the Kennedy's "man". The public embrace of King after the March on Washington would have been an embarrassment if King were exposed as a communist. Evidence seems to point in the direction that Robert Kennedy and his brother were acting in order to *protect* King, to prevent another "Profomo" type situation from occurring in the United States. At one point Robert Kennedy acted to have unflattering reports which had been prepared and distributed by Herbert Hoover, recalled and destroyed.

Martin Luther King was a valuable leader to the Kennedy Administration. He preached non-violent social change, not violent revolution, which were comforting words to the Kennedys who were too keenly aware of the straights of a similar presidency exactly five score behind the Kennedys. Despite the above it seems clear that Robert Kennedy and Burke Marshall did read the transcripts of the recorded conversations. The Director of the Federal Bureau of Investigations, had a deep hatred for Martin Luther King and Robert Kennedy. It was from his office that news of the tap on King's phone was released in 1964. Victor Navasky, no fan of the Attorney General, had this to say about the tapping of King's phone:

Robert Kennedy's enemies while he was alive and his critics

Within a period of six months following the Freedom Rides, the Attorney General thus had, in place a thorough infrastructure through which to gather information and about the activities of the Civil Rights Movement and to disseminate the opinion of the Kennedy Administration. With the agreement of the activists to enter a voter registration drive, and the opening of communication, if not information, channels, Robert Kennedy hoped to provide a new structure to keep this domestic situation from spinning out of control.

after he died have tried to use the King Wiretap as evidence that the Attorney General was cynical, ruthless and hypocritical, embracing Dr. King in public, wiretapping him in private. The evidence suggests something quite different- the General...trusted Dr. King to the point of privately alerting him to the FBI's worst suspicions. pp.152 Kennedy Justice.

CHAPTER FIVE: STAGNATION

1962 was the fallow year for civil rights advancements during the Kennedy years. The Justice Department proceeded with Kennedy's previous plan for methodical, voluntary social change. This proved to be a frustratingly slow and to the activists, unsatisfactory procedure. Many began to wonder if they had been truly welcomed as partners, or simply duped by the new Administration.

The apparent "stabilization" of the civil rights situation brought about by the agreement on voter registration and through the closing of the "spy gap" may have had something to do with the Attorney General's advice to the President not to sign the Executive Order on Housing in late November of 1961.

Wofford, the week before Thanksgiving in 1961, had finally convinced the President to sign the Executive Order barring discrimination in federally subsidized housing. After clearing the order through all the pertinent federal agencies, consulting and assuaging the fears of cankerous members of Congress, and even preparing a press release for the actual signing, Wofford was dumfounded when he returned from the Thanksgiving weekend to learn that the President, after a long discussion with Bobby while they walked on the rainy beach of Hyannis Port during that very Thanksgiving

holiday,¹³⁸ had changed his mind and was not, after all, going to sign the Executive Order.¹³⁹

Robert Kennedy advised his brother against signing the Order due to opposition from Northern politicians whose defection from the Administration's political agenda would have been fatal.¹⁴⁰ Their negative reaction presumably outweighed the concerns of the civil rights leaders, whom, despite the expected outcry, the Kennedys presumed would continue to play ball on voter registration.

Yet, the decision to delay the Executive Order sparked Harris Wofford's resignation. Wofford realized that he had little influence on civil rights relative to Robert

¹³⁸ Interview of Harris Wofford by Larry J. Hackman, February 3, 1968, Oyster Bay, New York, John F. Kennedy Oral History Project, JFK Library.

¹³⁹ The following passage from Burke Marshall's interview by Anthony Lewis, from the JFK Library's collection of Oral History Interviews offers insight into the environment in which the decision such as the refusal to sign the Housing Order had been made.

Lewis: Did you bring up a proposal? Had the president asked the Justice Department for proposals? How did the topic arise?

Marshall: It arose... I didn't have any proposals. I was just asked to come up there. I didn't really know what we were going to talk about so I didn't bring proposals. For all I knew we were going to play touch football. The attorney general, in fact, was playing touch football all day in the rain. He'd go out and play touch football and the president would yell, "Hey Bobby", out the window, and then he would come in to one of the meetings, give whatever remark he had on whatever we were talking about, and then he would go out back with his children in the cold rain. ... I suppose it was one of the few times the president got advised, by an attorney general on an important matter like this when the attorney general was just dripping wet in an old sweater, coming in from playing touch football in the rain.

¹⁴⁰ Robert F. Kennedy, In His Own Words, 154-56.

Kennedy.¹⁴¹ He decided to leave the White House. He had not only lost his credibility with his associates within the Movement on his inability to deliver the Executive Order after eleven months in the White House, but worse, he was discovering that his presence within the White House was actually a hindrance to the efforts of his friends.

What (President) Kennedy liked best in my role, and I liked least, was my function as a buffer between him and the civil rights forces pressing for presidential action. . . . I got tired of him accosting me with a grin and asking, "Are your constituents happy?"¹⁴²

Rather than serving as the lightning rod through which the energy of the activist could be channeled directly to the President, Wofford had become a buffer between the President and the leaders of the Civil Rights Movement. Wofford's parting advice to King was, "Get to the Kennedys yourself. Do not accept any intermediaries."¹⁴³

Late 1961 and 1962 were the fallow years for the civil rights movement. Dr. King described 1962 as "the year that civil rights was displaced as the dominant issue in domestic politics."¹⁴⁴ Yet, this was the time period in which the civil rights leadership would some of its most valuable lessons. As James Farmer recalled,

In the South, non-violence did not work in the classical sense, the Gandhian sense. The Gandhian sense would be that you persuade the wrong doer with your non-violence. We didn't persuade the Klan,... No, not at all..., no, no, no. We didn't change their hearts and their

¹⁴¹ Victor Navasky, Kennedy Justice, (Atheneum, New York, 1971), p. 161

¹⁴² David J. Garrow, Bearing the Cross, p. 170, as quoted from Harris Wofford, Of Kennedys and Kings, p. 128-129, 164-166.

¹⁴³ Harris Wofford interview, May 22, 1968, Old Westbury, New York, by Larry Hackman, for JFK Oral History Project, p. 68

¹⁴⁴ W.J Weatherby, James Baldwin, An Artist on Fire, (New York, Donald I. Fine, Inc., 1989), p. 218.

minds. In that sense, it didn't have the effect that Gandhi spoke of in his claim for non-violence.¹⁴⁵

Farmer's CORE organizers came to the painful realization of that Gandhian strategy was inadequate in the areas in which they worked. CORE launched non-violent integration, and voter registration efforts in such places as Baton Rouge, Louisiana and Greensboro, South Carolina, yet bore the full brunt of segregationist violence and were barely able to stay intact after months of relentless, violent pressure.

The fallow years of 1961 and 1962 taught the civil rights activists lessons about the importance of media coverage of their activities -- both in terms of what happened when they gained the sympathy of and exposure through the mass media, and the terrible consequences that befell them when the bright camera lights were turned off.

The activists learned to become particularly attentive to the need to attract the attention of the international press corps because of the determination of the Kennedy brothers to beat the Soviets in the propaganda war being waged for the Third World. The ardent anti-Communism which Harris Wofford glimpsed when he first encountered Robert Kennedy in 1957 continued after Kennedy took over as the Attorney General. Like his older brothers and his father, Robert Kennedy's first loyalties were to foreign policy affairs. Robert Kennedy was, for example, considered one of the most enthusiastic advocates within the Kennedy Administration within the Administration of

¹⁴⁵ James Farmer, as interviewed by the author, February 24, 1989, Fredericksburg, VA., 3:00 p.m.

unconventional warfare as a means of fighting Communist insurgency. Robert Kennedy's fascination with unconventional warfare grew out of the increasing concern with the competition between the superpowers in the developing, "third" world. This was the new battle ground for influence. Here, the score was kept, not through a tally sheet of comparable armaments, but through an amorphous battle for the "hearts and minds" of millions of village dwellers in the hundreds of thousand thatched roof communities throughout the world.

The lack of civil rights for African Americans was a growing embarrassment and blatant inconsistency in the selling of American styled democracy abroad. The absence of basic freedoms for black Americans threatened to shackle the United States Government when it tried to speak for the need for Vietnamese, Latin American, or Eastern European freedom. Progress on racial issues in the United States was necessary if the country was to build meaningful relations with the many non-white countries emerging from the patchwork of European colonies made defunct through the latest of world wars.

Robert Kennedy tended to view the crises in civil rights through the prism of his obsession with the Communists. He would go as far to say, "In the worldwide struggle, the graduation of Charlayne Hunter and Hamilton Holmes (the two African-American students who had integrated the University of Georgia) will without question aid and

assist the fight against communist political infiltration and guerilla warfare."¹⁴⁶ Robert Kennedy marked reference to "Communists" or "enemies of the United States" in 25 out of the 27 major civil rights speeches given between his nomination as Attorney General and the death of President Kennedy, including a speech given to National Conference of Christians and Jews Dinner in Cleveland, Ohio, on December 3, 1961 in which he makes eight direct references to "communist", "communism", or "communize", and twenty indirect references to enemies of the United States including, "Chinese", "Russian", "Soviet" etc. . . . By the same token, Robert saw such violent incidents as the Freedom Rides as damaging to the international image of United States nearly to the point of being treasonous.¹⁴⁷

"An international crisis, that was our strategy."¹⁴⁸ Such were the words of James Farmer before setting out on the Freedom Rides. That is precisely what the Freedom Riders brought about. The Freedom Bus was burned just as President Kennedy was about to announce his first summit with Nikita Khrushchev. So serious was the potential damage to the image of the country, that Robert Kennedy went over the airwaves not two days after the violence had eased to assure the world on the "Voice of America" that the United States meant to make progress in assuring civil rights for its African-Americans citizens.

¹⁴⁶ RFK speech at the University of Georgia Law School, May 6, 1961.

¹⁴⁸ Taylor Branch, Parting the Waters, 476.

James Farmer had his CORE activists probe this international sore when the news media reported that four African diplomats, touring as part of a delegation from the Non-Aligned Movement, had been denied service at a segregated restaurant while traveling from Washington, D.C. to New York City along Route 40. This was a true embarrassment to the Kennedy Administration. The State Department, fearful that such bigotry could result in the United Nations moving its headquarters out of the United States, issued a strong moral indictment of the State of Maryland for what it called the "humiliation" of the four Ambassadors.¹⁴⁹ CORE organizers piggy-backed off the media coverage of this event by staging sit-ins at the guilty facilities.

From February 6, until February 21, of 1962, Robert Kennedy traveled around the world on "good will" visits to scores of developing countries. As the President's personal envoy, the trip provided the Kennedy brothers the first real opportunity to test the international waters since assuming office. The Attorney General was greeted enthusiastically wherever he went. Yet, an issue for which he was responsible cropped its head up time and time again. Robert Kennedy recalled, "In the trip I made to Asia and

¹⁴⁹ Deputy Chief of Protocol, Pedro San Juan, at a press conference called to denounce the incident issued a warning to the State of Maryland, "Your state is getting an undeserved reputation for backwardness because the law in Maryland permits discrimination.... How can we persuade these Africans and these Asians whose skins range from dark to black, that we believe in human dignity when we deny our own citizens the right to basic dignity on the basis of skin color?" See "New York Times" September 14, 1:1

Europe, the one issue which was raised, in every meeting, by every group, was racial discrimination in the United States."¹⁵⁰

In September of 1962, the deployment of troops at the University of Mississippi heightened the international interest in the American race situation as the foreign press corps descended on that State. The violence made the United States a significantly easier target for communist propagandists who portrayed America as a country which had to deploy an army to control its own people. To the misfortune of American diplomacy, the only fatality of the crisis was that of a foreign journalist, a widely-reported event by the international press.

The integration of Ole Miss demonstrated several important things to activists otherwise disillusioned with the performance of Robert Kennedy's Justice Department on civil rights. First, it again proved that Robert Kennedy and his brother would act decisively if directly challenged by the brutality of Southern bigotry. Second, the Kennedys showed that they were willing to use the full force of their federal powers to address such direct challenges.

Still egregiously missing from the unfolding of the events in Oxford was a strong statement or a recognition by either the President or the Attorney General of the moral imperative of the need for racial equality, and the damage the denial of Negro rights caused to the fundamental values of upon which the country had been founded. As in the

¹⁵⁰ RFK speech at Columbia, S.C., April 25, 1963, Speeches of the Attorney General, Box 2.

New Orleans school crisis, the issue became instead whether the orders of the Federal Government on school integration would prevail over the state laws which maintained segregation. James Meredith seemed another predicate of a larger local/federal question. In their many telephone conversations with Governor Ross Barnett of Mississippi, the Kennedys pointed out repeatedly to Barnett their Constitutional obligation to carry out the orders of the Federal court. At no time did either the Attorney General or the President make a sincere or convincing argument to Barnett that Meredith should be admitted because such access to public education was a right for all Americans, black or white.

Robert Kennedy explicitly acknowledged this artificially bifurcated responsibility in a speech given to the American Jewish Congress a month after the crisis had eased in New York City on October 28, 1962,

The President was obliged to act in Oxford, Mississippi, to protect the orders of the Federal Courts. When the United States marshals went to Mississippi, it was not to enforce the law for the benefit of a single Negro student, but to enforce the law on behalf of every American citizen, and to make it clear that this is a country which lives by (federal) law.¹⁵¹

The author and political scientist William Goldsmith recorded the reaction of Martin Luther King and James Baldwin to the integration of "Ole Miss" while waiting with them in a Boston Railroad station shortly after the integration of "Ole Miss". He

¹⁵¹ Robert F. Kennedy, Rights for Americans: The Speeches of Robert F. Kennedy, (Bobbs-Merrill Co., Inc., New York, 1964), edited by Thomas A. Hopkins, p. 113.

refers to their "despairing reactions....It was not only the clumsiness and hesitancy with which the whole business was handled that depressed them, but the lack of moral conviction in the President's remarks as he spoke patronizingly of war heroes and football stars to the rioting students and yahoos in Oxford." Negroes, they thought, were made to feel like "pawns in a white man's political game."¹⁵²

Whereas media coverage and exposure -- especially coverage by the foreign press corps -- caused things to happen in the Kennedy Administration, the absence of media coverage exposed the civil rights activists to extreme dangers. Left alone with the Southern segregationists, the activists had no buffer from the wrath of bigoted violence. Paradoxically, the more the international and domestic press focused on Martin Luther King, Jr. as the man who personified the Civil Rights Movement, the more dangerous it became for the bulk of civil rights activists to go about their tasks.

Despite the unrelenting violence, the foundations of Voter Education Project, as the registration drive that had the backing of the Kennedy Justice Department, were laid in April of 1961 under the direction of SNCC's Robert Moses. The violence SNCC encountered mirrored that which the CORE organizers experienced. Moreover, the drive to register voters exposed a false distinction between "direct action" activities, which were discouraged by the Kennedy Justice Department, and activities "within the system" which were encouraged by the Kennedy Justice Department. In the minds of the

¹⁵² W.J. Weatherby, James Baldwin Artist on Fire: A Portrait, (Donald I. Fine, Inc., New York, 1989), 218.

segregationist Southern political class, voter registration was direct action because it was activity outside their system. In fact, voter registration threatened their hold on power far more than lunch-counter sit-ins, marches, or Freedom Rides.

An encounter in July of 1962, with Sheriff Z. T. Mathews of Terrel County, Georgia exemplified the depth and force of the response that SNCC activists would experience in their attempt to widen the franchise in the South. Bursting into the church in which Charles Sherrod was conducting one of his first voter registration meetings, the sheriff announced that whites "were a little fed up with this voter registration business." informing Sherrod that, "Negras down here have been happy for a hundred years."¹⁵³ Robert Moses was brutally beaten on August 29, 1961, by thugs in Liberty Mississippi while accompanying two residents of McComb County to the registrar's office.

The activists had undertaken the registration campaign with the understanding that the Federal Government could be called upon to shield them from the violence they were experiencing. The activists found, however, that the Federal Government was a reluctant, sometimes uncooperative partner. The Justice Department seemed to be bollixed by the political doctrine "federalism." As Burke Marshall explained in 1964,

The point about protection is the most difficult and frustrating we have to live with under the federal system. I say over and over again-hundreds of times a year-that we do not have a national police force, and cannot provide protection in a physical sense for everyone who is disliked because of the exercise of his constitutional rights. . . . There is no substitute under the federal system for the failure of local law

¹⁵³ Clayborne Carson, SNCC and the Black Awakening of the 1960's, (Harvard University Press, Cambridge, 1981), p.75.

enforcement responsibility. There is simply a vacuum, which can be filled only rarely, with extraordinary difficulty, at monumental expense, and in a totally unsatisfactory fashion. . . .¹⁵⁴

In 1964, Burke Marshall explained:

[N]o matter how far reaching the equitable decrees of the federal courts may be, the states and local political institutions are going to retain operation control over all of the institutions involved in the granting or denial of equal rights... There are many things the federal court can do to prevent misuse of state power, but it cannot replace the system of justice - of unfair police, biased juries, and locally elected judges applying a double standard in a segregated courtroom.¹⁵⁵

To Burke Marshall, the Justice Department had a terrible dilemma to deal with. It could attempt to maintain a federal balance at the cost of terrible injustice to civil rights workers, or it could intervene more directly to aid the civil rights workers with unforeseeable consequences for the federal balance.

To the activists, the language of "Federalism" sounded alarmingly similar to the language of "state's rights". This the civil rights workers thought a sell out by the Justice Department in the face of (Democratic) segregationist violation and resistance. They found it difficult to believe that the government which was sending thousands of military advisers to Vietnam could not muster the manpower nor the funds to protect constitutional rights here at home.¹⁵⁶ It was enough to make John Lewis ask, "Which side

¹⁵⁴ Burke Marshall to R.H. Barrett, January 3, 1964, The Papers of Burke Marshall, JFK Library, 317-18.

¹⁵⁵ "Equitable Remedies as Instruments of Social Change," Speech at New York University, November 14, 1964, Marshall Papers, J.F.K. Library.

¹⁵⁶ Author interview of Rep. John Lewis, February, 21, 1989, Washington, D.C., Rayburn HOB, 10:00 am.

is the Federal Government on?"¹⁵⁷ When the Government, through litigation did act, it found itself thwarted by the dubious judicial appointments it had made early in the administration.

In one of its bolder civil actions, the Justice Department entered court at the end of September, 1961 to block the state trial of John Hardy, a SNCC volunteer charged with disturbing the peace after being pistol whipped by the Tylertown, MS. registrar while trying to register two African American voters. The Justice Department's action was blocked by Judge Cox who had been nominated to the bench by President Kennedy. Embarrassed, the Justice Department had to rely on the intervention of two Eisenhower appellate judges to reverse Judge Cox's rulings.

The legal process was a frustratingly slow process. As the "Journal of Southern History" would record:

Adjudication... proved to be a slow and unsatisfactory remedy. The average time elapsed from first filing to final judgement in all southern voting cases was nearly thirty months.¹⁵⁸ In most cases this leaden pace was attributable to the state's federal district courts, the most immediate interpreters and enforcers of federal law.¹⁵⁹

Student activists Robert Moses succinctly stated, "One district judge can do away with two years' work."¹⁶⁰ The violence and lack of progress grew worse in 1962 as night

¹⁵⁷ Ibid.

¹⁵⁸ In Mississippi, the first case to reach final decision required 32 months, the first case filed in the state required 47 months.

¹⁵⁹ The Journal of Southern History, volume 43, August 1977, p. 367

¹⁶⁰ "New America", February 6, 1963, p. 5

riders and the Klan, sometimes reinforced with off duty policemen acted with impunity, burning churches and terrorizing those who attempted to register.

The CORE activists fared no better than their SNCC counterparts. In South Carolina blacks who sought to vote were faced with registrars who registered blacks at a rate of one hour per day and hoodlums who bombed the homes of organizers. CORE appeals to the Justice Department went unheeded. CORE activists registered voters in an atmosphere of “apathy and fear.”¹⁶¹

The Southern drive for voters saw meager success with a high cost to organizers and voters who registered alike. Frustrated by the failure of Robert Kennedy to keep his part of the "bargain" which moved the activists into voter registration, Robert Moses filed a federal suit in Washington, D.C. on January 1, 1963 against the Attorney General and the FBI Director for their failure to enforce federal statutes against the harassment of those seeking to vote. Although the case was dismissed by the Court (at the request of the Justice Department), the filing is an indication of how betrayed the activists felt by the Attorney General.

Albany, Georgia was a crisis point for the Movement. It is in Albany that the movement leaders encountered their most difficult and morally reprehensible opposition to integration. It was in Albany that the Attorney General's credibility and commitment

¹⁶¹ August Meier, CORE: A Study in the Civil Rights Movement, 1942 - 1968 (Oxford University Press, New York, 1973), p.177

to civil rights issues would most severely questioned. Nonetheless, it was in Albany that the Movement learned its most valuable and sobering lessons.

The Albany crisis was the low point of the civil rights activists' trust and faith in Robert Kennedy. He refused to involve the Federal Government in the crisis; his sense of politics guided his decision-making; he denied Martin Luther King a platform from which to articulate the moral imperative of the Civil Rights Movement; his segregationist judicial appointments denied a judicial forum for the civil rights activists' grievances; and he used his prosecutorial powers against the civil rights activists in the name of demonstrating the Justice Departments "impartiality."

On November 22, 1961, twenty-two days after the ICC ban on discrimination in interstate facilities was to take effect, three high school students were arrested by Albany Police Chief Laurie Pritchett for attempting to buy their bus tickets in the "White Only" section of the bus station. The arrest of these three by Pritchett, on the authorization of Mayor Asa Kelley, initiated the mass arrest phase of confrontation in Albany.

Laurie Pritchett roosted like goblin in the midst of Gandhi's social theory. A soft spoken, well educated, well-mannered police officer, Pritchett chose to non-violently enforced the segregation laws of Albany. He, in fact, studied non-violent Gandhian theory in order to non-violently enforce the city's bigotry.

I researched Dr. King. I read about his early days in Montgomery, his methods there. I read that he was a great follower of Gandhi's...He always talked about the march for salt.¹⁶² We planned for mass arrests.

¹⁶² The march Gandhi undertook to the sea to dry his own salt in protest of the

We had known that their plan was ...to overcrowd our jail conditions, thus making us have to give in. And this was based on Dr. King's philosophy of the Gandhi march to the sea, which I had read and was fully aware of - of how they had crowded the jails, overrode the British jails and finally had to be turned loose. I had studied this philosophy of his, and made preparations that at no time would any be housed in our facilities in Albany or Dougherty County. I had made arrangements, and we had it on a map. . . . ten miles, and then we'd go out twenty-five miles, go out fifty miles, a hundred miles - and all these places had agreed to take the prisoners. So, we had buses... we sent personnel along to see that they were no mistreated...stayed with them in the jails to see that nobody in the other counties mistreated or mishandled them.¹⁶³

Pritchett represented an aberration, anti-thesis for the Gandhian philosophy of non-violence. The appeal of non-violent, passive protest and submission to the unjust segregationist retribution by the civil rights activists was, if not to the consciousness of their southern oppressor, then, as stated by James Farmer above, to the consciousness of the Northern liberals. Yet Pritchett's conduct was such that it did not rouse the indignation of the Northerners. Segregation, in the absence of the violent, emotional, guttural images of racism, was dangerously close to the "peculiar institution" from which many turned their heads for the first century of our history.

Pritchett's arrests were orderly and almost always devoid of the violent, oppressive scenes stereotypical of southern law enforcement. Pritchett often smiled at and laughed with the protestors and reporters. He knelt with the ministers in prayer as they prepared

British salt tax. He began his walk nearly alone, yet thousands joined him as he reached the ocean.

¹⁶³ Howell Raines, My Soul Is Rested: Movement Days in the Deep South Remembered, (G.P. Putnam's Sons, New York, 1977), p.361

to be arrested, and then took the many residents of Albany to jail for wanting the same rights, privileges, and respect as the white residents. Pritchett explained simply to SNCC organizer Charles Sherrod, "It's just a matter of mind over matter. I don't mind, and you don't matter."¹⁶⁴

Pritchett's boss, Mayor Asa Kelley, was a "moderate segregationist". In the previous election, Kelley had won most of the vote of the small number of African Americans who voted in Albany. He was known for his "reasonableness" and was on a first name basis with many of the blacks of Albany. Forgotten in the Mayor's smoke screen of reason and moderation, and Pritchett's penchant for maintaining the peace was the fact that what the African Americans of Albany were asking for were supposed to be a nonnegotiable, "inalienable" rights. The signatories of the Declaration of Independence and the Framers of the Constitution recognized that all citizens of the United States need be granted the right to "life, liberty and the pursuit of happiness"¹⁶⁵, and "the right ...to peacefully assemble and to petition the government for redress of grievances."¹⁶⁶ Yet the local authorities of Albany set themselves up as the distributors of those rights. This point was lost by the news media which reported the "amicable" way in which Pritchett and Kelley handled the situation: avoiding bloodshed, showing "flexibility" through

¹⁶⁴ Quoted from "Eyes on The Prize," a documentary broadcast by Public Television.

¹⁶⁵ See the Declaration of Independence, paragraph II.

¹⁶⁶ See the Bill of Rights to the Constitution, Amendment I.

meeting with select groups of activists, and through the supposed refusal to "react" to various aspects of the crisis.

Unfortunately, this point was lost also by Robert Kennedy. On December 19, 1961, he telephoned Mayor Asa Kelley to congratulate him on his handling of the crisis, despite the fact by that time thirteen people, including ten SNCC activists,¹⁶⁷ had been arrested in blatant violation of the ICC Order banning discrimination in interstate commerce facilities, and the fact that over 700 people, including the Rev. Martin Luther King, Ralph Abernathy and the "Albany Movement" president C.B. King,¹⁶⁸ had been arrested in protest of those illegal incarcerations.¹⁶⁹

The Albany crisis occurred in the limelight of a political struggle taking place in Georgia that year. When the first SNCC student organizers moved into Albany in October of 1961, the campaign for a successor to Governor Ernest Vandiver was in progress. The Kennedys stood behind Carl Sanders the Democratic moderate, as opposed to the Democrat Marv Griffin, the super-segregationist. Supporting the "moderate" Sanders was consistent with what the Kennedys saw as an evolutionary movement away from segregation and the participation of African Americans in Democratic and democratic politics. An apprehension reigned that unrest by "outside" civil rights activists, such as SNCC and then SCLC organizers, would bring the segregationists who

¹⁶⁷ Arrested December 10, 1961.

¹⁶⁸ All arrested December 19, 1961.

¹⁶⁹ The Bill of Rights, Amendment VIII: "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."

might otherwise stay home on election day, to the polls to tip the balance for Griffin, setting back integration efforts indefinitely and sending a conservative ripple through the Democratic Party. It was a sympathetic ear which the Attorney General turned to Governor Vandiver when the Georgian complained on the telephone of "outside agitators" stirring up trouble for the moderate politicians of his state.

Robert Kennedy and Burke Marshall were taken by surprise by the arrest, eventual conviction and jailing of Rev. King in Albany. So was Martin Luther King. King had not intended to participate in direct action the day he was arrested in December of 1961, and was caught up in a swirl of events which landed him in jail on December 15, 1961. He nonetheless intended to make an example of Albany and the injustices of Georgian justice by remaining in prison over the Christmas holiday. Yet, negotiations with local black leaders secured his release before he could make his demonstrative statement.

When King returned to Albany on July 10, 1962 to begin the sentence for his December arrest, he intended to make up for what was seen as a failure to live up to his "jail-in" commitment by remaining behind bars for the full term of his sentence. But again, King was thrown out of jail. A "mysterious Negro" paid his, and Abernathy's fine and they were released. King was stunned at the manipulation which unceremoniously, ingloriously forced his freedom, denying him the platform he needed to make a statement on civil rights that would be broadcast by the domestic and international media. Unfortunately for Robert Kennedy, King blamed him for his involuntary release.

After his release, King prepared to take to the streets in protest. Yet, King was countered by a new tactic, a tactic the success of which he blamed ultimately on the Attorney General and the Justice Department. On July 21, Judge J. Robert Elliot, another Kennedy judicial appointee, issued an injunction at the request of the Albany city government, which prohibited Rev. King and other leaders of the "Albany Movement" from participating in public demonstrations. This injunction by a Federal Judge infuriated Martin Luther King. His anger flowed over telephone in a conversation with Robert Kennedy which Andrew Young called the angriest he had ever seen of King.¹⁷⁰

Although Elliot's injunction was eventually overturned at the Court of Appeals (on the strength of an opinion penned by the Eisenhower appointee, Judge Elbert P. Tuttle), the action would have a sobering effect on the perception of the judiciary as an ally of the civil rights struggle. Coretta King explained,

When the Federal court ruled against us, that created a whole different thing as far as 'What strategy do you use now?.' Because up to that point Martin had been willing to break state laws that were unjust laws, but our ally was the Federal Judiciary, so if we were to take our case to the Federal court, and the Federal court ruled against us, what recourse did we have?

In November of 1962, Carl Sanders was proclaimed the winner in the race for Governor of Georgia, while Martin Luther King was proclaimed the loser in the civil rights showdown in Albany of that same state. His departure, recorded and reported by

¹⁷⁰ David Garrow, Bearing the Cross, 207.

the news media in the Fall of 1962 marked the end of Albany as a test ground for progress on civil rights.

The most bitter remembrance of Robert Kennedy's Albany legacy was the infamous "Albany Nine" indictment. In a conflict in which the Justice Department refused to intervene when blacks were set upon by corrupt, bigoted law enforcement officers, in a city in which C.B. King's pregnant wife would lose her child due to the beatings of southern lawmen, the Criminal Division of the Justice Department brought suit against nine African American activists for allegedly picketing the business of a juror who had helped acquit a committed segregationist of the brutal shooting of activist Charlie Ware. For reasons unknown, the Attorney General not only chose to overrule the objections of the Civil Rights Division in pursuing this case, but he chose to announce the indictments himself. Jack Newfield, who would become one of Robert Kennedy's most dedicated follower during the 1968 Presidential race stated, "I don't think Robert Kennedy ever gave an adequate explanation for the Albany indictments."¹⁷¹ John Lewis recalled the Albany indictments as "the worst decision that Robert Kennedy ever made."¹⁷² The indictments were seen by the activists as an attempt to show the even handedness of the Justice Department. It had a devastatingly disillusioning effect. It made some of the activist question the true allegiance of the Federal Government.¹⁷³

¹⁷¹ Author interview of Jack Newfield, February 28, 1989, New York City.

¹⁷² Author interview of Rep. Lewis, February 21, 1989, Washington, DC.

¹⁷³ Ibid.

Many of the civil rights activists began to cast doubts on the sincerity of the commitment of the Federal Government generally, and Robert Kennedy specifically towards the "partnership" they had agreed to in early 1961. They had agreed to work within a provided structure, yet they found that this structure was not working for them. Meanwhile, the Attorney General and Burke Marshall were finding that the structure was not working in their favor either. The judicial appointments they had recommended were proving an embarrassment to their entreaties to move the protest from the streets, into the courts.

CHAPTER SIX: NEW DIRECTIONS

The movement leaders, specifically those in the Southern Christian Leadership Conference, decided upon a new course of action -- a course of action which would break the partnership which supposedly existed with the Federal Government. Unsatisfied to the point of disillusionment with the response of the Federal Government to their situation, and unwilling to placate Southern political needs, the activists embarked on a path of deliberate confrontation.

When asked what lessons the Justice Department had learned from the experience of Albany, Burke Marshall replied, "I don't think there were any lessons. It was awfully frustrating. It was frustrating to know what to do. We couldn't do voting cases. We weren't authorized to do school cases. It was a sprawling unfocused thing. We never found something to focus on in a legal way."¹⁷⁴

On January 10, 1963 Martin Luther King, Wyatt Walker, Ralph Abernathy and Andrew Young retreated to Dorchester, Georgia to discuss the lessons they had learned in Albany, Georgia. There they exposed the "mistakes" of that movement. One conclusion they reached was that the campaign in Albany had not been focused enough to concentrate the energy of the activists on any one aspect of segregation. They came also to the conclusion that the confrontation with Pritchett had not been severe enough to call attention to the moral issues that underlay the question of segregation. It was their

impression that Pritchett's controlled conduct had anaesthetized the press to the underlying evil inherent with segregation. They thought that neither the President nor the Attorney General would fail to intervene in the civil rights struggles unless confronted by a clear and unmistakable moral conflict which crystallized the inexcusable evil of bigotry and the moral imperative for equality.

They emerged from their retreat in Dorchester with Project "C", the most decisive point of the Civil Rights Campaign. The project was a departure from strict Gandhian philosophy. The strategy would be not to simply withstand the violence invited upon them, but would actually invite that violence, so that the violent scenes would spur the Northern liberals and thus the president and the Attorney General into action. The "c" of "Project C" stood for confrontation. Said Wyatt Walker, its architect,

We did with design precipitate crises, crucial crises in order to expose what the black community was up against. There was premeditation and calculated design in that for which I don't think we ever made any apologies.¹⁷⁵

The choice to implement Project "C" in Birmingham was not random. Birmingham was the religious territory of the SCLC's Reverend Fred Shuttlesworth before leaving that city for Cincinnati. He had urged the body of SCLC to initiate a campaign in Birmingham for some time. The monopoly which SCLC enjoyed on the situation would prevent inter-organizational rivalry. Birmingham was also the home of infamous "Bull" Connor. Connor was already known for his crushing of labor

¹⁷⁴ Interview with author, February 17, 1989.

movements in Birmingham while sheriff of that town. Those gathered in Dorchester hoped that his reaction to their organization would be similar to his reaction to organized labor.

From the intelligence gathering apparatus that had been put in place to close the “spy” gap, Burke Marshall knew before the crisis actually initiated that the civil rights leaders of SCLC were going to make a major push in Birmingham. He traveled regularly and often to that city to begin a dialogue with white businessmen which would diffuse the situation there before it reached a boiling point. Yet his negotiations did not avert the carefully-planned confrontation by the SCLC.

Birmingham found itself in a particular situation when King and his associates joined Rev. Shuttlesworth there. Bull Connor, the super segregationist whom the movement leaders were counting on as their unwitting ally in forcing a confrontation, was defeated by the Democratic moderate Albert Boutwell in the race for Mayor on April 2, 1963. Upon the defeat of Connor, many of the blacks of the Birmingham community wanted the protests to be suspended to allow for the new administration to have a chance to make desired changes.

The Attorney General also wanted a suspension of the protests. Robert Kennedy called a press conference in which he specifically called on Martin Luther King to reconsider the timing of the protests there. Yet the prospect of dealing with a Mayor Boutwell was precisely the Albany type situation which Shuttlesworth and King hoped to

¹⁷⁵ David Garrow, Bearing the Cross, 249.

avoid. SCLC Wyatt Walker recalled, "We knew that when we came to Birmingham that if Bull Connor was still in control, he would do something to benefit our movement. We didn't want to march after Bull was gone."¹⁷⁶ To allow Boutwell the opportunity to placate the specific demands of the African Americans from Birmingham, would transform a confrontation which King and Shuttlesworth had hoped would have international repercussions, into a local law and order problem. Yet to completely ignore the call of local moderates, and the Attorney General, to suspend the demonstrations until after Boutwell had been given an opportunity to initiate changes risked alienating the critically important Liberal support base which counted upon the "reasonableness" of the Movement. The SCLC leadership had already agreed to two postponements of the demonstrations until after the Mayoral elections for March 5, 1963, delaying it again when it was necessary to hold a run-off election on April 2 of that same year.

King decided against delaying the protests. In early April, the sit-ins and jail-ins began. King himself was arrested on April 12 and spent a week in jail. There he wrote his famed "A Letter from Birmingham Jail". Among the countless eloquent lines which King wrote, there was a pointed international jab. "The nations of Asia and Africa are moving with jet-like speed toward gaining political independence, but we still creep at horse-and-buggy pace toward gaining a cup of coffee at a lunch counter."¹⁷⁷

¹⁷⁶ David Garrow, Bearing the Cross, 228.

¹⁷⁷ Martin Luther King Jr., Why We Can't Wait, (A Mentor Book, New American Library, New York, 1963), 81.

Initially, Birmingham responded to the protests as had Albany. Bull Connor exercised the same "restraint" and control over the situation which Albany's Laurie Prichett had a year earlier. The "jail-in" campaign was severely curtailed through the cunning of the Alabama State Legislature which passed a bill raising the bail bond in Birmingham from the normal fee of \$300 to the exorbitant amount of \$2,500. Unable to free the protestors from jail, the leadership was faced with a dwindling supply of volunteers for protests which they knew would land them in Connor jail. Now community support for King and Shuttlesworth's protest was cut at the knees for fear of lengthy jail terms and the loss of jobs.

Initially, Robert Kennedy responded to the events in Birmingham as he had to the events in Albany. The conduct of Connor and the city government was such that there was no legal obligation, no authorization, no justification, and no need for the Federal Government to be involved. Yet, in the end, Project "C" was rescued, as the activists had hoped, by the myopia of Bull Connor. Connor refused to recognize the outcome of the Mayoral election and announced that he would not recognize the authority of Albert Boutwell. He remained the Commissioner of Public Safety.

On May 2, 1963 Martin King called upon the children of Birmingham to take the place of their parents in marches and demonstrations in that city. Faced with the legions of children who took to the streets in response to King's call, Connor lashed out violently. Unable to fit any more persons, let alone children in his overcrowded jails, Connor turned to the brutal tactics which King, Walker, and Shuttlesworth had hoped. With the

international press, the Northern liberals, and two rather important New England brothers watching, Connor turned snarling dogs and high-pressure fire hoses on the demonstrators.

Connor did so with, paradoxically, the assistance of those he was so brutally abusing.

Confessed Walker more than twenty years after the crisis: "Dr. King never knew that I sent people to turn in false alarms... that's none thing I was very guarded about, because I knew he would not want to do that."¹⁷⁸

The pictures were shocking. The scenes were flashed around the globe. Donald Wilson, the head of the U.S. Agency for International Development kept Robert Kennedy briefed on a daily basis to the international reaction to the scenes from Birmingham.

"The general African reaction," he wrote "has been to cast doubts on American sincerity.", while the Soviet "propagandists continue to utilize a readily exploitable situation of international prominence."¹⁷⁹

¹⁷⁸ David Garrow, Bearing the Cross, p. 249:"...Bull Connor displayed one of the weapons that Walker had been hoping for: a squad of snarling police dogs. A large crowd gathered as police arrested the two dozen marchers. One black bystander lunged at a dog with a large knife. As "The New York Times" described it, 'The dog immediately attacked and there was a rush of other Negroes toward the spot where the dog had pinned the man to the ground. Policemen with two more dogs and other policemen who were congregated in the area quickly rushed against the crowd, swinging clubs.' ...the use of the dogs and clubs had given Walker the sort of incident he had been looking for. ...He reached King by phone, and informed him excitedly, 'I've got it. I've got it.' (James Forman encountered Walker and Dorothy Cotton later on that evening. He recalls: "They were jumping up and down, elated. They said over and over again, 'We've got a movement. We've got a movement. We had some police brutality. They brought out the dogs. We've got a movement.'" see Garrow, Bearing the Cross, p.239

¹⁷⁹ Letter, Donald Wilson to Robert Kennedy, May 9, 10, and 13, 1963, The Papers of the Attorney General, General Correspondence, Box 10.

Regardless of the international implications, the pictures of Birmingham would have the direct simple effect of making the President "sick".¹⁸⁰ Kennedy confided in an aide during this crisis, "I don't understand the South. I'm coming to believe that Thaddeus Stevens (the Senator he had condemned in Profiles in Courage, for his Reconstruction excesses) was right. 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."¹⁸¹

Scenes of children in the streets of Birmingham tapped a tender nerve with the Kennedys, especially Robert Kennedy. As an eventual father of eleven of his own children, young people and the future faced by young people, was a constant theme in his speeches, and an overriding consideration weighed in all of his public decisions. Robert Kennedy wrote of how heavily the President and he weighed actions during the Cuban Missile Crisis with the fate of the next generation of Americans foremost in mind.¹⁸² The

¹⁸⁰ David Garrow, Bearing the Cross, 250.

¹⁸¹ Carl Brauer, The Second Reconstruction, p. 240.

¹⁸² "It was not only for Americans that he was concerned, or primarily the older generation of any land. The thought that disturbed him the most, and that made the prospect of war much more fearful than it would otherwise have been, was the specter of the death of the children of this country and all the world - the young people who had no role, who had no say, who knew nothing even of the confrontation, but whose lives would be snuffed out like everyone else's. They would never have a chance to make a decision, to vote in an election, to run for office, to lead a revolution, to determine their own destinies. . . . Our generation had. But the great tragedy was that if we erred, we erred not only for ourselves, our future, our hopes, and countries of those who had never been given an opportunity to play a role, to vote aye or nay, to make themselves felt." Robert F. Kennedy, Thirteen Days, (W.W. Norton and Co., Inc., New York, 1969), 1066; See also Burke Marshall interviewed by Anthony Lewis, Washington, D.C., 1968, 62

Attorney General asked Dr. King to stop using children in the demonstrations, a development which Robert Kennedy commented to the President "didn't seem to make any sense at all."¹⁸³

Recently released recordings of Oval Office conversations between Robert and John Kennedy indicate a change in tenor, urgency and emphasis their discussions of civil rights. A meeting at the White House on May 12, 1963 after two bombs destroyed the house of Martin Luther King's brother A.D. King, and the Gaston Hotel where the leaders had set up their headquarters, demonstrated Robert Kennedy's new thinking. The bombings had touched off a danger of riots in Birmingham. The President, his political advisers, the Attorney General and Burke Marshall gathered to discuss the option of deploying Federal troops in Birmingham. The President agreed with advice to bring the troops into Alabama and to Federalize the Alabama National Guard. Yet, the President spoke of this deployment in terms subduing potentially riotous blacks. "We have to have law and order," he said firmly "and not have the Negroes running around the city."¹⁸⁴

Robert Kennedy was an advocate of moving troops into Alabama yet his rationale was based on reasons altogether different from those of the President. While the President sought to prevent blacks from rioting, the Attorney General urged the deployment as a hedge against abuses by the notoriously racist and provocative Alabama

¹⁸³ For RFK's request of Dr. King, see The Second Reconstruction, p. 235; For RFK's comment to JFK see Item 86.2, Meeting Recordings, Civil Rights, JFK Library.

¹⁸⁴ John F. Kennedy Library, Presidential Record No. 86.2, Birmingham, Alabama, May 12, 1963.

State Troopers. The deployment, the Attorney General stated, would serve the purpose of "showing them (the Negroes of Birmingham) that the Federal Government is their friend."¹⁸⁵

When the President continued to speak in terms of law and order, and began instructing Burke Marshall on how important it was to include this theme in the press statement Marshall was preparing, Robert Kennedy cut him off. He interjected, "I think that what you want to do is...it doesn't have to be a long statement. But I think you have to say something about the ... about our responsibility... about people having their rights... that there have been abuses for a long period of time in various parts of the United States..." Finally, he blurted out "...You're missing it!"¹⁸⁶

Nearly two weeks after his pronouncement to the President, Robert Kennedy was assaulted in his father's New York City apartment during a meeting with a group of black intellectuals and entertainers gathered by James Baldwin. The meeting was highly unusual. The very fact that it was not a meeting of political personalities, the fact that it was a meeting outside the "channels" civil rights leaders, to some who gathered there demonstrated a search for a more depthed understanding of race issues on the part of the Attorney General. "Why Bobby Kennedy convened this meeting was a mystery to many of us. But hindsight tends to endow that experience with the idea that perhaps... he had

¹⁸⁵ Ibid.

¹⁸⁶ Ibid.

been into a whole kind of self-examination and was arriving at a new place in his morality and humanism."¹⁸⁷

Far from a politically oriented meeting of the kind the Attorney General was accustomed, it was instead a meeting where Robert Kennedy walked into a verbal ambush by blacks who had lost faith in the Administration. While Kennedy expected to discuss progress on civil rights with wealthy entertainers – specifically about plans to address discrimination in the North, he was not prepared for the verbal abuse which the group gathered that day unleashed upon him.

None of the entertainers and intellectuals gathered – Harry Belafonte, Lorraine Hansberry, Professor Kenneth Clark, James Baldwin, Edwin Berry, Clarence Jones, and Lena Horne -- were interested in taking the floor in the conversation with the Attorney General. Instead they gave their attention to Jerome Smith, a CORE activist who had been one of the original Freedom Riders and continued to work as a voter registration organizer.

The meeting started with a confrontation and steadily grew more heated. Jerome Smith, in a nervous stammer, told the Attorney General that he was "nauseated by the necessity of being in that room."¹⁸⁸ This immediately incensed Kennedy who immediately turned away from him. Baldwin recalls, "Bobby took it personally and

¹⁸⁷ W. J. Weatherby, James Baldwin Artist on Fire: A Portrait, (Donald I. Fine, Inc., New York, 1989), 225.

¹⁸⁸ W. J. Weatherby, James Baldwin Artist On Fire: A Portrait, (Donald I. Fine, Inc., New York, 1989), 222.

turned away from him. That was a mistake because he turned to us. We were the reasonable, responsible, mature, representatives of the black community. Lorraine Hansberry said, 'You've got a great many very, very accomplished people in this room, Mr. Attorney General. But the only man who should be listened to is that man over there.'" ¹⁸⁹

When Smith spoke again, it was to not simply berate the Attorney General, but to berate the entire country for allowing the existence of conditions which had led to his recent beating (from which he still had scars and bruises). "You shouldn't be worried about the Communists or America's foreign enemies...because the real dangers in America are inside...right here." ¹⁹⁰ Smith told the Attorney General that he would never fight for this country. With that comment the meeting simply disintegrated. Robert Kennedy, the unabashed patriot grew progressively more angry with each comment which was made by, or in support of Jerome Smith. Kennedy, remembers Kenneth Clark, "got redder and redder and redder, and in a sense accused Jerome of treason... Well, that made everybody move in to protect Jerome and to confirm his feelings." Hansberry responded again in defense of Smith. "Look, if you can't understand what this young man is saying, then we are without any hope at all, because you and your brother are representatives of the best that a white America can offer; and if you are insensitive to this, then there's no alternative except our going in the streets.... We are not remotely

¹⁸⁹ Artist on Fire, 222.

¹⁹⁰ Jermome Smith as quoted by James Baldwin in American Journey, 121.

interested in any tea at the White House....As far as we're concerned, we are represented by the Negroes in the streets of Birmingham."¹⁹¹

After "the most violent, emotional verbal assaults and attacks I had ever witnessed," recalled Kenneth Clark, "Bobby became more silent and tense, and he sat immobile in the chair. He no longer continued to defend himself."¹⁹² Kennedy himself recalled, "They seemed possessed. They reacted as a unit. It was impossible to make contact with them."¹⁹³

Robert Kennedy nor Burke Marshall, who attended this meeting with him, will acknowledge that this confrontation had any appreciable effect on the way in which the Attorney General as an individual, or the Justice Department as a whole went about the business of pursuing justice for African Americans. Yet, their opinions of themselves are nearly irrelevant. The opinions which mattered in that meeting, relative to the civil rights movement, were the opinions of those who confronted him that day. "The greatest romantic in the room, the person who had an agenda more honorable than believed, was Bobby Kennedy." claims Harry Belafonte "I believe he wanted to broaden his own basis of knowledge. But in the room he faced black passion and frustration and the need for

¹⁹¹ Artist on Fire, 223.

¹⁹² Artist on Fire, 224; American Journey, 120.

¹⁹³ Artist on Fire, 224.

action."¹⁹⁴ Said Professor Clark, "The fact that Bobby Kennedy sat through such an ordeal of three hours proves he is the best the white power structure has to offer."¹⁹⁵

Robert Kennedy, whether coincidentally or not, became the strongest advocate for a strong civil rights program for the remainder of the Administration. The foundation of that program would be the legislation seen now as the Governmental hallmark of the 1960's. Burke Marshall recalled,

When President Kennedy sent up that [civil rights] bill every single person who spoke about it in the White House - every one of them - was against President Kennedy sending up that bill; against his speech in June; against making it a moral issue; against the March on Washington. The conclusive voice within the government at that time, there's no question about it at all, that Robert Kennedy was the one. He urged it, he felt it, he understood it. And he prevailed. I don't think there was anybody in the Cabinet -except the President himself - who felt that way on these issues, and the President got it from his brother.¹⁹⁶

Robert Kennedy became the prime mover for the administration on civil rights matters. He drafted most of the Legislation which made the Civil Rights Bill of 1964. It was his authority which gave the bill the momentum it needed so as not to be killed in

¹⁹⁴ Ibid, 226.

¹⁹⁵ Ralph de Toledano, R.F.K. The Man Who Would Be President, (G.P. Putnam's Sons, New York, 1967), 193.

Committee Hearings. This dedication came at the expense of John Kennedy's reelection prospects. In 1963, the Kennedys did not think that Barry Goldwater would become the nominee of the Republican Party. They feared instead Governor George Romney of Michigan, or Nelson Rockefeller, both of whom would use the combination of traditional "States Rights" ideology and Northern liberalism to strip the President of his southern support and his liberal support.¹⁹⁷

The President was not as motivated as the Attorney General on civil rights and Bobby's dedication was greeted with marked anxiety by his brother. "He always felt that maybe that was going to be his political swan song" the Attorney General remembered in 1964, "We used to discuss whether what had been done was the right thing to do, just the fact that I'd gotten him into so much difficulty . . . I mean the President himself was not always rejoicing in the fact that we were doing it. [H]e would ask me every four days, 'Do you think we did the right thing by sending the legislation up? Look at the trouble it's got us in.'"¹⁹⁸

Robert knew that his loyalty to civil rights had become the liability that he had feared in late 1960. "I spoke to my brother about resigning [in] September or October of '63."¹⁹⁹ "We discussed civil rights and my own position. I had thought that period of time

¹⁹⁶ Victor Navasky, Kennedy Justice, p. 99

¹⁹⁷ Robert Kennedy, In His Own Words, 76.

¹⁹⁸ Ibid.

¹⁹⁹ In His Own Words, 330.

- and I talked to him . . . about resigning at the appropriate time . . . I thought that I'd become such a liability."²⁰⁰

²⁰⁰ Ibid., 392.

CONCLUSION

Demonstrating the hypocrisy of racial bigotry which caused African Americans to be denied their dignity and their civil rights in a country founded upon the belief that "all men are created equal" was the most important objective of the Civil Rights Movement. Most Americans, including Robert Kennedy and his older brother, were not incensed by the hypocrisy of civil and racial injustice before the Civil Rights Movement began in earnest in the early 1960's. By the end of the decade, not only were nearly all Americans aware of the sordid distribution of civil rights but the Civil Rights Movement had initiated a cascade of iconoclastic social action by a society which had nearly forgotten how to exercise its right to free expression, petition of government and self-government. By the end of the decade an entire social establishment was displaced from political domination by a wave of protesters educated to the power of democratic action through the example of civil rights activists. The growing awareness to the racial and civil hypocrisy, as indicated by Burke Marshall's statement, points to the enormous impact which this massive civil rights educational effort had on Robert Kennedy and our whole society.

The relationship between Bobby Kennedy and the civil rights campaign is most accurately described as a relationship of a student to a teacher. Robert Kennedy came to a new understanding of the pathetic state of civil rights for most African Americans because he was educated by a massive Civil Rights Movement dedicated to teaching him such. Robert Kennedy changed his sense of urgency on civil rights because eloquent,

dedicated, and determined and courageous tutors taught Kennedy, through their willingness to submit to pain and even death, that he had no moral recourse but to move more swiftly secure their rights. Robert Kennedy moved to create new institutions to remedy civil rights and racial grievances because hundreds of thousands of persons demonstrated the inadequacy of the structures through which the Kennedys initially sought to address those grievances, and chose to play a part in proving to Bobby Kennedy their inadequacy. John Wilson, a long-time SNCC activist and at times an adversary of Robert Kennedy, gave the most telling description of Bobby Kennedy. "Robert Kennedy" said Wilson considering the enormity of the civic education which he had helped launch, "was a good pupil."²⁰¹ He was a good pupil because rather than resisting the knowledge and the lessons of his teachers in the Civil Rights Movement, he came to welcome it. Said his colleague Ramsey Clark, "The most striking thing about Bob was his desire and capacity for growth."²⁰² Added New York Times reporter Anthony Lewis, "Most people acquire certainties as they grow older; he lost his. He grew more than anyone I have known."²⁰³

Robert Kennedy was not the only target of the Civil Rights Movement.

Ultimately, he was but one of many millions of persons whom the civil rights activists hoped to educate to justice. Yet, because of his role in the government at that time, not

²⁰¹ Author interview of John Wilson.

²⁰² Schlesinger, Arthur M., Jr. Robert Kennedy and His Times, Houghton Mifflin Co., 1978, 619.

²⁰³ Ibid.

only being the Attorney General but being the brother of the President, Robert Kennedy occupied the rare position of being able to change the course of whole institutions within our society. Because he chose to exercise this authority, Robert Kennedy assumed the dual role of teacher and student described by Confucius more than 2,000 years ago: “Only through education does one come to be dissatisfied with his own knowledge, and only through teaching others does one come to realize the uncomfortable inadequacy of his knowledge. Being dissatisfied with his own knowledge, one then realizes that the trouble lies with himself, and realizing the uncomfortable inadequacy of his knowledge, one then feels stimulated to improve himself.”

To many Americans, myself included, Robert Kennedy is a hero. He was not a hero in the sense that Hollywood would have us believe. Joseph Campbell reminds us:

The hero is the man of self-achieved submission . . . who has been able to battle past his personal and local historical limitations to the generally valid, normally human forms. . . The effect of the successful adventure of the hero is the unlocking and release of the flow of life into the body of the world . . . The passage of the mythological hero may be over-ground, incidentally; fundamentally it is inward -...where long lost, forgotten powers are revived, to be made available for the transfiguration of the world.²⁰⁴

Robert Kennedy was called to his heroic adventure, not through the bold classic heroism which Arthur Schlesinger suggests was inherent in being a Kennedy. Nor was it through the tragic origin which Newfield describes. Robert Kennedy was called to his

²⁰⁴ Campbell, Joseph Hero with a Thousand Faces, Princeton University Press, 1968 (2nd Ed.), 213.

heroic adventure through a submission to the education effort of thousands of conscientious individuals who were called to action through a new generation of leadership. It was through his courage to act on the changes in his character that Kennedy received his heroic strength. Kennedy's heroism would not have been possible without the heroism of James Farmer, James Forman, John Wilson, Jerome Smith, Marion Barry, Robert Moses, Martin Luther King, Jr., Burke Marshall, Walter Fauntroy, Frank Smith, and hundreds of thousands of other Americans who had the strength to reach within themselves to grab hold of a calling beyond themselves. The importance of Robert Kennedy's heroic adventure is the recognition of the heroic potentials which lie in us all.

Just prior to being assassinated, Robert Kennedy, then personally aware of the effect which individual actions by individual persons could have on the course of the Civil Rights Movement and thus the course of human history, said:

Let no one be discouraged by the belief there is nothing one man or one woman can do against the enormous array of the world's ills - against misery and ignorance, injustice and violence . . . Few will have the greatness to bend history itself; but each of us can work to change a small portion of events, and in the total of all those acts will be written the history of this generation. It is from numberless diverse acts of courage and belief that human history is shaped. Each time a man stands up for an ideal, or strikes out against injustice, or acts to improve the lot of others, he sends a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current which can sweep down the mightiest walls of oppression and resistance.²⁰⁵

²⁰⁵ Newfield, Jack Robert F. Kennedy: A Memoir, Berkley Pub. Corp., 1978,

This was a fitting tribute by a man so moved by the numberless acts of courage commonplace by the Civil Rights Movement.

341.